Legislative Success in Open Sky Congresses: Weak Gatekeeping Prerogatives and the Approval of Legislative Initiatives

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Abstract: In legislatures with weak gatekeeping institutions and constrained plenary time, scheduling rules and majority requirements explain inter-party differences in legislative success. As we show in this paper, the scheduling order of initiatives in relatively unregulated legislative environment explains the consideration and approval of bills with an initial policy offering that is relatively close or far removed from the decisive voter in the Chamber. While in principle any law initiative can be amended to the liking of the median voter, more extensive amending eats away plenary time and reduces the likelihood that bills will be approved, holding policy salience constant. In this paper we use a mixture survival model to analyze legislative success in committee and in the plenary floor in a Legislature with very weak gatekeeping prerogatives, the House of Representatives of Uruguay. We estimate reporting times for law initiatives as a function of the ideological distance from the sponsors of the bill to the median voter of the Chamber and the median voter of the majority party. We show that law initiatives sponsored by legislators that are further away from the decisive voters take longer to be reported and approved. Our theory emphasizes information bottlenecks that are anticipated by plenary members and describe how legislators prioritize bills with the quickest path to enactment.

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In a recent article, Gary W. Cox and Matthew McCubbins (2011) characterize legislative environments in a continuum that goes from *open sky* legislatures to *restricted sky* legislatures. Drawing a parallel to the allocation of landing strip authorizations in busy airports, Cox and McCubbins describe open sky legislatures as those that impose no restrictions for the scheduling and debating of bills on the plenary floor. In open sky legislatures, bills are considered on first-come-first-served basis and initiatives that are difficult to approve delay the consideration of subsequent bills, imposing high legislative costs on all members of Congress. Indeed, limited gatekeeping authority and unrestricted access to the floor triggers plenary bottlenecks and reduces legislative success.

Because the supply of plenary time is fixed, busy legislatures cannot operate under open sky rules. Consequently, legislators and their parties create institutions that restrict the number of bills that may be reported to the plenary floor. Committees, chairmanships, leadership posts, Cox and McCubbins argue, are key institutions that set legislative priorities in the scheduling of bills for their consideration in committee and on the plenary floor. Consequently, busy legislatures offer a restricted menu of bills to the plenary floor and impose heavily regulate rules for debate, often to give priority consideration to the subset of reported bills that are likely to muster majority support.

There is an extensive literature that shows that reporting and scheduling rules differ markedly across legislatures, with a variety of formal and informal institutional mechanisms that charge party leaders with the authority to make binding decisions that shape the legislative process. Busy legislatures such as those of the US, Argentina, and Brazil, screen a majority of bills at the committee stage or in instances that precede plenary debate such as the pre-floor party meeting and the Chamber Directorate (Figueiredo, Cheibub, and Limongi 2000; Figueiredo and Limongi 1999; Pereira and Mueller 2004; Cox and McCubbins 2005; Cox and McCubbins 2011; Calvo and Sagarzazu 2011). In the last decade, the US Congress has enacted less than 3% of all bills sponsored by its members, with an overwhelming majority initiatives expiring without major action in

committee or on the plenary floor. Similarly, roughly 90% of the approximately 4,000 to 6,000 law initiatives entered in the Argentine and Brazilian Congress in any given year period die in committee, without being scheduled by chairs or reported to the floor.[1] Indeed, an overwhelming majority of bills in all three countries fail at the committee gates, unable to gain enough traction among peers and summarily declined by committee chairs, party leaders, and chamber authorities.

Other legislatures, however, have considerable less crowded legislative environments. The House of Representatives of Uruguay, for example, has to process but a few hundred bills every year, with representatives approving between 30% and 50% of all bills propose to Congress by members. This is several times the success rate of legislators in the US, the Brazilian, or the Argentine Congresses.

In Uruguay, where few bills are submitted by members, committees may be easily bypassed with just a few signatures, the plenary schedule is shaped by reporting rules that are not under the control of party leaders, with an unusually large proportion of initiatives are reported by committees and debated on the plenary floor. Indeed, Uruguay provides a perfect example of an open sky legislatures, with weak gatekeeping institutions and a relatively unregulated use of plenary time. That is, a legislature where most bills will clear the gates and see some action on the plenary floor.

Even in this archetypical open sky legislature, however, a large number of law initiatives will fail to gain traction in committee and on the plenary floor. Some bills will not be considered important enough by legislators or will be found technically faulty by staff members responsible for screening constitutional defects. However, fewer restrictions to report and debate will also result in a significant number of bills being considered in committee and being scheduled for plenary debate.

[1] In fact, both Brazil and Argentina have created mechanisms that allow at least a portion of the legislative initiatives to be approved with no plenary debate. In Brazil, some law initiatives are submitted to committees on "terminal" basis, with committee approval being sufficient to approve laws "in representation" of the full Congress (Figuereido and Limongi 2000). In Argentina, legislation that has no amendment or objections is voted in a package at the beginning of the session without being schedule for plenary debate (Calvo 2013).

While the Uruguayan Congress approximates well a "pure" open sky legislature, there is one important scheduling rule that affects consideration and debate. A motion can be proposed at the beginning of the session, subject to a majority vote, to alter the order of consideration of bills. Altering the schedule of the plenary, we will argue, should increase legislative success, given that the majority party will be able to favor initiatives with broader consensus that will not divide the majority bloc. By contrast, the loss of majority support will drive the Uruguayan legislature onto a more demanding legislative schedule, forced to consider initiatives on first come first served basis and reducing overall legislative success.

In this article, we consider how scheduling and plenary rules alter the likelihood that a bill will be successfully amended and approved in the House of Representatives of Uruguay. We describe changes in the partisan environment in Congress that affect success in this *open sky* environment, where majority and plurality cartels have limited ability to prevent divisive bills from being brought to the plenary floor.

In unregulated legislative environments, where bills can be easily brought to the floor for consideration (weak gatekeeping rules) and members have ample time to amend bills (open rule debate); time constraints and plenary bottlenecks are key determinants of the rate of approval of legislation. In these legislative environments, majority parties can marshal party members to alter the plenary schedule, but there are few delegated prerogatives to prevent the consideration of bills that divide the majority parties or bills with limited plenary support.

To explore the determinants of committee and plenary success in Uruguay, we estimate a "cure" model measuring the probability that a bill will be successfully approved as well as the time that it takes to be approved. Because a sizable fraction of bills will never be approved, our model jointly estimates success and time to success, presenting a full picture of the effect that contextual changes in majority support have on legislative success. Using information about the ideological distribution of legislators' preferences as well as information about the ideological location of the

sponsor of law initiatives, we describe how scheduling rules and partisan contexts explain legislative success in the Uruguayan House of Representatives.

Results from our analyses show how the ability of the majority party to alter the committee and plenary schedules significantly increases the legislative success of initiatives sponsored by its median party member. The loss of majority support, by contrast, imposes a more demanding consideration and approval schedule that deplete committee and plenary time, resulting in a decline in the number of bills approved as well as an ideological drift that benefits initiatives sponsored by the global median voter of the House.

