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CHAPTER SEVEN

How GAVEL Changed Party Politics in Colorado's General Assembly

Mike Binder, Vladimir Kogan, and Thad Kousser

On November 8, 1988, an overwhelming 72 percent to 28 percent majority of Coloradans voted for a democratic experiment that remains unique in US political history. They approved an initiative, put on the ballot by a coalition of twenty-three government reformers and civic groups, that promised to “Give a Vote to Every Legislator” (GAVEL). This initiative resulted in a reorganization of the state legislature, the Colorado General Assembly, and played an important role as one catalyst for the broader transformation taking place in Colorado politics. The changes it brought were especially acute in the Colorado House of Representatives and were felt most strongly in the initiative’s immediate wake. By changing the internal workings of the state’s General Assembly, the GAVEL Amendment succeeded—at least during a short but critical time period—in altering patterns of political alliances, the types of laws coming out of the statehouse, and, ultimately, the way Colorado government translates public sentiment into policy.

GAVEL originated from a failed rebellion within the legislature by members frustrated with the firm grasp majority party leaders

held over its policymaking apparatus. Prior to GAVEL, Colorado operated much like the US House of Representatives. Committee chairs wielded great influence and were able to kill bills without a hearing, and a Rules Committee controlled the flow of legislation to the floor. The initiative stripped away these powers, promising a hearing for every bill and a spot on the floor agenda for every bill passed out of committee (Straayer 2000). Although its passage did not succeed in bringing about all of these results, GAVEL did systematically alter the process of lawmaking in Colorado. This chapter examines the results of the experiment voters endorsed in 1988 and analyzes every roll call vote cast on the floor of Colorado's house in the sessions held just before and after GAVEL's passage. In addition, it examines accounts of later adaptations to the rule changes GAVEL imposed and presents eyewitness accounts of the initiative's passage and implementation.

This unprecedented initiative provides a unique opportunity to study the ways voting coalitions and party alignments shift when legislative rules change. GAVEL was designed to curb the power of the speaker of the house, improve the representation of voters, and empower moderate legislators in both the minority and majority caucuses. These moderates were often trapped by powerful leaders, unable to show their centrist stripes because many of the bills they favored most were bottled up in committees. When GAVEL opened the flow of legislation to the floor, it freed moderates in both parties to form occasional coalitions of the center. At least in the short term, this changed the types of policies the legislature considered and slightly altered the ideological map of Colorado politics. In this way, the story of GAVEL yields larger lessons.

One is that much of the power of a legislative party lies in its control of the agenda (Cox and McCubbins 2005). When it loses that power, as the Republican leadership of the General Assembly did in 1988, it loses some of its ability to keep rebellious members in line and to protect its policy turf. Republican leaders and the party's most conservative members lost on more of their bills after GAVEL, as the GOP's moderate faction made temporary alliances with Democrats on some bills. More policies moved to the left in the 1989–1990 session than had been the case before, and an ideological snapshot of the legislature showed that it appeared less polarized as a result (our interviews reveal that these changes were much more pronounced in the house than in the senate, which was less dominated by leaders and the chair before the passage of GAVEL). A second lesson from these changes is that the internal rule changes imposed by GAVEL had broader consequences for Colorado politics, helping expose rifts within the Republican Party that widened in later years and ultimately opened a path for the Democratic takeover. GAVEL did not cause this transformation, but it illuminated divisions in the old political order and, along with other major institutional changes such as the Taxpayer's Bill of Rights (TABOR) and term limits,

created an opportunity for new alliances that led to the creation of the new Colorado politics.

This chapter tells the story of GAVEL—beginning with its inception—to record the goals of its backers, the fears of its detractors, and the regional patterns of voter support for the initiative. The chapter then looks at roll call voting patterns—analyzed in greater depth in a technical article by Gary Cox, Thad Kousser, and Matthew McCubbins (2010)—to gauge its immediate impact on legislative alliances, policy shifts, and ideological positions within Colorado's house. As leaders became used to operating under GAVEL, they began to adapt to its structures, an evolution traced in the next section. The chapter concludes by considering the initiative's impact on larger trends in Colorado politics.

GENESIS OF LEGISLATIVE REFORM

Formal rules in place at the Colorado General Assembly until the late 1980s endowed the leaders of the majority party—except for one small interruption, always the Republicans—with near-total control over the flow and content of legislation. The power of the speaker in the house and of the majority leader of the senate was derived from their role in determining the membership of policy committees—charged with reviewing proposed bills before they were considered on the floor—and their influence over the party caucuses. For decades, Republican leadership in the house had used both venues to effectively kill bills the party opposed before they ever reached a floor vote and to build an impenetrable majority bloc that allowed the Republicans to pass their preferred legislation without a single Democratic vote being needed and thus without any concessions to the minority party.

The Colorado senate operated somewhat differently. Senate rules were more open, caucuses were transparent, there was no Rules Committee or Calendar Committee, and committee chairs exerted their power over the agenda rarely, if at all (Strickland 2009). When senate Republicans did caucus, mostly during the budgeting process, they made conscious efforts to include some of the Democrats' key issue concerns (Schroeder 2009). In fact, senate president Ted Strickland quipped about Governor Roy Romer, who defeated him in his race for governor, "there were times when Roy spent more time up in my office on the second floor than in his own down on the first floor" (Strickland 2009). This is not to say that senate Republicans were the picture of bipartisan virtue, but the institutional rules and leadership in place did encourage more openness and inclusivity in the upper house of Colorado's General Assembly.

Before an introduced bill became law in the house, it had to travel down a tortuous path in the legislative process. At each fork in the road, the majority leadership could exercise indirect influence to stop it in its tracks. For example,

bills introduced by lawmakers first had to survive at least one policy committee, known as the committee of reference. Committee chairs could kill a bill by exercising the pocket veto—failing to schedule it for a committee vote. Even if a vote was held, a majority of the committee could choose not to send the legislation to a full floor vote. Because majority party leaders decided where the bills were sent and appointed both the chairs and their party's committee members, they could effectively block legislation they opposed without risking an uncertain vote in the full house. Ignoring their leaders' wishes often proved costly for other Republican members. As one scholar noted, "Veteran lawmakers, it is said, have been denied reappointment to committees on which they had served because they pursued excessively independent courses of action or a political philosophy too divergent from that of the leadership" (Straayer 1990: 93).

