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The Role of the Roll: Party Brand and Ticking Clock Issues in Hastert Rule Violations

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Abstract

Why do majority rolls occur? Cox and McCubbins (2005) claim that majority leaders in the United States House of Representatives protect their party's reputation by keeping bills opposed by the majority of their party off the legislative agenda. I argue that Cox and McCubbins take an overly restrictive view of what constitutes a party's reputation. Selectively violating the "Hastert rule" by allowing certain party-splitting issues on the legislative agenda can create a favorable party brand and improve the prospects for retaining majority status. Drawing from the literature on party brands, political psychology, Congress, and policy making, I develop a theory to predict the circumstances that make violations of the Hastert rule more probable. I find that the majority party is more likely to be rolled on salient bills that address what I term "ticking clock" issues, as these issues will elicit the most attention and concern from voters. I then test this theory by examining the six instances in which Speaker John Boehner violated the Hastert rule. The theory accounts for five of the six rolls.

Introduction

On February 28, 2013, the Republican-controlled House of Representatives passed a bill reauthorizing the Violence Against Women Act, but only 87 Republican congressmen voted in favor of the bill's passage (CQ Almanac 2013b). The vote represented a rare majority "roll," or "Hastert rule" violation, in which the Speaker scheduled a vote for a bill that was opposed by the majority of the majority party. Discussing his violation of the Hastert rule, Speaker John Boehner told reporters, "it's not a practice that I would expect to continue long term" (Strong and Newhauser 2013). Yet, later that year, Boehner again violated the Hastert rule, this time on a bill

to reopen the federal government during a shutdown (CQ Almanac 2013a). In total, Boehner would allow six majority rolls during his tenure as Speaker.

Boehner's speakership exemplifies the typical use of the Hastert rule: Majority party leaders tend to obey the rule, but on occasion, they permit bills onto the legislative agenda that the majority of their conference opposes, allowing them to pass with most of the "yea" votes coming from the opposing party. Cox and McCubbins' (2005) procedural cartel theory provides a compelling explanation as to why majority rolls are so rare. According to the theory, majority party leaders keep party-splitting issues off the agenda in order to protect the party's brand name, thereby increasing the party's chances of retaining its majority status (Cox and McCubbins 2005). Less clear, however, is why majority leaders allow the limited number of rolls that do occur. In this paper, I attempt to answer this question by developing a theory to predict the circumstances that make majority rolls more likely.

The first section of this paper explores procedural cartel theory and related scholarly work. The literature review illustrates how scholars have not adequately explained why Hastert rule violations occur. In the next section, I begin to develop a theory to account for this phenomenon by examining the concept of the party brand. The associative network model of party brands expands Cox and McCubbins' restrictive view of what constitutes a party's reputation, opening the door for the possibility that majority rolls can sometimes improve a party's reputation. I then outline my main theoretical expectation: Salient "ticking clock" issues make majority rolls more probable. Failing to address these time-sensitive issues would draw voter attention and damage the majority party brand—an outcome that party leaders hope to avoid. In the subsequent section, I test the theory's predictions on John Boehner's six Hastert

rule violations, finding that the theory can explain five of these rolls quite well. I conclude with a discussion of further implications of the theory and suggest directions for future related research.

Procedural Cartel Theory

In their seminal work *Setting the Agenda,* Gary Cox and Mathew McCubbins (2005) observe that agenda setting power in the United States House of Representatives is "cartelized" by the majority party. Since the majority party controls all committee chairs, a super-proportional share of the seats on the Rules Committee, and the speakership, the party leaders who occupy these offices determine which bills will be considered for votes on the floor of the House (Cox and McCubbins 2005). The majority party delegates to leaders these "special agenda-setting powers" in order to solve a collective action problem: managing the party label (Cox and McCubbins 2005, 22). Cox and McCubbins (2005, 22) note that "managing the party label is the primary collective action problem that members of a party must solve." The party label, reputation, or brand in turn depends on the party's "record of legislative accomplishment" (Cox and McCubbins 2005, 21). Since the policies and legislative actions associated with a party and its leaders can significantly affect the overall party brand, it is the task of party leaders to use their agenda setting powers to help compile the most favorable record of legislative accomplishment (Cox and McCubbins 2005). The more favorable the legislative record associated with the party, the more favorable the party's reputation will be.