The order of presentation of this article is the following: in the next two sections we discuss the organization of the plenary schedule in relatively unregulated legislative environments. We describe scheduling rules in the House of Representatives of Uruguay as well as the management of time in the plenary. In the second section we describe the partisan environment in Uruguay, distinguishing majority-led congresses and plurality-led congresses. In the third section we present estimates of a mixture (cure) model that measures the likelihood of plenary success as well as the time to approval. In the fourth section we compare model results to other Congresses and discuss differences between open sky and restricted sky legislatures. We conclude in the fifth section.

Open Sky Rules and the Scheduling of Law Initiatives

The Uruguayan Congress elects 99 House members and 30 Senators for a period of five years, in national general elections that also elect the President and Vice President of the Republic[2]. This Congress is small by most standards, with less than half the members of the Argentine Congress, close to a fourth of those in the US Congress, and a fifth of those elected in Brazil.

[2] In Uruguay, the Vice President is simultaneously President of the Asamblea General and President of the Senate. Thus, the upper chamber has a total of 31 members.

Between 1995 and 2010 there were a mere 4,518 law initiatives proposed to the House and Senate. The ≈300 initiatives that legislators propose to the House every year represent less than $1/10^{th}$ of the bills proposed in the Argentine and Brazilian Congress and $1/20^{th}$ of the bills proposed in the US.

In contrast to the US, Argentina and Brazil, three legislatures with broad gate keeping institutions, Uruguay has few mechanisms to regulate the flow of legislative initiatives and requires plenary majorities to change consideration and approval venues for individual or groups of bills. Chamber and committee authorities in Uruguay lack formal resources to restrict the reporting of initiatives even when a bill moves the status quo away from senior members of the majority party. Let us succinctly describe the main characteristics of the committee system in Uruguay:

1. In the House of Representatives of Uruguay, committee chairs have no control over the committee schedule and can be easily overruled by committee members even if majorities are absent. Different from the Argentine committee system, which allocate all scheduling authority to chairs, committee chairs in Uruguay are unable to block the consideration of law initiatives if requested by a committee member.
2. More importantly, minority reports already allow committee members to discharge a bill to the plenary floor, in contrast to the US, the Argentine, and the Brazilian committee systems that have more stringent reporting requirements which include a signed majority report.
3. Thirdly, non-partisan scheduling rules require that bills be scheduled by their processing number ("*orden del dia*"), unless there is a majority vote on the

plenary floor. The default consideration and approval process, consequently, prevents the Chamber Directorate from altering the schedule when no plenary majority is formed.

4. If committee members are not willing to report a bill, "*urgency requests*" can be entered during plenary debate in order to speed up the consideration of initiatives in committee. If the committee still fails to draft a report, a small number of legislators can request a change of venue with an *ad hoc* committee created to deal with the proposed initiative.
5. Finally, all initiatives are brought to the floor under "open rule," where amendments can be easily offered and voted with very few constraints (Chasquetti 2012). In all, weak gatekeeping institutions prevent majority, plurality, and minority parties from advancing their legislative goals through procedural maneuvers that constrain the median voter of the Chamber.

These important traits are summarized in Table 1 in the next page, showing the main characteristics of the relatively unregulated Uruguayan Congress. The consequences of limited gatekeeping prerogatives in Uruguay are noteworthy. Because committees can be easily overrule and the order of consideration on the plenary floor can only be altered by a majority vote, the loss of majority support forces the House onto a more demanding plenary schedule. This schedule cannot be bypassed by the Chamber Directorate as in Argentina or through logrolling in committee as in Brazil, reducing overall success and increasing the political clout of the median voter of the House. Differences between majority and plurality-led Congresses, consequently, result from committee and plenary bottlenecks in the management of the legislative agenda.

Table 1: Scheduling Rules and the Management of Plenary Time in Uruguay

Restrictions on private members´ access to plenary time in Uruguay		
Pre-floor stages	Introduction	*Free introduction of bills by private members (article 133 of the Constitution)*
	Committee report	*Every bill must have a committee report (Rule 134K).* *Standing Committees must report to the House within ninety days since the bill was referred to it. If the Committee did not report in this lapse, the bill could be allocated in a Special Committee if it was required by twenty five members of the Chamber (Rule 128)*
	Plenary scheduling	*The floor agenda is set by the speaker with the committee reported bills taking into account the number of processing that was assigned when the bills were presented (Rule 43).* *The order to access to the floor is as follows: bills reported by the committee, bills sent by the other Chamber, and bills reported by a minority of the committee (Rule 64)* Schedule can only be altered by a majority vote (Rule 90).
Floor stages	Recognition	*Private members can not alter the schedule. The agenda may be modified only by a majority of members. The urgency motions to modify the schedule need the support of a super-majority -2/3 of the members of the Chamber- (Rules 46 & 47)*
	Amendment	*Opposition members can propose amendments (open-rule system)*
	Time	Cloture by Simple Majority Vote (rule 68). *There is not restrictions to opposition parties member to speak (Rule 52)*

Restrictions on opposition parties´ access to plenary time in Uruguay		
Pre-floor stages	Introduction	*Free introduction of bills by every private members (article 133 of the Constitution)*
	Committee report	*The opposition parties on the committee can draft minority reports about any bill approved in this organism (Rule 134K).*
	Plenary scheduling	*Opposition parties cannot modify the agenda if they have not a majority on the floor (Rules 46 & 47).*
Floor stages	Recognition	*Opposition parties cannot alter the agenda on the floor if they lack a majority of members. The urgency motions to modify the schedule need a super-majority -2/3 of the members of the Chamber- (Rules 46 & 47)*
	Amendment	*Open-rule. Amendments can be freely proposed by members.*
	Time	*Any bill initiated by opposition parties which it has a minority report can be discussed by the plenary. However, it always lack of priority on the floor agenda (Rule 64)*

As we will show, the loss of majority support will result in an ideological drift that benefits legislation sponsored by the median voter of the chamber. However, given that the legislative gates can only be shut down by marshaling committee and plenary majorities, legislative success will be higher when a party or coalition has a majority of the House and can vote to alter the plenary schedule. That is, when a majority party or coalition is able to force House members to debate their preferred bills at the beginning of the plenary session or to delay consideration of bills they dislike.

Overall, the loss of majority support in the House of Representatives of Uruguay results in a larger share of time consuming bills being schedule for debate and a decline in the available time to consider and approve bills that may have broader support. As in Argentina, the loss of majority support explains a small drift that benefits the median voter of the House. However, the lack of majorities also results in an increase in the number of time consuming bills reported to and approved on the plenary floor.

In the next section we provide a brief overview of the partisan and legislative environment in Uruguay. We then discuss the rules and procedures that regulate the consideration and approval of bills. Finally, we measure legislative success and time to success in committee and on the plenary floor, with an emphasis on how the loss of majority support alters the scheduling of bills in plurality-led Congresses with limited formal gatekeeping rules.