If an undesired bill somehow survived the committee of reference in the house, it could also be killed in the Rules Committee, which was chaired by the speaker and included other top leaders among its membership. Although formally tasked with managing the house schedule, the Rules Committee served as a graveyard for unwanted—primarily Democratic—bills. Spending bills required dual assignment, to a committee of original jurisdiction and the Appropriations Committee, which could serve as another barrier for bills not favored by the majority. With non-spending bills, the State Affairs Committee had a reputation for advancing the majority party's agenda by quickly voting down unpopular bills and passing bills favored by the Republican majority.

While committees helped Republican leaders block unwanted bills, the party caucus in each house was the place to make deals among party members to ensure that the Republicans' preferred legislation sailed smoothly through its final floor vote. Meeting in caucus, Republicans would negotiate to reach the magic number of votes—thirty-three in the house, eighteen in the senate—needed to ensure that the legislation could survive a floor vote without attracting a single Democratic "yes" vote. The caucus votes were binding in that members were expected to vote the same way on the floor as they had in the caucus, although party rules did not spell out the punishment for those who experienced a change of heart.¹ As house speaker Carl "Bev" Bledsoe noted, "At the start of each session, I would give the same speech: in this business, in order to be effective, you have to keep your word. You don't have to give it, but you have to keep it. I was very insistent that if you give your word, you've got to keep it. And it worked" (Bledsoe 2009). The caucus was especially important to assure a drama-free passage of each year's budget.

The Democratic minority complained that leaders used their influence over the flow of legislation and the party caucuses to exclude them from the legislative process. Controversial Democratic bills never made it out of committee, and the floor votes on Republican bills were a mere formality since a solid majority

had already been assembled in the caucus. Democrats also charged that such pro-majority rules resulted in legislation that was far more conservative than that preferred by moderate Republicans and Democrats, who easily made up the majority of each house (Cronin and Loevy 1993: 188; Straayer 1990: 157–158). The Republican Party in particular was deeply divided between its moderate and extremely conservative factions (Cronin and Loevy 1993: 18–20). However, leaders in the house—and, to a much smaller extent, the senate—used the rules to kill bills that threatened to split their party before they could reach the floor and relied on caucus votes to present a united agenda.

While Republican leaders had exercised these powers for decades, a series of public controversies in the late 1980s involving Speaker Bledsoe laid the groundwork for the Democrat-led campaign to fundamentally overhaul the rules of the General Assembly through a constitutional amendment. Elected to his post in 1980, Bledsoe skillfully used the formal and informal powers of the speaker to amass great power and pursue a markedly conservative agenda. In 1987 and 1988, however, Democrats were joined by a growing chorus of good government groups, such as the League of Women of Voters and Common Cause, which argued that Bledsoe and the rest of the Republican leadership were abusing their influence to thwart the democratic process.

In the spring of 1987, rather than present a full budget to the Republican caucus, as was the usual practice, the leadership convinced the party to accept a “conceptual” budget that left many details unfinished. When the final document cut funding to several popular programs, many Republicans, who were already committed to support it on the floor, expressed great dissatisfaction (Straayer 1990: 95). In another alleged abuse, Bledsoe, a rancher, sent a popular bill to move Colorado to yearlong daylight saving time to the House Agriculture Committee, where it was sure to face an imminent death at the hands of agriculture interests opposed to the change (Paige 1988). For months, Republican leaders stalled another bill to build a new convention center in Denver (Roberts 1988a).

In 1988 Republicans also blocked or greatly watered down two key initiatives proposed by Democratic governor Roy Romer. The majority opposed the governor’s plan to stimulate the state’s economy by spending more than \$700 million on the construction of new highways because it called for tax increases. After much wrangling, they approved the Romer-backed legislation to provide increased funding for the state’s most disadvantaged schools, although not before stripping out tax increases necessary to pay for most of the changes. Romer, who enjoyed record approval even among Republican voters, complained of the Republicans’ “crazy antics” and “excessively partisan” approach to governing (quoted in Dias 1989).

In its defense, the majority party argued that the GOP only flexed its muscle to ensure an efficient pace in the legislative process. As a part-time legislature,

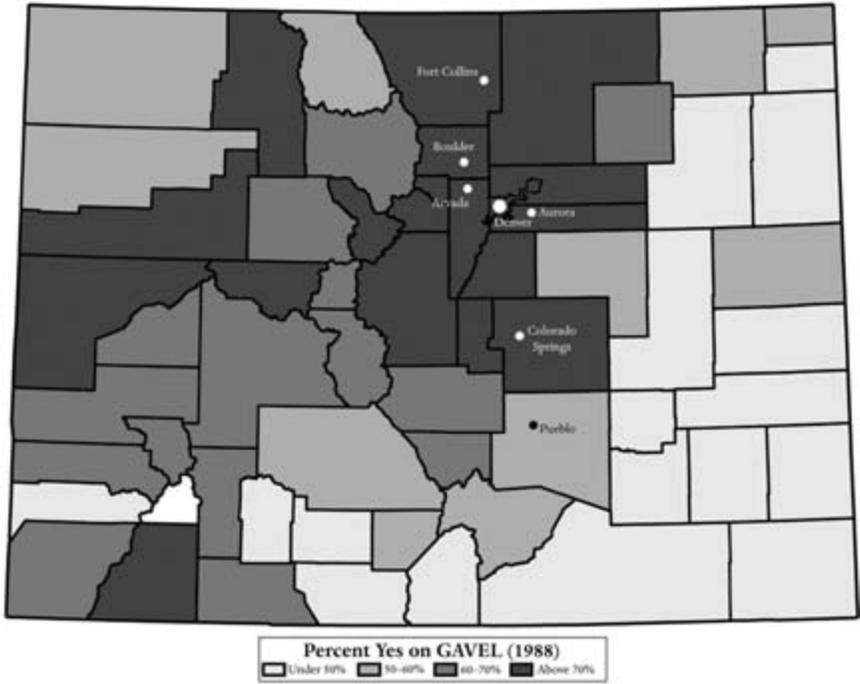
the General Assembly usually met only in the winter and spring, so powerful committees were a necessary evil to weed out defective bills and preserve scarce floor time for meaningful legislation. The powerful Rules Committee, Bledsoe argued, “saved a lot of time, and it made for a much smoother process for all of the members. It was also a lot cheaper for those who were paying for it” (Bledsoe 2009). Senators faced a similar time crunch, but without the Rules Committee to manage traffic, bills that came to the floor at the end of the session often never received a vote.