Individual party members have an interest in bolstering their party's label because the party brand influences their chances of reelection and the party's chances of being in the majority during the next Congress (Cox and McCubbins 2005, 7). In this sense, the party's reputation is a public good from which substantially all members will "benefit or suffer"

together, irrespective of each member's individual contribution to the state of the label (Cox and McCubbins 1993 and 2005). Cox and McCubbins (1993) explore this notion in greater detail in *Legislative Leviathan*. They find extensive evidence that the reelection fates of incumbents of the same party are tied together, which accords with the idea that the party label should be a collective concern for party members (Cox and McCubbins 1993, 104–109). Moreover, members seem to recognize the existence of this "common element" in the electoral chances of co-partisan incumbents, as evidenced by the negative correlation between the rates of Republican and Democratic congressional retirements (Jacobson and Kernell 1981, 54). If members of Congress are presumed to value their own reelection, internal advancement in the House, their policy priorities, and majority status for their party (which is effectively a prerequisite for internal advancement and quite helpful for passing their favored policies), promoting a positive party label should be a priority for them and their leaders (Cox and McCubbins 2005).

How do party leaders use their delegated agenda-setting powers to establish a favorable legislative record and party brand? Cox and McCubbins (2005, 27) argue that party leaders are expected never to "push bills that would pass despite the opposition of a majority of their party," which represents the key insight of the book. The passage of such a bill—an event that Cox and McCubbins call a "roll"—would shift status quo policies in a direction that the majority of the party finds undesirable, thus harming the party's legislative record and reputation. Indeed, Cox and McCubbins' (2005, 5) theory "stresses the avoidance of party-splitting issues, hence the preservation of some existing policies, as the key to the political survival of majority parties." In practice, majority party leaders do not often permit these party-splitting bills to be placed on the House's legislative agenda: The majority was rolled on just 1.7 percent of all the final-passage votes on joint resolutions in the House from the 83rd to 105th Congresses, an average of 2.1 rolls

per Congress (Cox and McCubbins 2005, 93). Dennis Hastert, the longest-serving Republican Speaker of the House, summarized this trend in 2003 when he said, the "job of the Speaker is not to expedite legislation that runs counter to the wishes of the majority of the majority" (Golshan 2018). This remark led to the coining of the "Hastert rule" (Golshan 2018).

Cox and McCubbins' theory of negative agenda control has had a considerable impact on scholarship related to Congress and partisan influence therein, and the metric of "rolls" has been extensively applied. Several scholars have further investigated procedural cartel theory in the context of the House. Carson, Monroe, and Robinson (2011) analyze party rolls before and after the 1994 midterm elections, concluding that the agenda control behavior of the Republicans upon assuming majority control was quite similar to that of the pre-1995 Democratic majority. Jenkins and Nokken (2008) find virtually no difference between the negative agenda control exercised during lame duck and regular sessions of Congress following the passage of the 20th amendment. Stiglitz and Weingast (2010) argue that negative agenda control in the House has strengthened since the committee reforms of the mid-1970s. Other scholars have examined rolls and procedural cartel theory in the U.S. Senate. Using roll rate data, Gailmard and Jenkins (2007) conclude that the majority party in the Senate exercises significant negative agenda control that is comparable to that exercised by the majority party in the House.