Party Politics, Coalitions, and the House of Representatives in Uruguay

Uruguay has long been considered one of the most stable and institutionally robust democracies in the Americas, in spite of a violent civic-military rupture from 1973 through

1985. For most of a century -1836 and until 1971-, Uruguay has two catch-all traditional parties which alternated in the Executive and elected representatives in competitive national elections: the *Colorado Party* and the *Nacional (Blanco) Party (Moreira 2003)*. The use of a double simultaneous vote formula ensured that competing factions within each of these parties routinely elected representatives to Congress, resulting in a legislative environment that was considerable more fragmented than that expected in a two party system. This relatively fragmented legislative environment explains a tradition of accommodation (Altman 2002; Chasquetti and Micozzi 2012; Moreira 2003) similar to that of Chile in the pre-1960 years (Alemán 2009).

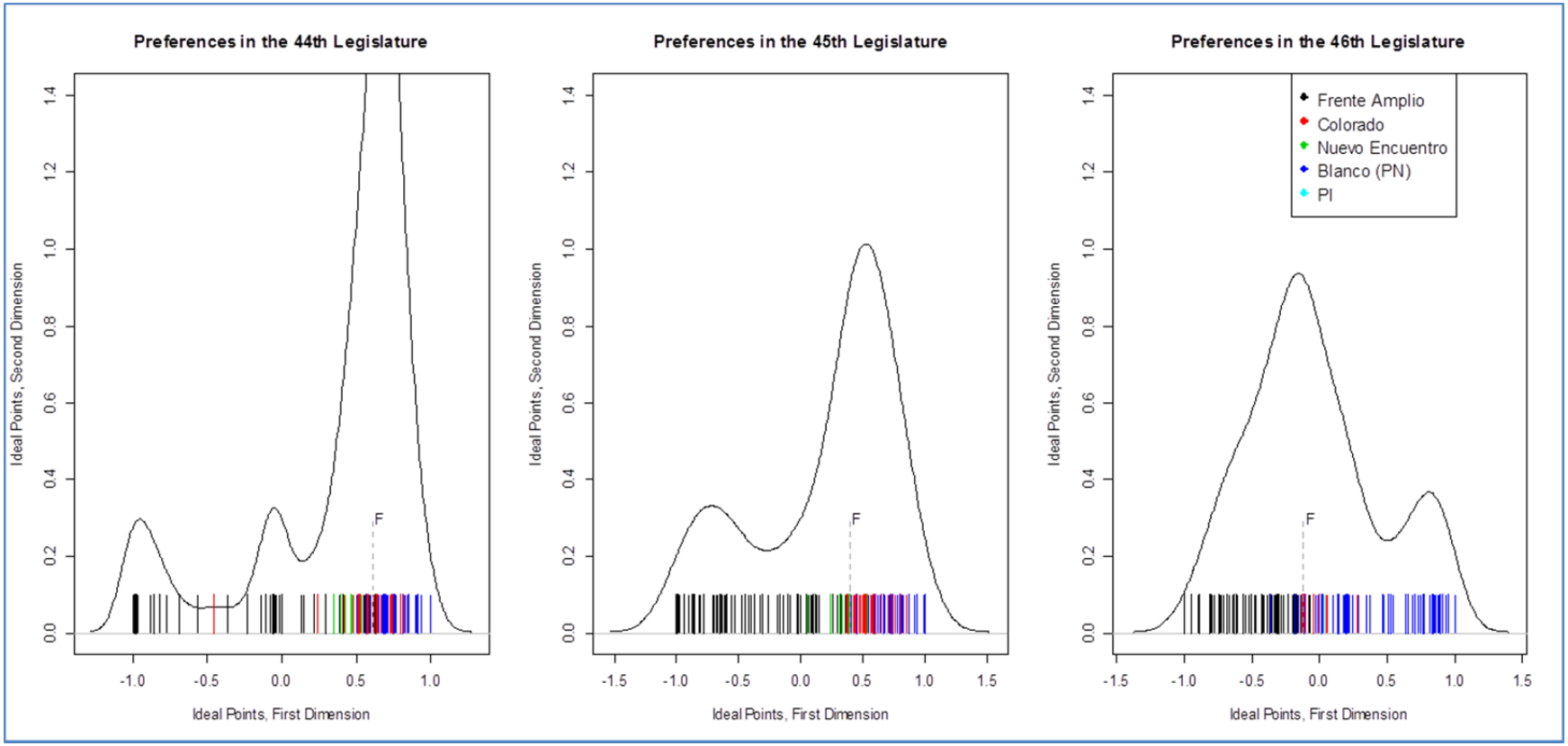
By 1971 a third major party entered in the electoral arena: the leftist *Frente Amplio* (FA). After democratization in 1985, a three party system consolidated with three Colorado Presidencies (Julio Maria Sanguinetti, 1985-1990 and 1995-2000; Jorge Battle, 2000-2005), two Frente Amplio presidencies (Tabaré Vazques, 2005-2010; Jose "Pepe" Mujica, 2010-), and one Blanco Presidency (Luis Alberto Lacalle, 1995-2000). Significant alternation in the executive was accompanied by a very competitive allocation of seats in Congress.

The party system in Uruguay is considered one of the most programmatically oriented in the region, with close to 90% of voters being able to place themselves on the left-right scale, well above the regions average (LAPOP 2011). Parties also have clear and identifiable brands, with the *Frente Amplio* being perceived by most voters as a center-left party and the Blanco and Colorado reported by most voters as center-right parties (Altman et al. 2009; Altman 2002). Stable and well known party brands contrasts with countries such as Argentina or Brazil, were most parties display weaker programmatic identities and lower recognition among voters.

The Legislative Environment in the House of Representatives of Uruguay

National elections in Uruguay take place every five years, selecting the President, Vice President and all members of Congress –e.g. 99 Deputies and 30 Senators-. The allocation of legislative seats in Uruguay uses a proportional representation formula in small to moderately sized districts. The exception is Montevideo, the capital, which elects 45 Deputies. Since democratization in 1985, the partisan environment has steadily veered towards the left, with the *Frente Amplio* increasing its seat share in both the House and Senate from around 20% in 1989 to over 50% of representatives since 2005. As the *Frente Amplio* increased its seat share, the *Blanco* and *Colorado* Parties stepped up their collaborative efforts. This collaboration included an increased number of cosponsored proposals; closer collaboration in committee and floor votes; and a formal legislative coalition from 1995 through 2002 that included cabinet seats appointment for Blanco senior figures under a Colorado administration.

Figure 1: Ideological Placement of Parties in the House of Representatives of Uruguay



Note: Ideal Point Estimates of representatives, House of Representatives of Uruguay, cosponsorship data from 1995 through 2010. The dotted line F describes the location of the median voter of the House. *Frente Amplio* party members fixed on the left of the ideological scale.

Different from much of Latin America, the dominant dimension that articulates collaboration and voting in the Uruguayan Congress is left-right (Altman 2002; Alemán et al. 2009; Kitschelt et al. 2010). Both roll-call data and cosponsorship data scales Uruguayan parties along the same dimension, with the *Frente Amplio* on the left or center-left, and the Colorado and Blanco parties moving between the center and the center-right of the political spectrum.