THE CAMPAIGN FOR GAVEL

Capitalizing on the media coverage of Bledsoe and the tension between the legislature and Romer, Democratic state representative Wayne Knox, a veteran from Denver, introduced a constitutional amendment that promised to ensure a committee vote on every bill. In interviews, Knox charged that “there is no question that the Republican leadership in the House is oppressing the Democrats. Under Speaker Bledsoe there has been a steady accumulation of tactics and decisions limiting the role of the minority” (quoted in Cronin and Loevy 1993: 182). Calling his bill “Give a Vote to Every Legislator,” Knox borrowed heavily from ideas that emerged from the 1987 Model Constitutional Convention organized by the University of Colorado. His bill promised to amend the state constitution to ban the pocket veto, scrap the Rules Committee, and prohibit binding caucuses.

Bledsoe sent the Knox bill to the House State Affairs Committee, an infamous “killer” committee, where it was rejected on a party-line vote less than two weeks later (*The Denver Post* 1988a). However, the Democrats promised to take the question directly to the people, announcing a coalition made up of retiree groups, organized labor, and government reformers that would work to collect signatures to place the amendment on the November 1988 ballot (Roberts 1988b).

Sensing growing public frustration, the Republicans worked quietly behind the scenes to give Democrats a greater voice in the legislative process. The party introduced its own bill to ban binding caucuses and allowed Democrats greater input into the formation of the budget. Although each of the nearly two dozen Democratic amendments to the document was rejected, Representative Ruth Wright, the Democratic minority leader from Boulder, acknowledged a “more open” budget process (cited in Hilliard 1988). Indeed, despite the very public disagreements over the governor’s two big initiatives, *The Denver Post* concluded that 1988 was “one of the most productive sessions in recent memory” (*The Denver Post* 2008b). However, GAVEL supporters argued that the Republican abuse had not ended. Pointing to the deaths of three recent bills in committee—a proposed

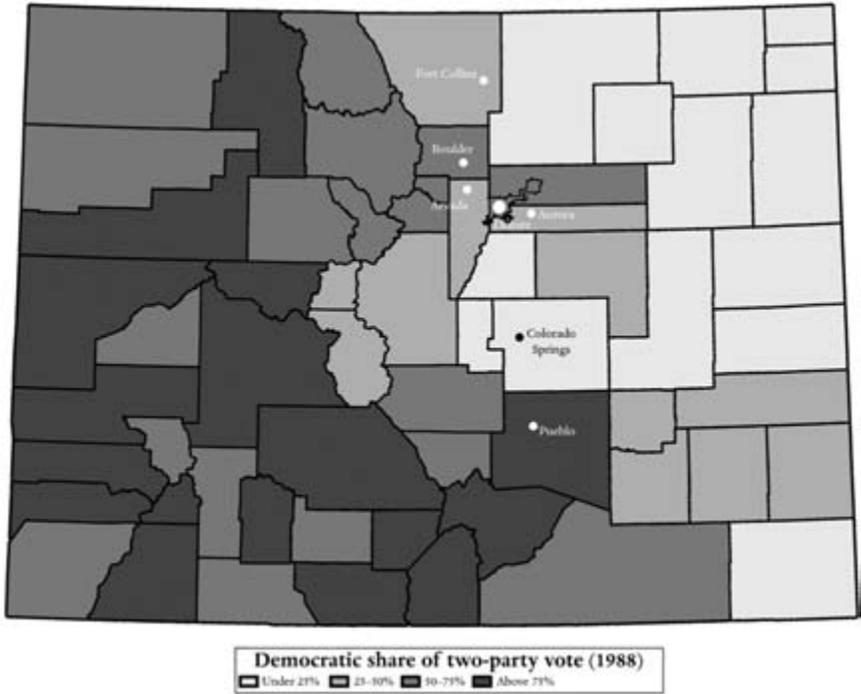


7.1. Voter support for GAVEL, by county, 1988 (all maps created with Maptitude 5.0 by Caliper Corporation)

heating rebate for seniors, a plan to give deaf people special telephone equipment, and a bill to deregulate independent service stations—they pushed ahead with the campaign (Roberts 1988b).

As the November vote approached, no coherent campaign to oppose the amendment emerged. Although the Chamber of Commerce had initially considered taking a position against GAVEL, its board ended up endorsing it. The Republican leadership in the house argued publicly that the amendment would do little to improve the legislative process but did not campaign heavily against it. A few days before the vote, Bledsoe authored an editorial in *The Denver Post* in which he argued that weakening partisan control would only empower lobbyists and lead to pork-fueled logrolling on the budget (Bledsoe 1988).