Further scholarship has focused on negative agenda control and roll rates in various state legislatures. Anzia and Jackman (2013) examine all 99 state legislatures[1] to demonstrate that majority roll rates are lower in legislatures in which majority leaders can block bills from consideration or majority-appointed committees can decline to report bills to the floor. Cox, Kousser, and McCubbins (2010) study the cases of the Colorado and California legislatures,

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[1] Nebraska has a unicameral legislature.

where the majority party either lost agenda-setting power following a referendum or has variable agenda-setting power depending on the bill under consideration. They find that reduced agenda-setting power is associated with an increased majority party roll rate and an increased proportion of bills moving policy away from the majority median (Cox, Kousser, and McCubbins 2010).

An additional thread of scholarship has taken a comparative perspective. Various studies have demonstrated that the metric of roll rates and the essence of procedural cartel theory can be applied to other legislatures and parliaments, including the Argentine Chamber of Deputies, the German Bundestag, the Italian Chamber of Deputies, the Israeli Knesset, the Mexican Chamber of Deputies, and the Canadian House of Commons (Jones and Hwang 2005; Chandler, Cox, and McCubbins 2006; Cox, Heller, and McCubbins 2008; Akirav, Cox, and McCubbins 2010; Jenkins and Monroe 2016).

Although the literature has explored procedural cartel theory extensively and found robust evidence that majority parties generally avoid rolls, scholars have left an important facet of negative agenda control largely unaddressed: When does the majority party in the House allow itself to get rolled? Granted, this question may seem relatively inconsequential given the 1.7 percent majority roll rate in the House discussed earlier. But seeing as majority party leaders in the House have near complete control over the legislative agenda (putting aside the rare discharge petition), why should they permit any rolls at all? This question also bears investigation considering Speaker John Boehner's decision to allow six rolls over the course of just thirteen months in 2013 and early 2014. What explains Boehner's repeated violations of the Hastert rule? These are the motivating questions for this paper.

A few scholars have attended to certain components of these questions. Jesse Richman (2015) argues that it can be electorally risky for the majority party to rigidly follow the Hastert

rule, as doing so prevents the passage of popular bills most of the public would support (creating incentives for moderate voters to vote for the minority party). In line with this view, Richman (2015, 138) observes that majority parties that allow fewer issues to be raised in House roll call votes and block more issues at the Committee stage lose more seats in the next election cycle. Richman (2015) also predicts that this electoral risk is greater when the majority party prevents the reconsideration of more extreme status quo policies. Richman's analysis shows that there are electoral incentives for majority leaders to exercise less rigid negative agenda control, which could lead to more rolls. But his findings tell us little about whether and under what circumstances leaders actually take these considerations into account in deciding to violate the Hastert rule. Richman (2015, 1139) does find that more extreme status quo policies supported by the median majority party member—the most electorally risky policies to block—are more likely to be shifted closer to the overall chamber median. However, these shifts do not necessarily represent Hastert rule violations.

Holly Fechner (2014) examines the majority rolls during Boehner's speakership. She concludes that, although Boehner was a "strong adherent" to the Hastert rule, he dispensed with the rule in order to "protect his political party from significant missteps that could diminish their electoral chances in the future" (Fechner 2014, 766-767). For example, Fechner (2014, 769) claims that the Violence Against Women Act ("VAWA") was reauthorized in 2013 over the opposition of the majority of the Republican caucus because Boehner sought to close the electoral gender gap his party faced. Fechner's analysis suggests that, as Richman (2015) predicted, electoral considerations are paramount when it comes to Hastert rule violations. This explanation, however, is incomplete because it does not account for the other potentially electorally beneficial bills Boehner left off the agenda. For instance, as Fechner (2014, 769)

recognizes, Boehner likely could have passed the Senate's immigration reform bill with mostly Democratic votes. Just as the VAWA renewal was designed to make the Republican Party more attractive to women voters, so immigration reform could have helped rectify the Republican Party's electoral deficit with Latino and Asian voters. Nevertheless, Boehner did not bring a comprehensive immigration reform bill to a vote (Fechner 2014).