Figure 1 in describes the position of representatives along this left-right dimension in the 44th (1995-2000), the 45th (2000-2005), and 46th (2005-2010) Houses in Congresses. The preferences of representatives were recovered using cosponsorship data as described in Alemán et. al. (2009), showing progressively a more compact and dominant *Frente Amplio* from 1995 to 2010. We also see the median-voter in the plenary floor moving from the right of the political spectrum in Congress 44th, to the center-right in Congress 45th, and the center-left in Congress 44th.

It is worth describing in some detail the partisan environment in each of these Congresses. The Colorado Party –the party of President Sanguinetti (1995-2000)— held a plurality of seats in the 44th Congress, forming a formal majority coalition with the Blanco Party from 1995 until 2002. The plurality party in Congress 45th was the opposition party *Frente Amplio*, facing a majority coalition of Blanco and Colorado representatives that aligned with President Battle.[3] Finally, the *Frente Amplio* controlled a majority of seats in the 46th Congress, under the leftist Presidency of Tabaré Vazques.

In all, we have significant variation in the House of Representatives of Uruguay, with plurality-led Congresses from 2002 through 2005; a majority coalition from 1997 through

[3] This coalition collapsed in 2002.

2002; and a majority-led Congress from 2005 through 2010. Each of these different legislative environments resulted in legislative success rates and in times to successes that vary in predictable ways.

Legislative Success and the Institutional Organization of the House of Representatives

In Uruguay, approximately ≈65% of law initiatives in the House and ≈45% in the Senate are initiated by individual legislators. Furthermore, between 1995 and 2010 approximately ≈49% of bills approved in the House and ≈26% of bills approved in the Senate were sponsored by Deputies and Senators, with the remaining bills primarily sponsored by the President and cabinet members. Consequently, as in Argentina, the Parliament in Uruguay both amends executive initiatives and actively pursues its own legislative agenda.

The House of Representatives is a more challenging legislative environment, approving ≈31% of bills proposed by its members compared to ≈35% in the Senate. Given that the Argentine and Brasilian Congresses approve between ≈3% and ≈6% of the bills proposed by legislators, representatives in Uruguay are considerably more likely to see their bills considered and approved. Still, the number of bills sponsored by legislators remains very low compared to other countries in the region.

As described by Chasquetti (2012), reforms in 1934, 1952, and 1967, gave the President exclusive rights to propose bills in key jurisdictions such as budget, taxes, and pensions.[4] Rules also endow the president with the authority to attach "urgency" status and

[4] As described by Chasquetti: "Second, the constitution specifies a series of strategic policy areas where the executive has exclusive legislative initiative, such as budgetary and tax policy, retirement and pension regimes, the creation of jobs in the public service, and the fixing of certain prices in the economy. These

force consideration of its bills, although such authority has been used sparsely and has shown a lower success rate than average bills. Finally, the president has extensive veto and partial veto prerogatives, allowing significant changes to the final version of the bills approved by Congress.

Still, the legislative input of legislators is very relevant, with close to half of the laws approved in the House being sponsored by individual Deputies and Senators. Such bills include major legislation in education, welfare, and security. Congress also modified a significant number of the bills proposed by the Executive. Descriptive data shows that –compared to the Argentine Congress— the House and Senate in Uruguay are very active partners to the Executive in the initiation and amendment of legislation.

The Legislative Consideration of Initiatives in Committee

Legislative initiatives in the House of Representatives of Uruguay are formally entered through *Mesa de Entrada* –e.g. the parliamentarian-. A reading by expert staff assigns each project a file number and conducts a technical reading to determine the committee that will report on a bill. Different from the Argentine House, an overwhelming majority of bills are sent to a single committee that is charged with the responsibility of reporting to the House. Committees then proceed to amend bills and attach a report with their recommendations. Finally, a committee member is charged with the responsibility of defending the project during plenary proceedings.

dispositions amount to severe restrictions for legislators and transform the president into a gatekeeper in the process of passing new policies in these areas. Areas of initiative exclusively reserved for the executive work against the emergence of a majority with an alternative legislative program" (Chasquetti 2012: 4).

Committee chairs in Uruguay have few formal resources to set the committee schedule and/or to withhold consideration of bills. Firstly, formal rules prevent committee chairs from unilaterally *killing* a bill. As in other congresses, bills may be reported to the plenary with the support of a majority of committee members –e.g. a majority report-. However, the support of a minority of committee members is enough to force consideration on the floor. That is, even if a minority of committee members signs on a bill, the initiative can be schedule for plenary consideration.

Majority reports, however, enjoy procedural advantages when added to the plenary schedule. While a minority report will suffice to discharge a bill to the plenary, rules direct those bills to be scheduled after bills with signed majority reports. Consequently, reports signed by fewer than half of committee members will go "to the end of the line" and be less likely to be debated, amended, or approved by the floor.

Secondly, standing committees are mandated to consider bills within a 90 day window. Consequently, even if there are no supporters for a bill in a given committee, initiatives may be shuttled to "friendlier" *ad hoc* committees after the 90 day period expires. As described by article 128 of House Rules:

> "Article 128: Standing Committees will have ninety days to report on a project, beginning from the moment that the initiative was acknowledged by the Chamber [*mesa de entradas*]. Else, after formal request signed by at least 25 members, the President will designate a special committee whose members should not include any of the members of the original standing committee. If another 90 days go by and the new committee also fails to report the project to the plenary, the process will be repeated."

Given that the House of Representatives has 100 members, the support of 25% of House members will be enough to discharge a bill from an unfriendly committee. These two mechanisms, minority reporting and discharge petitions signed by 25% of House

members, all but assure that a bill that has the support of any of the three major parties will not die in committee.

While formal rules make it unlikely that a bill will die in committee, minority reports and discharge petitions force law initiative into a more demanding plenary schedule. Given that plenary time is in short supply, success rates will be much lower for bills reported by a minority of committee members, which will be considered at the end of plenary sessions.

On the Plenary Floor

Once a bill has been reported from committee, the Chamber President will schedule the bill for a future meeting. Article 43 of House Rules sets the order of consideration of bills as given by their original *filing number*. Consequently, the Chamber President will be unable to prioritize his or her preferred bills. More importantly, the Chamber President cannot prevent early consideration for bills disliked by its members, unless the plenary schedule is altered by a majority vote at the beginning of the session. Consequently, the loss of majority support will prevent the plurality party from altering the plenary schedule and administer the consideration and approval of initiatives.

Once a bill is proposed to the floor, cloture can only be implemented through a majority vote, which can be formally requested after at least one member of each legislative bloc has been able to address the Chamber. Consequently, open rule is in effect for all bills, with proposal and debate restrictions administered by majority votes during plenary debate.

In all, without formal authority to manage the legislative gates, committee and chamber authorities in the House of Representatives of Uruguay are unable to schedule

bills or to restrict debate, even when plenary proceedings will move the status quo further away from their median voter. The loss of majority support will result in plenary time being more rapidly depleted, as the plurality party is incapable of use majority votes to alter the plenary schedule or force a vote to close debate.

Majority Parties, Majority Coalitions, and Plurality parties in Uruguay

In what follows, we will measure the effect that the loss of majority support has on success in committee and on the plenary floor. In this section I take advantage of a dataset that includes all initiatives sponsored by Deputies of the House of Representatives of Uruguay between 1995 and 2010 (Chasquetti 2012). As noted before, this includes projects sponsored by a majority party (2005-2010), a majority coalition (1995-2002), and plurality parties (2002-2005).