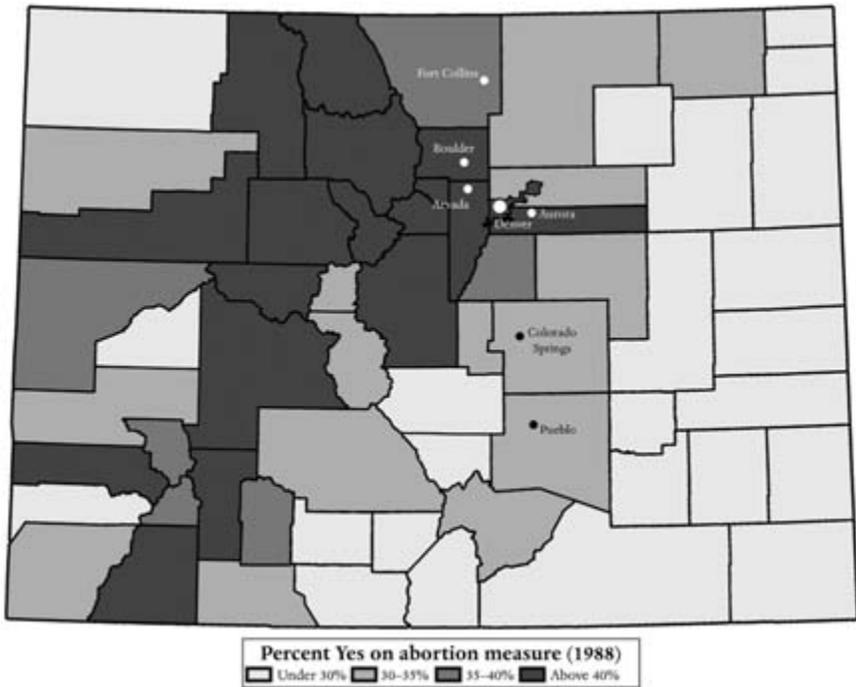
On election day, voters did not heed the speaker's warning. By overwhelming margins, they voted in favor of GAVEL. Yet the statewide landslide masked somewhat surprising geographic patterns of support for the measure (see figure 7.1). Despite the amendment's partisan genesis, there appeared to be little relationship between voters' support for Democrats and their vote on the GAVEL measure. In figure 7.2, which shows the Democrats' share of the two-party vote



7.2. Percentage of vote won by Democratic candidates, 1988 congressional elections

in the 1988 congressional elections, there appears to be little overlap between Democratic strongholds and areas of strong pro-GAVEL sentiment. Indeed, there is only weak correlation between county-level support for the amendment and the vote share won by congressional Democrats (Pearson's $r = 0.24$). Instead, the election results suggest that GAVEL tapped into a constituency in support of broader political reform that crossed partisan lines.

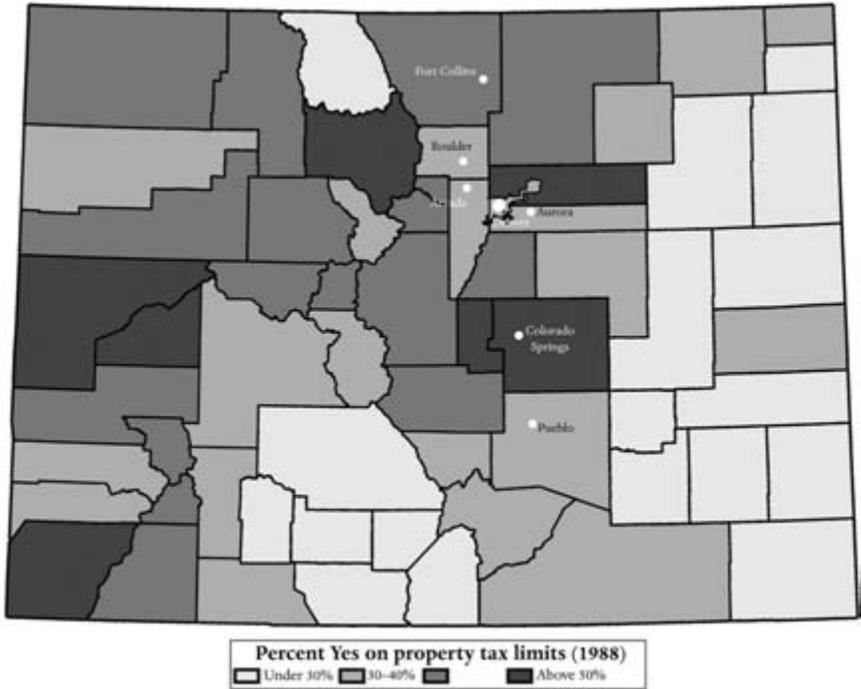
Two other amendments that appeared on the same ballot—a measure to overturn the state's ban on public funding for abortion (figure 7.3) and a dramatic proposal to limit property taxes, known as Amendment 6 (figure 7.4)—seem to be strong predictors of county-level support for GAVEL. Although the two measures ostensibly moved policy in radically different directions, support for each was strongly and positively correlated with support for the legislative overhaul (Pearson's $r = 0.77$ for the abortion measure; $r = 0.64$ for tax limitation). The figures help explain this puzzling pattern by locating the centrist group of voters who, uniting with Democrats from across the state, pushed GAVEL to victory: the initiative outperformed Democrats most strongly in Denver and its suburbs. The legislative reform initiative polled strongly in these areas, although in 1988



7.3. Voter support for overturning ban on publicly funded abortions, 1988

Democratic congressional candidates performed poorly in the state's capitol and metropolis.

Who were these voters who backed Republicans for the US Congress but voted to loosen the GOP's hold on the state legislature? Without individual-level polling data on the initiatives, it is difficult to tell with perfect certainty, but geographic voting patterns provide important clues. Figures 7.3 and 7.4 suggest that they were fiscal conservatives but social moderates. They strongly supported the abortion measure—which increased women's access to abortion—but also supported the tax cut. These Denver-area moderate Republicans were the voters whose state legislators were harmed by majority party control of the General Assembly. It was their fiscally conservative, socially moderate representatives whose bills were being buried in committees. They voted to give their legislators a voice with GAVEL. The analysis of roll call votes in the next section shows that they succeeded in part in this legislative aim. The wider history of transformation in Colorado politics shows that GAVEL was a skirmish in the larger fight within the Colorado Republican Party, revealing the division between Denver-area social moderates and more conservative rural Republicans that would later split the party and harm its electoral fortunes.



7.4. Voter support for property tax limit, 1988

GAVEL'S IMMEDIATE IMPACT

Supporters of GAVEL hoped it would weaken the majority party's grip on the legislature by taking away its control of the agenda and preventing committee chairs and the speaker from pocket vetoing bills. Such indirect control can be especially important when the government is divided and a majority party in the legislature cannot rely on the governor to veto bills that may slip past its grasp because of poor party discipline. If GAVEL reduced the majority party's ability to manipulate the floor agenda to pursue party goals, it would have resulted in changes in the types of bills that received consideration on the full legislative floor and in the way legislators voted on them.