Finally, in chapter 10 of *Setting the Agenda*, Cox and McCubbins make two important contributions concerning the conditions that may make Hastert rule violations more likely. First, they introduce the idea of the "inconsequential roll," where the House majority is rolled on a bill that will not pass the Senate or that will be vetoed by the President (Cox and McCubbins 2005, 108). Since there is no benefit to blocking bills that will not pass, Cox and McCubbins (2005, 109) alter their main prediction from "the majority party will never be rolled" to "the majority party will never be *consequentially* rolled" (emphasis added). In fact, these types of rolls account for 51 percent of the rolls from the 83rd to 105th Congresses (Cox and McCubbins 2005, 111). While the distinction between consequential and inconsequential roles is noteworthy, we do not know the degree to which majority leaders are actually aware that certain rolls will ultimately be inconsequential. It is possible that leaders mistakenly expected that many bills that rolled the majority, but were not enacted, were in fact going to be signed into law. Additionally, only one of the six majority rolls during Boehner's speakership—the rolls of interest in this paper—was inconsequential.

The other significant contribution from chapter 10 of *Setting the Agenda*, as with Richman (2015) and Fechner (2014), is related to electoral considerations. Cox and McCubbins (2005) argue that there is a heightened electoral cost associated with blocking issues that are highly salient to the public. Correspondingly, they find that the majority roll rate is much greater

for salient "landmark" or "major" bills during a small sample of Congresses compared to the overall consequential roll rate for such period (Cox and McCubbins2005, 111–112).[2] Cox and McCubbins (2015, 113–114, 119) further suggest that the driving force that raises the salience of these issues is presidential pressure. The authors rely heavily on Samuel Kernell's theory of how presidents can "go public" to "focus public attention on issues of their choosing" and generate public support for their positions, thus forcing the hand of a reluctant Congress (Cox and McCubbins 2015, 113–114, 119). Certainly, issue salience does appear to be an important factor in causing rolls. But Cox and McCubbins err in their relatively uncritical acceptance of the efficacy of going public. A substantial body of evidence has accumulated that suggests that going public is not a useful strategy for changing public opinion and influencing congressional action. In his influential book *On Deaf Ears*, George Edwards (2003, 241) analyzes decades of polling data to conclude that "presidents typically do not succeed in their efforts to change public opinion." Summarizing a variety of scholarly work, Tedin et al. (2011, 506) note that the causes of the failure of going public include "shrinking audiences, media message screeners, political partisanship, and the inattentiveness of mass audiences"[3]—influences that show no sign of abating. Given the practical ineffectiveness of going public, it is difficult to accept Cox and McCubbins' view that such a strategy is a primary cause of majority rolls.

The main takeaways from Richman (2015), Fechner (2014), and Cox and McCubbins (2005) concerning Hastert rule violations are that there is likely an electoral benefit in allowing some majority rolls, particularly on salient bills, and party leaders sometimes recognize this and act accordingly. Needless to say, we still lack a robust understanding of why Hastert rule

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[2] Specifically, during even-numbered Congresses from the 84th to 98th Congresses, the consequential majority roll rate was 0.43 percent compared to a 2.0 percent roll rate on "landmark" or "major" bills (Cox and McCubbins 2005, 111).
[3] See Edwards (2003); Wattenberg (2004); Baum and Kernell (1999); and Cohen (2008).

violations occur beyond vague, inconsistently applied electoral motives. Moreover, while there may be an electoral rationale to allow rolls, theoretically there should also be prevailing electoral reasons to abide by the Hastert rule. After all, Cox and McCubbins' procedural cartel theory has electoral motivations at its core: Majority leaders exercise negative agenda control to compile a favorable record of legislative accomplishment, which creates a positive brand name for the majority party that in turn makes re-attainment of the House majority more likely. Blocking salient bills may come with electoral risks, but cartel theory predicts that revealing intraparty factionalism by violating the Hastert rule is likewise electorally harmful. How do we reconcile this conflict, and how can we better understand Hastert rule violations? I take up these questions in the following sections.