As shown in Table 1, overall legislative success in the House of Representatives is high, with close to 31% of all proposals being reported from committee and approved on the plenary floor.[5] Table 1 also provides preliminary evidence that the loss of majority support reduces legislative success, with plurality-led Congresses approving roughly 27% of bills compared to 37% when a single party has majority support. This higher success rate results from the majority party being able to alter the plenary schedule to prevent bills that lack support from consuming valuable plenary time. In contrast to the Argentine and Brazilian cases, committee and plenary authorities are unable to administer the legislative

[5] Descriptive information shows that only 2.6% of initiatives approved in the House bypassed the committee gates and only 16% of reported bills fail on the plenary floor. Consequently, descriptive data on committee success is very similar to overall success rates for the House.

gates when majority support is lost. That is, they have few resources to forge consensual agreements to bypass debate, such as packaging bills in omnibus votes.

Table 1: Legislative Success and the Partisan Environment in the House of Representatives of Uruguay, 1995-2010

		Plurality-Led Congress	Majority-Coalition	Majority-Led Congress	Total
Approved in the plenary (House)	No	420 76.5%	840 68.8%	514 62.76%	1,774 68.49%
	Yes	129 23.5%	382 31.3%	305 37.24%	816 31.51%
	Total	549 100%	1,222 100%	819 100%	2,590 100%

Source: Own calculations with data from Chasquetti (2012).

Only 16% of bills reported from committee failed to be approved on the plenary floor, compared to almost half in Argentina and Brazil. Failure on the plenary floor increases to 22% in plurality-led congresses and decreases to 11% in majority-led congresses. This provides considerable support to the view that the Chamber Directorate has very weak scheduling prerogatives, depending on committee and plenary majorities to administer the legislative gates (Chasquetti 2012).

The "Cure Model"

Open sky legislatures are characterized by relatively unconstratined access to the plenary and relatively unregulated debate. Consequently, we argued, legislative success is primarily explained by plenary bottlenecks that emerge when there is no majority party or coalition that is in position to alter the "first-come, first-served" order of consideration of

bills. Expectations in open sky legislatures, consequently, are that the loss of majority support will both delay the approval of law initiatives and reduce overall success.

Given that we are interested in simultaneously understanding the time to approval and the likelihood of approval, we estimate a proportional hazard "cure" model (Sy and Taylor 2000; Zhang and Peng 2007), with the treatment of legislation estimated through a mixture model where:

$$S_L(t|\boldsymbol{X},\boldsymbol{Z}) = \pi(\boldsymbol{Z})S(t|\boldsymbol{X}) + 1 - \pi(\boldsymbol{Z}) \qquad (1)$$

In equation (1), the probability that a law initiative will be approved $\pi(\boldsymbol{Z})$ is a function of a matrix of covariates $\boldsymbol{Z}$**,** and the time to survival $S(t|\boldsymbol{X})$ given a matrix of covariates $\boldsymbol{X}$. We estimate this model as in Zhang and Peng (2007), with a logistic link where the probability of success is described as:

$$\pi(\boldsymbol{Z}) = \frac{\exp(\mathbf{BZ})}{1+\exp(\mathbf{BZ})} \qquad (2)$$

Similarly, time to success is described as:

$$log(T) = \mathbf{AX} + e_i \qquad (3)$$

Where **B** describes a matrix of parameter estimates that explain the rate of change in the log-odds ratio of legislative success given the matrix of covariates **Z**; and **A** describes the change in the log of time to success given the matrix of covariates **X**.

The Dependent Variables

The dependent variable *legislative success* takes the value of 1 if a bill was successfully approved on the floor and the value of 0 if it fails while the dependent variable for the time to success is the number of days from introduction until the bill is approved on the plenary floor. In the dataset, the overall success rate is 34.7% and the mean time to

success 717 days, or slightly less than two years from introduction to final approval. The "cure model" estimates jointly the time to success and the probability of success, under the assumption of no truncation, as we assume that bills that failed in our dataset will not be approved in the future. This is reasonable, since data for bills initiated from 1995 through 2010 where observed until 2013.

The Independent Variables

The key independent variables of our analysis are (1) the distance from the sponsor of the project to the median voter of the majority or plurality party (***distance to majority***) and (2) the distance from the sponsor of the project to the median voter of the house (***distance to median***). Given that in the House of Representatives of Uruguay there is no lead sponsor, the location of any initiative with more than one sponsor (≈52%) is obtained from the median sponsor among all cosponsors of that bill.

Interpreting model results

Measuring the distance to the median of the majority party and the distance to the median of the Chamber allow us to map success in any point of the ideological space. We may exemplify model results considering the four plots in Figure 2, which describe legislative success or time to success as a function of the linear combinations of β_1 (**distance to majority**) and β_2 (**distance to Chamber median**).

Let us begin with the simplest case, where legislative success is highest in the area that falls between the median voter of the majority party $\beta_1 < 0$ and the median committee voter $\beta_2 < 0$. In the upper left plot of Figure 2, we select arbitrary values for

these parameters, so that $\beta_1 = -1$ and $\beta_2 = -1$. Legislative success declines as the proposal moves away from M and as it moves away from C. The precise location at which legislative success is highest can be easily computed as:

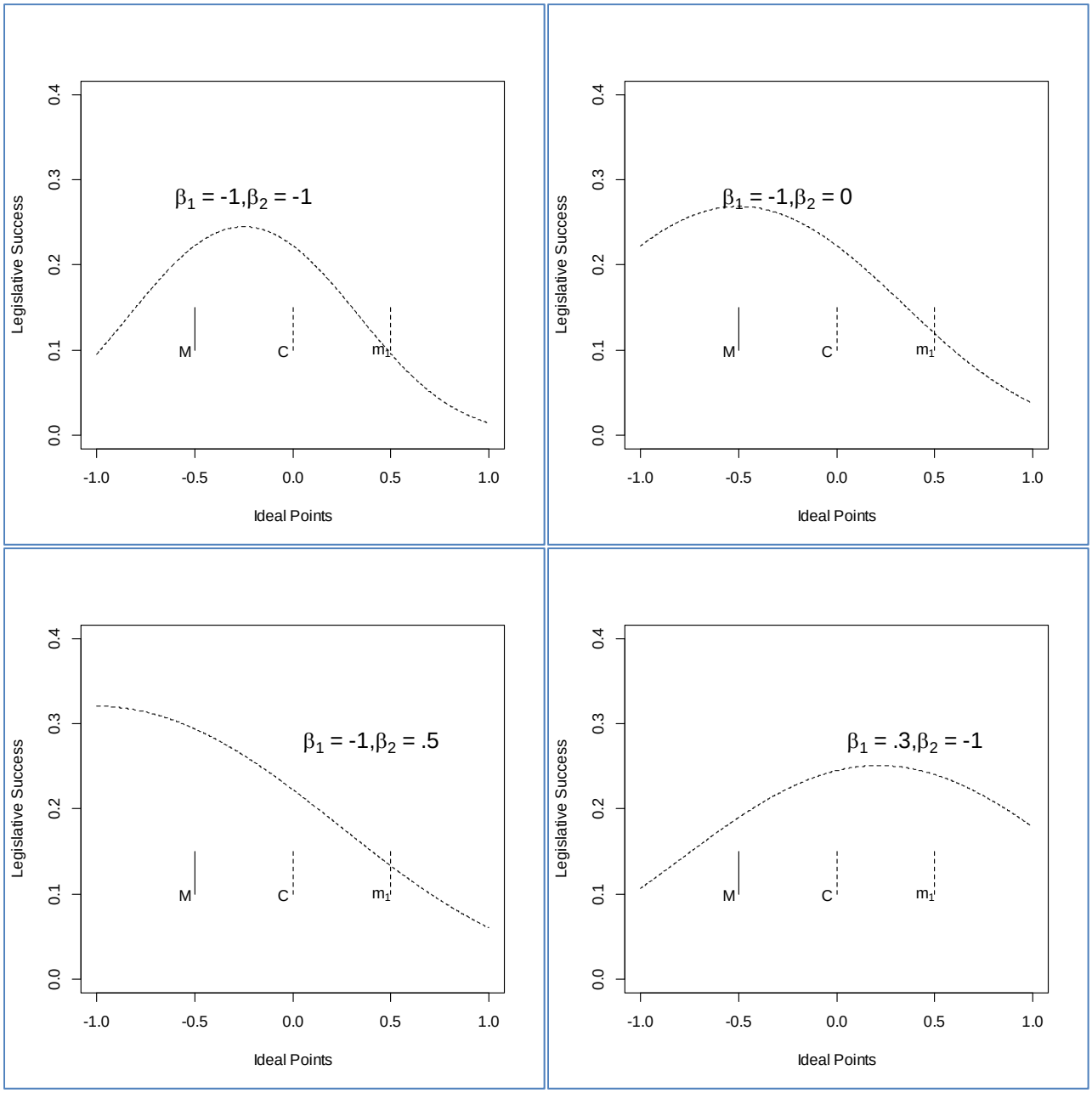
$$\max_{-1 \leq x \leq 1} p_{ikj} = \frac{\beta_1 M + \beta_2 C}{\beta_1 + \beta_2} = \frac{(-1 * -.5) + (-1 * 0)}{(-1) + (-)1} = \frac{-.5}{2} = -0.25$$

This can be easily confirmed upon visual inspection of the upper left plot of Figure 2, showing that success declines on both sides of the location -0.25.

The upper right plot of Figure 2 sets the distance parameters to $\beta_1 = -1$ and $\beta_2 = 0$, with success declining solely as we move away from the median voter of the majority party. Moving the median committee member further away or closer to the median of the majority party would have no effect on the expected success.

The lower left plot of Figure 2 describes a directional model where legislative success increases as we move deeper to the left of the majority party. I set the distance parameters to $\beta_1 = -1$ and $\beta_2 > 0$, with success increasing in the region to the left of the median voter of the majority party, decreases sharply in the area between M and C and more slowly afterwards. We can see in this example that different linear combinations of the two parameters allow us to model a variety of different legislative environments. Finally, The lower right plot describes a counter-majoritarian legislative environment, where success is highest for legislators in the region connecting C and m1. While this legislative environment seems implausible, Uruguay provides an example of a legislative environment where a plurality party is successfully overridden by a coalition of minority parties (the Colorado and Blanco parties in the 2000 through 2005 period).

Figure 2: Posible Distributions of Legislative Success Conditional on the Linear Combination of the Spatial Distance Parameters, β_1 and β_2.



Note: Legislative success under different values of β_1 and β_2. If $\beta_1 < 0$, further distance to the median of the majority party in committee will decrease success. If $\beta_2 < 0$, further distance to the median of the committee will decrease success. Different combinations of the two parameters provide a cubic approximation to legislative success under various partisan environements.

The lower left plot of Figure 2 shows a coefficient $\beta_2 > 0$. In this legislative environment, success increases to the left of the median voter of the majority party, decreases sharply in the area between M and C and more slowly afterwards. We can see in this example that different linear combinations of the two parameters allow us to model a variety of different legislative environments. Finally, the lower right plot describes a counter-majoritarian legislative environment, where success is highest for legislators in the region connecting the committee median voter C and m1.

Model Results

Table 2 presents the results of the "cure model" proportional hazard model as estimated in Zhang and Peng (2007). The left column in Table 2 presents estimates of legislative success and time to success in two plurality-led Congress (1995-2005 and 2000-2005) and in one majority-led Congress (2005-2010). Each model provides coefficients describing the effect of ideological proximity on success and on time to success, which are jointly estimated. Let us first take a look at the model of success, which is plotted in Figure 3 to make the estimates more intuitive.

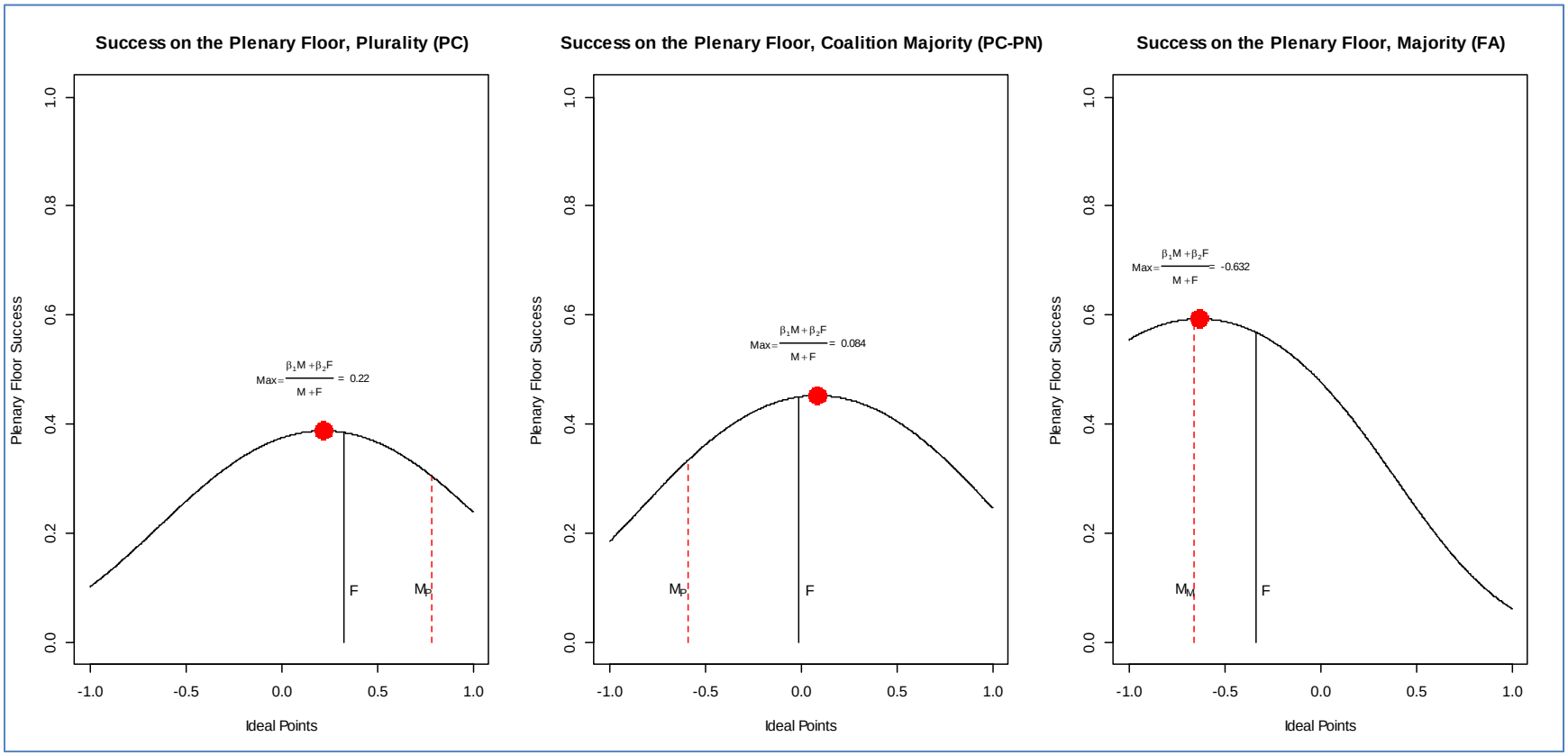
As shown in Figure 3, success in plurality-led congresses is higher as we approach the median voter of the House. In the case of the 44th House (1995-2000), the plurality party was on the left of the political spectrum, with the Colorado Party holding most legislative seats but short of an outright majority. With limited gatekeeping authority and no capacity to prevent legislation to be reported from committee or to manage the schedule of the plenary, legislative success is highest almost exactly where the median voter is. The reason that the median voter of the House has a critical success advantage is due to the fact that (i) legislation with a minority report is sent to the back of the schedule and that (ii) legislation that is closer to the median voter requires less extensive amending and will consume less plenary time.