Scholars have noted that one powerful method of influence available to the majority party is negative agenda control—the power to prevent bills the majority party opposes from reaching the floor. This is particularly important if the majority party cannot count on all of its members to vote against these bills on the floor and fears that some may cross the aisle and provide the votes necessary for passage. Pre-GAVEL, bills opposed by the bulk of the majority party would simply be buried in committee, never reaching a final floor vote. After

GAVEL passed, committee chairs were required to bring all bills up for a vote, thus loosening the speaker's grip on the agenda (Ferrandino 2009). This allowed the moderates in the Republican Party to unite with the minority Democrats and pass bills over the opposition of most Republicans. If they did so frequently, we should expect to see a shift in voting patterns that followed the procedural change enacted by GAVEL.

Fortunately for the purposes of this analysis, little else changed in Colorado politics during this time, providing a clean "natural experiment" with which to measure the impact of GAVEL. Republicans retained the same tight grip on the state legislature that they had held since 1976, controlling the house by a 40–25 margin in 1987–1988 and the senate by a 25–10 edge and losing just one seat in each chamber during the next session (National Conference of State Legislatures 2002). With term limits not yet enacted, fifty house members served in both the 1987–1988 and 1989–1990 sessions.² Of the fifteen new members, eight were from the same party as the legislator they replaced. Roy Romer continued as governor, Speaker Bledsoe led the house throughout the transition, and district boundaries remained unchanged (Straayer 2000). Both before and after the passage of GAVEL, committees could kill bills by taking a public vote, but this required that a majority of committee members—rather than simply the chair, as in the pre-GAVEL days—wanted to keep it off the floor. Using this political stability to isolate the impact of a shift in agenda control, this chapter tracks changes from the 1987–1988 session—held just before the passage of GAVEL—to the 1989–1990 session, in which it was first implemented.

ROLL CALL VOTES

One way to measure the impact of majority party control over the agenda is to look at how effectively that party can block the passage of bills it opposes. This is what scholars call "negative agenda control" (Cox and McCubbins 2005). When a bill passes despite opposition from the majority of a party's members, it is called a "roll." Majority rolls refer to bills that pass over the opposition of the majority of the majority party (in Colorado, the Republicans). That is, a majority roll occurs when most Republicans vote against a bill that still ends up passing. Minority rolls refer to bills that pass over the opposition of the majority of the minority party (in this case, the Democrats). In other words, a minority roll occurs when most Democrats vote against a bill that ends up passing. A majority roll indicates that the majority party cannot keep bills its members oppose off the agenda if party leaders are afraid these bills still have a chance of securing approval on the floor. Pre-GAVEL, the Republicans should have been rolled rarely, if at all, and Democrats should have been rolled more frequently. Post-GAVEL, when the Republicans in the majority saw their agenda control

TABLE 7.1. Changes in roll call voting in Colorado’s house, pre- and post-GAVEL

	<i>Majority Party Controls Floor Agenda, 1987– 1988 Session</i>	<i>Majority Party Does Not Control Floor Agenda, 1989–1990 Session</i>
Number of majority rolls (Republican Party)	6 (1.4%)	22 (4.8%)
Number of minority rolls (Democratic Party)	73 (16.6%)	64 (14.1%)
Number of majority disappointments (Republican Party)	0	1 (0.2%)
Number of minority rolls (Democratic Party)	0	2 (0.4%)
Leftward policy shifts, calculated by probit	59 (13.5%)	110 (24.2%)
Leftward policy shifts, calculated by Optimal Classification	173 (39.4%)	220 (48.4%)

Notes: Percentages are calculated based on the number of contested roll calls on bills initially assigned to a “making good public policy” type of committee and subject to a simple majority vote. Using the probit method, a bill is categorized as a leftward policy shift if a probit model estimating the effect of each legislator’s first-dimension ideal point on his or her likelihood of supporting the bill yields a negative, significant coefficient. Using Optimal Classification output, a bill is categorized as a leftward policy shift if a nay vote is the predicted choice above the projected midpoint on the line defined by a normal vector intersecting the two-dimensional estimated cutting plane at a right angle, indicating that legislators who were more conservative on the first dimension opposed the bill to the status quo. Boldface indicates that the difference between the proportions observed in the agenda-controlled and the control-free sessions is statistically significant at the 95 percent confidence level in a one-tailed test.

weakened, one would expect (and this analysis does find) that the Republicans would be rolled more frequently (see table 7.1). Since Democrats never exercised control over the agenda in this period, their roll rates should have changed very little.

Voting records from the lower house of the General Assembly provide evidence that GAVEL weakened the majority party’s control over the agenda. Majority rolls increased from 1.4 percent of all contested votes in the 1987–1988 session (six votes) to 4.8 percent of all contested votes in the 1989–1990 session (twenty-two votes). This statistically significant difference suggests that GAVEL was at least somewhat successful in loosening the Republicans’ grip on the flow of legislation in the house. Minority roll rates changed very little, from 16.6 percent of all contested votes in 1987–1988 (seventy-three votes) to 14.1 percent in 1989–1990 (sixty-four votes), suggesting that GAVEL, as expected, had little influence over the Democrats’ ability to control the agenda by holding back bills the party opposes.

Another way parties attempt to influence policy outcomes is through their ability to induce fellow partisans to support bills favored by most of the party.

Building a sufficiently large coalition behind the party's preferred legislation is known as whipping. One way to assess the effectiveness of a party's whip organization is to consider "disappointments"—bills supported by a majority of a party's members but that do not receive enough votes to pass on the floor. Because party leaders generally know where members stand on a piece of legislation as a result of their votes in caucus and the information generated by the whip organizations, it is unlikely that leaders would willingly call votes on bills they know would fail.