Expanding the Concept of Party Brand: **Beyond Cox and McCubbins**

The first step in examining why party leaders permit majority rolls is to investigate the concept at the heart of procedural cartel theory: the party reputation, label, or brand. As discussed, due to its effect on the reelection chances of party members, the party brand is what leaders in the House seek to protect by keeping party-splitting issues off the legislative agenda (Cox and McCubbins 1993; 2005). Cox and McCubbins (1993, 102) define this concept in *Legislative Leviathan* as "the central tendency in citizens' beliefs about the actions, beliefs, and outcomes attributable to the national party." [4] This conception of party brands is quite similar to that used by other scholars of political brands. Drawing from cognitive psychology learning theory and the associative network model of consumer memory, Smith and French (2010, 212) define a political brand as "an associative network of interconnected political information and

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[4] Cox and McCubbins use the term "public record" in *Legislative Leviathan* (1993), and they use "label," "reputation," and "brand name" in *Setting the Agenda* (2005).

attitudes, held in memory and accessible when stimulated from the memory of a voter." In relation to political parties, this associative network is composed of various interconnected "nodes," or features a voter has linked to a party, including experiences, feelings, images, and issues (Smith and French 2010). Importantly, these associations end up in a voter's associative network not through an intensive or systematic search, but through a process of unmotivated learning: The voter absorbs fragments of information and "public sentiments" he or she happens to encounter about parties and then "tie[s] this information together [. . .] to convey an overall picture of each party" (Nielsen and Larsen 2014, 155-157). Party brands matter electorally because voters, rather than expending the substantial effort necessary to learn detailed information about a candidate's policies or values, will use the associations that comprise the party brand as a heuristic to inform their voting decisions (Smith and French 2010; Nielsen and Larsen 2014).

While a party's brand may serve as a heuristic for voting in a complex world, its relevance to legislative politics depends on whether legislators and party leaders recognize this and act to improve the party label. Butler and Powell (2014) find evidence that legislators do care about an important component of the party brand: the party valence brand. The valence component, in contrast to the policy "positional component," conveys information about the non-ideological actions of a party, such as good governance activities and avoiding scandals (Butler and Powell 2014, 492). Using survey experiments sent to voters and state legislators, Butler and Powell (2014) conclude that voters not only reward candidates for their party's positive valence brand (which in the surveys was represented by passing the budget on time and being rated as ethical), but party leaders are also more likely to pressure members on votes that could influence the valence component. The latter finding indicates that legislative leaders do in fact "act in

anticipation of affecting the party valence brand" (Butler and Powell 2014, 503), demonstrating the importance of party brands for legislative politics.

This discussion of party brands is related to procedural cartel theory and the occurrence of Hastert rule violations because it shows that Cox and McCubbins take an overly restrictive view of what constitutes a party's reputation. Keeping party-splitting issues off the agenda may well bolster a party's brand, but there is no reason to think that such a tactic is the only way to maintain the value of the party label. Party unity is but one of a plethora of experiences, feelings, outcomes, and beliefs contained in the associative networks that comprise a party brand. Considering the nature of party brands, it is reasonable to think that majority rolls may not always be harmful to a party's label. Rather than necessarily hurting the brand, allowing some majority rolls to occur may actually prevent harm to a party's reputation. For example, if voters strongly favor the passage of a particular bill or the implementation of a policy—such as passing a timely budget, as seen in Butler and Powell's (2014) study—party leaders that keep that issue off the legislative agenda in order to avoid a roll could conceivably inflict greater damage to their party's reputation than would the roll. The negative public sentiments engendered by the party's failure to act would create negative associations with that party in voters' associative networks, associations that could be activated when the voter uses the party brand as a heuristic at the ballot box. A damaged party brand would endanger electorally vulnerable members and the prospects for retaining majority status. Indeed, it seems that in certain circumstances, addressing, rather than avoiding, party-splitting issues may be the "key to the political survival of majority parties" (Cox and McCubbins 2005, 5).