Table 2: "Cure Model" Estimates of Legislative Success and Time to Success

	Plurality-Led Congress, 1995-2000	Plurality-Led Congress, 2000-2005	Majority-Led Congress, 2005-2010
Legislative Success Model			
Distance to Median of the Majority Party	-0.3689	0.5779	-0.9349
	(0.244)	(0.157)	(0.416)
Distance to the Median of the Chamber	-0.5616	-0.8001	-0.0658
	(0.375)	(0.268)	(0.561)
Constant	-0.0695	-0.5832	0.6731
	(0.115)	(0.188)	(0.139)
Time to Success Model (hazard)			
Distance to Median of the Majority Party	0.6615	-0.2503	-0.3978
	(0.286)	(0.140)	(0.326)
Distance to the Median of the Chamber	-1.1077	-0.5099	0.2460
	(0.495)	(0.307)	(0.459)
N	723	1048	819

Note: Estimated in R 2.15 using the package *smcure* as described in Zhang and Peng (2007). Legislative success coefficients describe log-odds estimates as described in equation (2). Time to success coefficients describe log estimates of time (number of days) to success. Given that both distance parameters jointly affect success and time to success, joint significance of the parameters is assessed in the Appendix.

Figure 3: Legislative Success in Committee in Plurality-Led (2002-2005), Coalition-Majority (1995-2002), and Majority-Led (2005-2010) Congresses, House of Representatives of Uruguay

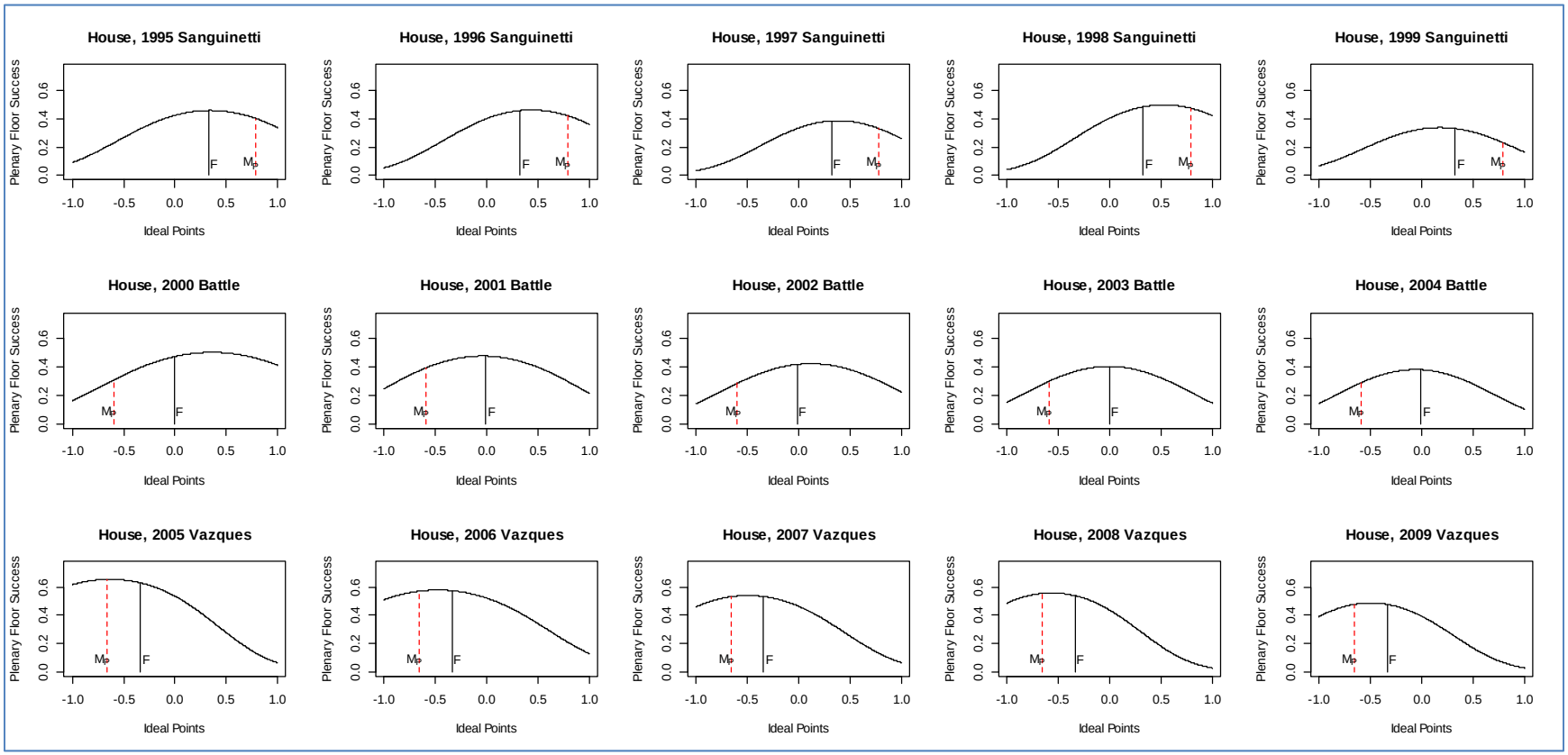


Notes: Ideological proximity and legislative success in majority-led, plurality-led, and coalition-led legislatures. Estimates from Table 2.