Weakening party whipping power by eliminating the binding caucus was the key goal of GAVEL supporters, although there is little evidence that they succeeded. Pre-GAVEL, the majority party used the strong binding caucus to ensure passage of its preferred policies, thus reducing the number of potential disappointments. GAVEL attempted to ban the binding caucus, potentially opening opportunities for moderate Republicans to vote with the minority Democrats and thus preventing the passage of bills supported by more conservative majority party members. There were no disappointments in the 1987–1988 session, but in 1989–1990 there was one Republican disappointment and two Democratic disappointments (see table 7.1). This rather small, statistically insignificant change suggests that GAVEL did not reduce the influence of the majority party whip organization.

Of course, legislators often self-censor bills they know will not pass the legislature or that might be vetoed by the governor. In addition, legislators suffer many disappointments in committee votes that would not appear in floor votes. One of the unique rules of the Colorado General Assembly is that a legislator can introduce a limited number of bills (six per session in the late 1980s; currently five). This strict limit on legislative traffic makes the GAVEL requirement of mandatory bill hearings possible and also forces legislators to be very judicious with the types of bill they ultimately introduce (Ferrandino 2009).

POLICY MOVEMENTS

Politics in America is often discussed in spatial terms because decisions and policy shifts typically occur along a single liberal-conservative dimension (Downs 1957; Poole and Rosenthal 1997). One effect of party agenda control is to limit the kinds of policies legislators can introduce by allowing the majority party to kill bills that attempt to shift policy away from its preferred location in this one-dimensional space. In any legislature, individual lawmakers can be lined up in order along this dimension, with the most liberal member on the left and the most conservative falling on the right. It is useful to think about each party's "ideal point" on this dimension as the location of its median member. In this framework, the minority party (Democrats in Colorado during the time

period included in this analysis) is situated closer to the left (liberal) side of the spectrum, while the majority party (Republicans) lies closer to the right (conservative) end. The ideal point of the median legislator in the house falls somewhere in between. In a legislature with no party agenda control, the median legislator in the chamber can amend every bill to move it to his or her ideal point and obtain passage by picking off the most moderate members of each party. The role of the majority party leaders is to prevent this from happening for bills opposed by most of their party members.

It is useful to consider how a proposed bill would shift policies relative to the status quo. When the status quo is located at the extremely liberal or the extremely conservative end of the political spectrum, most proposed bills will pass with bipartisan support because almost all members will prefer nearly any policy to the rather unpalatable status quo. In most legislatures, as is the case in Colorado, according to Representative Mark Ferrandino, most bills pass with bipartisan support (Ferrandino 2009). For a subset of bills, however, votes can become contentious. Specifically, status quo policies located near the minority party's ideal point are often targeted by the majority party as it attempts to move policy closer to its preferred location. Votes on bills that attempt to change these status quos often result in minority rolls.

However, the same is not true of status quo policies located near the majority party's ideal point. Because most members of the majority party prefer these policies to bills that seek to move policy in a different direction, the majority party can exercise its negative agenda control to block votes on these bills and prevent majority rolls. Therefore, when the Republicans, as the majority party, exercised effective control over the agenda (Colorado pre-GAVEL), the party's leaders could block votes on bills that attempted to move policy in a more liberal direction. Indeed, they should have generally allowed votes only on bills that would have moved policy in a more conservative direction, toward the Republicans' ideal point.

If agenda control is removed, however, the Republican majority may no longer be able to exclude bills that move policy in a more liberal direction from the agenda. When these bills come up for a vote, the median member of the house is able to form a two-party coalition, made up of moderates from both parties, to assure its passage.

This dynamic provides for a key test of GAVEL's impact on the majority party's control over the legislative agenda. As expected, the number of bills moving policy in a more liberal direction, away from the Republican median, increased by roughly 10 percent after the passage of GAVEL (see table 7.1). The number of bills moving policies to the left increased from 13.5 percent of all contested floor votes in 1987–1988 (59 votes) to 24.2 percent of all contested votes in 1989–1990 (110 votes). Indeed, GAVEL appears to have been successful in allowing both

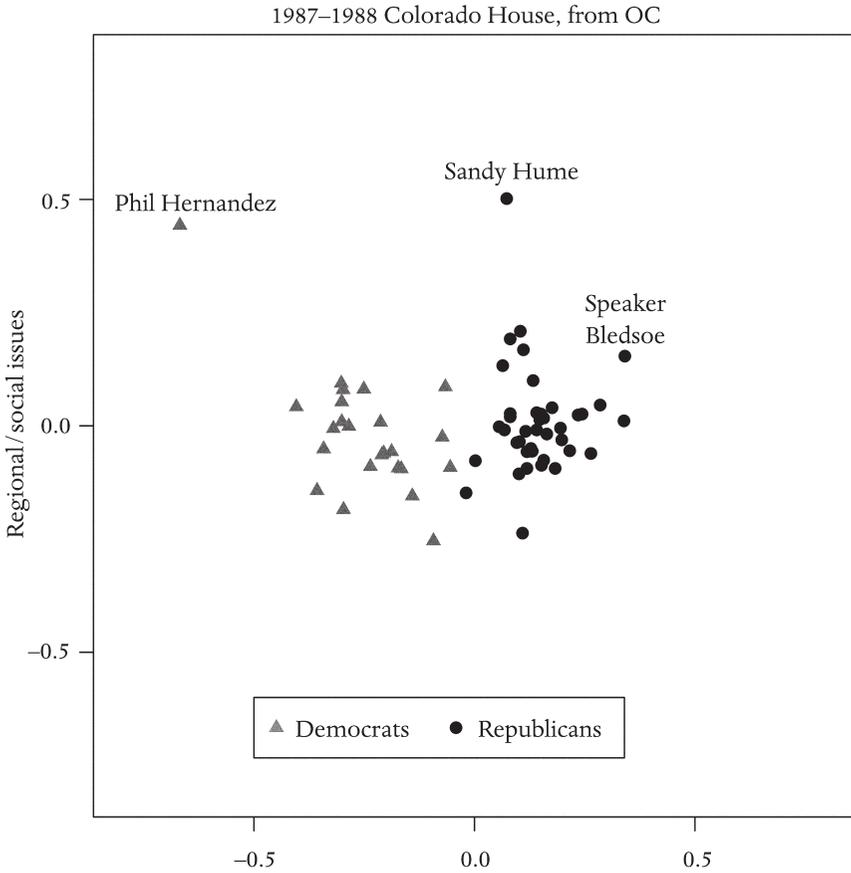
more moderate policies to reach the floor and a moderate cross-party coalition to adopt policies opposed by conservative Republicans.

IDEOLOGICAL DISTRIBUTION OF LEGISLATORS

As a final measure of the way GAVEL changed legislative politics in Colorado, this chapter shows that weakening the majority party's control over the legislative agenda in the house helped reshape something as fundamental as the apparent ideological distribution of legislators, even when their constituents' preferences did not change. This conclusion is drawn from the changes in roll rates and policy movements described previously. Since agenda control allowed the majority party leaders to keep bills preferred by the moderate two-party coalition off the floor, centrists in the Republican Party were denied many opportunities to show their maverick streaks on such legislation. Few bills that split Colorado's moderate Republicans from conservative Republicans ever reached a final floor vote prior to GAVEL, making it difficult to tell exactly who was a moderate and who was a conservative. If ideological positions derived from floor votes were plotted on a liberal-conservative dimension, centrist Republicans would thus look a lot like other, more conservative members of their party in the 1987–1988 session. Indeed, majority party agenda control would have increased the partisan divide between the parties, making Colorado look more polarized along party lines than it actually was.

After GAVEL, moderates in the Republican Party could occasionally display their moderation. When they could ally themselves with moderate Democrats against a majority of their colleagues in the Republican caucus, these votes would change their positions on the state's ideological map. Their ideological positions, as gauged from their roll call votes through a statistical technique pioneered by Keith Poole (2005), would shift. Centrist Republicans would appear a little closer to the Democrats, with whom they could sometimes unite, and further away from conservative Republicans, with whom they would sometimes differ. However, because moderate Republicans continued to vote with fellow Republicans more than with Democrats, these centrists would not cross the partisan divide. But their behavior would narrow the divide, leaving the legislature as a whole looking less polarized.

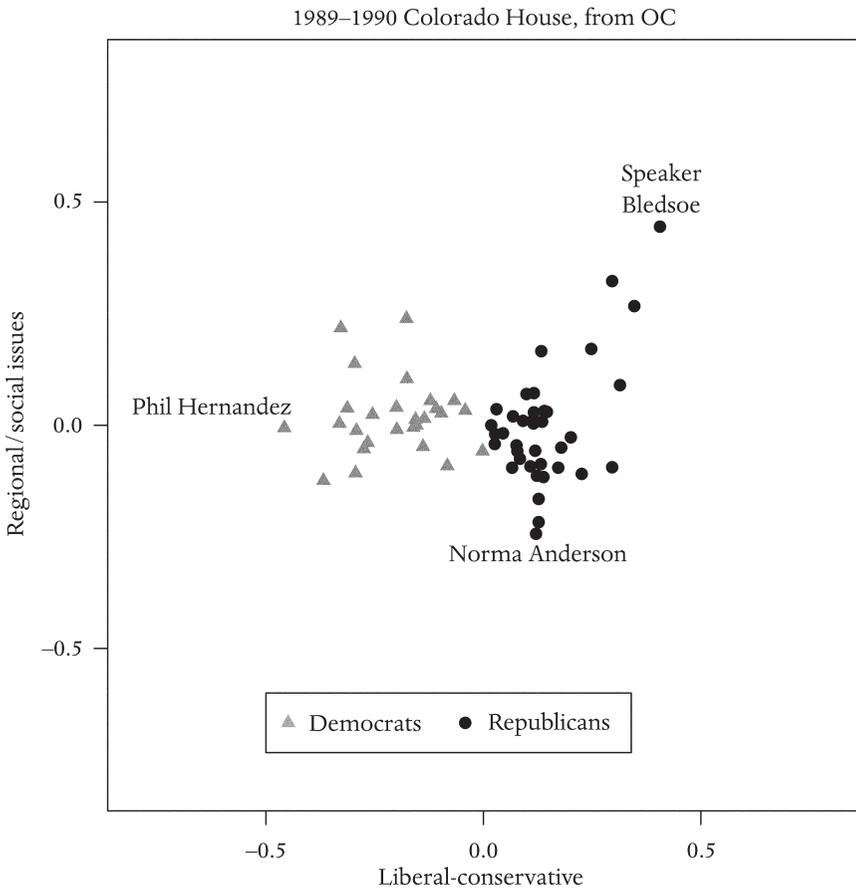
To test these expectations, this analysis begins by situating every legislator at his or her preferred location along the liberal-conservative dimension based on his or her votes on contested roll calls. The ideal points are estimates on two dimensions³ using the Optimal Classification (OC) method (Poole 2005), implementing the procedure separately for the two sessions. We can then compare relative scores and the overall ideological distribution for the pre- and post-GAVEL sessions in Colorado.



7.5. Pre-GAVEL party polarization in Colorado, 1987–1988

This analysis reveals that these fairly polarized legislatures—no Democrat is located to the right of any Republican in either session—appear even more polarized when the majority party controls the agenda. The ideological maps of Colorado in figures 7.5 and 7.6 demonstrate this visually, and the decrease in polarization is confirmed by looking at the differences in party means and medians.

Prior to GAVEL, Colorado’s house appears fairly polarized, with very few legislators from either party located in the middle of the liberal-conservative ideological dimension. Figure 7.5 displays this dimension on its horizontal axis, with the vertical axis representing a different (and less important, according to statistical diagnostics) dimension. With the exception of a socially liberal alliance between Denver-area liberal Democrat Phil Hernandez and Boulder-area



7.6. Post-GAVEL party polarization in Colorado, 1989–1990

Republican Sandy Hume, Democrats and Republicans appeared far away from each other in this agenda-controlled session. Figure 7.6 shows that the parties moved closer to each other after GAVEL reduced Republican leaders' control over the agenda. Even though the distance between Hernandez and Republican speaker Bev Bledsoe remained fairly large, many members of each party were located in the middle. The figure reveals more Ds and Rs, signifying the ideological locations of members of each party, bunched around the middle (marked by 0.0 on the horizontal axis). Measuring the distance between the mean ideal points for each party along the dominant first dimension confirms that the party caucuses moved a little closer together. Before GAVEL, the average Republican and the average Democrat were 0.39 units apart on this ideological scale. Afterward, the divide between the parties shrunk to 0.34. (The difference between party

medians shrank from 0.37 to 0.31.) GAVEL did not unite the two parties in Colorado, but it did give more moderates the chance to display their centrism on a few dozen bills, thus subtly shrinking the partisan gulf.