In the next legislative Congress, House 45th, the national executive was lead by the Colorado Party under President Jorge Batle but the plurality party in the House became for the first time the leftist Frente Amplio. Despite the fact that the largest party in the House was the Frente Amplio, its plurality status in the House prevented party authorities from drafting majority reports or the plenary schedule. Instead, legislative success is again highest closer to the median voter and to the right of the political spectrum, with a coalition of Blanco and Colorado House members being able to roll the Frente Amplio. As in the previous legislative period, the median voter of the House was able to approve close to 40% of its initiatives while the plurality party failed to push forward its legislative agenda.

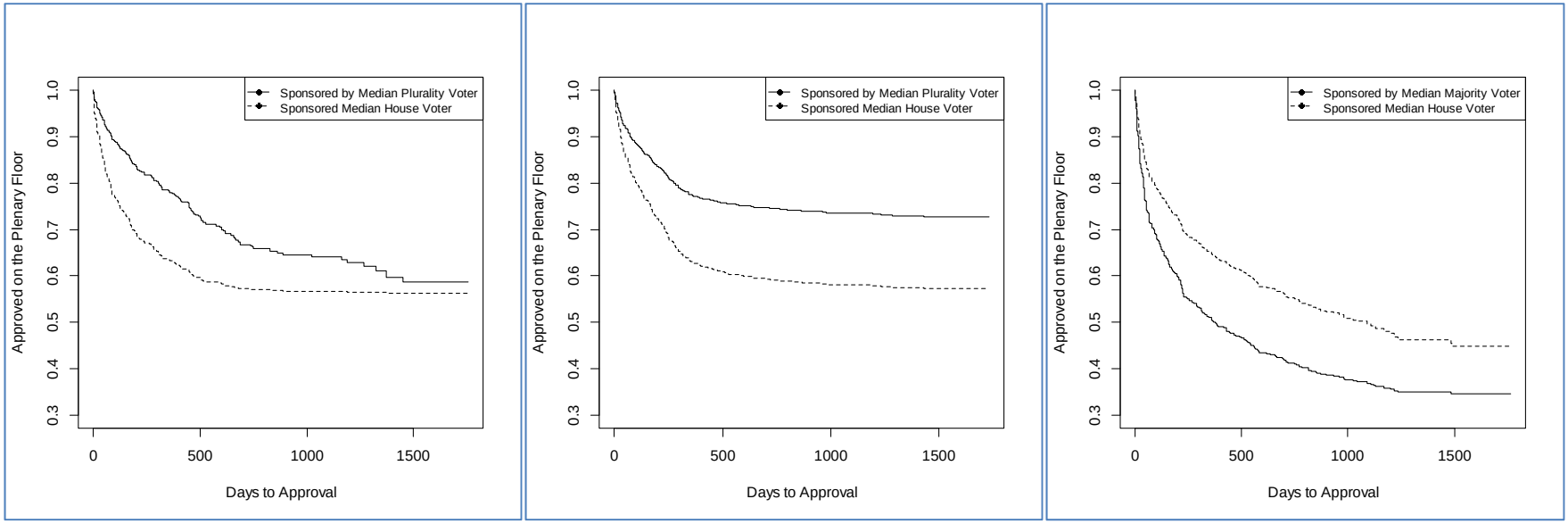
By 2005, however, the Frente Amplio is finally able to control a majority of seats. With majority support there are also two critical changes in the administration of the legislative process: (i) first, the majority party was now able to draft majority reports for partisan bills, which resulted in a larger number of party initiatives moving to the front of the plenary schedule. More importantly, (ii) the Frente Amplio was now able to alter the plenary schedule with a majority vote at the beginning of the session. Model results show the effect of this two changes, with a large increase in overall legislative success and a higher success rate for the median voter of the majority party rather than for the median House voter. Overall, majority support allowed the Frente Amplio to act as a majority cartel, forcing bills that were disliked by the leaders of the party to the end of the legislative queue and ensuring priority to those initiatives that were preferred by its own party members.

Figure 4: Legislative Success on the Plenary Floor in Plurality-Led (1995-1997 and 2002-2005), Coalition-Majority (1997-2002), and Majority-Led (2005-2010) Congresses, House of Representatives of Uruguay



Note: Logistic (multi-level) estimates of legislative success with random intercepts and random slopes of distance parameters by year.

Figure 5: "Cure" Model of Time to Legislative Success in two Plurality-Led Congresses (Left plot, 1995-2000 and Center Plot, 2000-2005) and in one Majority-Led Congress (Right Plot, 2005-2010)



Note: Lines describe legislative success in the plenary floor conditional on the time to approve. Estimates of the mixture (cure) in Table 2.

Figure 4 presents estimates by year, which shows that results do not vary greatly for each year within the legislative cycle. Results indicate an electoral cycle, with legislative success being highest at the beginning of the legislative period and decreasing as the election approaches. This is capture by the positive estimate of the number of days until the next election (LN), indicating that as we approach the five year election cycle there is a lower success rate.

Figure 5 describes the "time to survive" results in survival plots, which describe the share of legislation that is being approved in any given day of the legislative cycle of a bill. Plots show that in plurality-led congresses, time to success is shorter (and approval higher) for law initiatives sponsored by the median voter of the House. By contrast, initiatives sponsored by the median voter of the majority party are approved at a lower rate and they also take significantly longer to be approved.

By contrast, initiatives sponsored by the median voter of the majority party are considerably more likely to be approved and in a shorter amount of time in majority-led congresses. Results are consistent with expectations, with plurality-led congresses facing a more demanding plenary schedule and being able to report a smaller subset of law initiatives. In plurality-led congresses, time constraints are smaller for law initiatives that are close to the median of the House, as they can more easily reach the majority vote required to reach the front of the legislative schedule.

Finally, in majority-led congresses, capacity to draft majority reports as well as to alter the plenary schedule by a plenary vote allow the majority party to better administer scarce plenary time to maximize legislative success.

Concluding Remarks

In this paper we provide evidence that in open sky legislatures with limited gatekeeping authority, changes in the partisan context that affect the drafting of the plenary schedule have a large and significant effect on legislative success and on the time to success. Using data from one of the least regulated legislative environments in Presidential regimes, we show that the loss of majority support slows down the legislative process, depletes plenary time, and reduces overall success.

Using a "cure model" that simultaneously estimate the determinants of legislative success and the time to success in Uruguay, we show that legislation that is sponsored by majority, plurality, and minority parties have very different success rates. Model results map in great detail the mechanical properties of the legislative process in Uruguay which have not been previously described by the literature.

The case of Uruguay provides an excellent contrast to other existing analyses of legislative success in more heavily regulated legislative environments such as those of Argentina, Brazil, and the US. Because gatekeeping authority is limited and plenary debate unregulated, Uruguay approximates very well the legislative process expected under the original spatial model designs. Indeed, legislative success is considerable higher than in most other legislatures and the influence of the majority party is severely constrained by its capacity to muster plenary majorities.

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