ADAPTATIONS TO GAVEL

Perhaps the most interesting result from the voting roll call analyses presented previously is the creativity Republican leaders used to maintain their influence—although no longer dominance—of the legislative process after the passage of GAVEL. Although the majority's roll rate on bills increased in the 1989 session, it remained significantly lower than the Democratic minority's rate. Indeed, the historical record suggests that the Republican leadership quickly adapted to the post-GAVEL world, using new—and, in some cases, old—tools to limit the agenda and maintain control over the caucus. Most notably, majority leaders continued to assign bills to unfriendly committees in the hope that public committee votes against these bills (in the place of pocket vetoes by committee chairs) would prevent them from reaching the floor. However, majority party leaders also made use of several other tools at their disposal.

KILLER SCHEDULE

In addition to GAVEL, voters adopted another significant reform measure on the 1988 ballot: a new 120-day limit for each year's legislative session. To complete its work within the tight schedule, the General Assembly enacted a series of rigid deadlines for each step in the legislative process. These deadlines gave Republican leaders new opportunities to exert their influence over the agenda. While GAVEL required a vote on each bill, committee chairs retained authority over when the vote would be scheduled. By keeping disfavored bills off the calendar until the last possible minute, the chairs could ensure that even those bills voted out of committee would reach the floor too late to meet other deadlines (Lorch 1991: 234). Although late bills could be introduced, they needed the blessing of a three-person late-bills committee. Two-thirds of the committee's membership consisted of the speaker and the majority party leader (Straayer 2000: 88).

POWER OF APPROPRIATIONS

With the Rules Committee dissolved by GAVEL, the Republican leadership made increasing use of the House Appropriations Committee, which reviewed every bill that promised to spend funds from the public treasury. Increasingly, substantive policy bills that did not carry a price tag were also sent to the com-

mittee, where a Republican majority could vote to postpone them indefinitely and thus avoid a floor vote. Indeed, Democratic leaders protested loudly that the Appropriations Committee had become the new Rules Committee (Straayer 2000: 121). More recently, with the Republicans now in the minority, they have voiced the same complaint.

NEW CAUCUSES

While Republican leaders found new ways to control the agenda, their grasp over the party caucuses was unimpeded, perhaps explaining the dearth of party disappointments identified in the earlier analysis. In both houses, party leaders stuck to the legal requirements of GAVEL but found new ways to conduct old business. In the senate, Republicans began taking “straw votes” to signal where each member stood on a bill. The party insisted on having eighteen favorable straw votes before ending discussion of each section of the 1989 budget. In the house, the caucus took frequent recesses, during which party whips collected “commitments” from members. Infuriated, Democrats sent staff members to videotape their opponents’ meetings. In the spring of 1989, the good government group Common Cause filed a lawsuit claiming that the Republican leaders had violated the binding-caucus ban in their consideration of the budget. The suit was quickly dismissed. A higher court later reversed the decision, but by then a new speaker had ended the practice of holding binding caucuses.

CONCLUSION

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Bledsoe’s 1990 retirement, and the succession battle that followed, signaled the beginning of a new era in Colorado politics. With the division among its moderate and conservative wings growing, the leadership elections became a factional struggle for the Republican Party. Although the caucus elected the conservative Chuck Berry as Bledsoe’s successor, the Republicans picked a moderate as Berry’s floor leader. Rancor among the top ranks, combined with Berry’s more accommodating attitude toward the Democrats—including his decision to debate the budget on the floor rather than in the party caucus—greatly weakened the Republican leadership’s control over the house, thereby empowering a bipartisan floor coalition of moderate Democrats and Republicans.

This change within the halls of Colorado’s statehouse, along with others such as term limits and TABOR, reverberated throughout state politics. GAVEL played a small but nonetheless important role in signaling the divide between socially moderate Republicans—especially those in Denver and its suburbs—and more conservative Republicans from Colorado Springs and the state’s rural areas. As the other chapters in this book demonstrate, this split within the GOP was

part of what led to the party's electoral losses in recent years. While GAVEL did not create the divide, it allowed these ideological differences to play out on the floor of the General Assembly instead of remaining bottled up in committees.

At the same time, the initiative accomplished its more narrow legislative aim of opening up Colorado government to a broader range of proposals. Many of those proposals may die, but they now do so with a public vote. Today's legislators understand and, in at least one case, appreciate its legacy. Representative Mark Ferrandino, a member of the Joint Budget Committee who, through his position, could wield more power were it not for GAVEL, nonetheless supports the initiative. He stated: "If you asked me if I'd vote for GAVEL today, I think in terms of democracy and fleshing out ideas, I think it is a good thing that you can't just pocket veto ideas. GAVEL has allowed more ideas to come forward and be debated and fleshed out. Some turn out to be bad ideas and [do] not go anywhere, but there are a lot of ideas that get majority support, and are good for the state of Colorado, that would never have seen the light of day" (Ferrandino 2009).

NOTES

1. In the 1970s the "binding" caucus allowed a majority of the Republican Party to bind other party members to vote with them on the floor, contrary to the preference these members may have expressed in the caucus. However, this power was only exercised several times.

2. After five senators resigned because of the demands of long sessions, Colorado legislators themselves placed an initiative on the 1988 ballot cutting their sessions from 140 to 120 legislative days, according to Rich Jones (1992: 129). This change occurred at the same time as the passage of GAVEL, but it is difficult to see why it might substantially affect any of the aspects of legislative behavior studied here.

3. In both cases, politics appears to be primarily fought over one dimension. Consequently, most of our analysis in this section is based on members' estimated ideal points on the first dimension. Still, it is important to estimate ideal points in two dimensions so the rare bills that bring divisions along the second dimension are forced to provide information about first-dimension divisions.

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