This expanded conception of party reputation also helps to explain the intuitions behind Richman (2015), Fechner (2014), and Cox and McCubbins' (2005) discussion of the electoral

incentive leaders have to violate the Hastert rule on occasion. In particular, it accounts for Cox and McCubbins' finding that majority roll rates are greater for highly salient bills. Since party brand names are formed out of voters' "unmotivated learning" and "careless information processing" of public sentiments surrounding a party (Nielsen and Larsen 2014, 156–157), salient issues—those topics that voters care about and will draw voters' attention—will have the biggest impact on the party brand name. Salient issues will thus be more likely to appear on the legislative agenda, despite the potential for rolls, as the status of the party brand name is most at stake in these circumstances.

Ticking Clock Issues and Majority Rolls

Although issue salience may be an important contributing cause of Hastert rule violations, it is not a sufficient condition. For example, a number of highly salient issues that some suggest would have rolled the majority, had they been voted on, were not placed on the legislative agenda under John Boehner. This list includes the immigration reform bill discussed earlier as well as gun control (MSNBC 2013), which are two issues that President Obama highlighted in the 2013 State of the Union address.[5] What determines which salient issues will and will not lead to Hastert rule violations? If majority leaders allow rolls in order to preserve the party brand, as I have posited, then this question can be reframed as: Which salient issues would inflict the most damage to the party brand if they were blocked by the majority party?

For a party brand to be harmed by keeping an issue off the agenda, voters must know that the majority party has blocked that issue, and they must care that the issue is being blocked. This is not an easy condition to satisfy, as the average voter has a hard time keeping track of

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[5] Certainly, other factors, such as interest group pressure, contributed to keeping these issues off the agenda.

what Congress does, let alone what it fails to do. Summarizing the empirical record, Mondak et al. (2007, 34) state that "Americans seem to know little about the dominant players in Congress, how Congress operates, and the legislation Congress produces." Amid their "careless information processing" and political disengagement, voters must nevertheless have their attention drawn to a blocked issue and recognize that the majority party has blocked it if blocking is to be costly to the party brand. To pose yet another refining question based on this logic: Which salient issues will likely draw the attention of voters if these issues are blocked by the majority party? This is the critical question, as blocking these issues would harm the majority party reputation, so party leaders choose to instead violate the Hastert rule and allow these issues on the agenda to prevent damage to their party's brand.

The answer I propose to this question, which I will advance for the remainder of this paper, is that what I term salient "ticking clock issues" make majority rolls more likely. Ticking clock issues are time-sensitive. If the issue is not addressed by Congress, there will be a noticeable change in the status quo, such as the automatic termination of an existing statute, regulation, appropriation, or program. Ticking clock issues can be divided into two main categories. The first category includes temporary authorizations, appropriations, or other laws set to expire. The U.S. debt limit is an example of this type of ticking clock issue because once the limit is reached, absent explicit action by Congress, the borrowing ability of the federal government is automatically constrained. The second category is issues created by events that drastically alter the status quo and create a need for remedial action. For example, a hurricane that hits the United States can create the ticking clock need for disaster relief funding. Ticking

clock issues are conceptually similar to Adler and Wilkerson's (2013, 120–121) concept of "compulsory" issues.[6]

Following the logic discussed earlier, majority rolls are more likely to occur for ticking clock issues because a failure to address these issues will damage the party's brand: Inaction will draw voters' attention, harm the blocking party's label, and endanger the party's majority status. Leaving a ticking clock issue off the legislative agenda will draw voters' attention, as blocking these issues results in the noticeable, tangible consequence of losing an existing policy or state of affairs. For example, failing to raise the debt ceiling leads to the visible loss of the federal government's borrowing authority. This type of consequence contrasts with the results of blocking non-ticking clock, or "discretionary" issues (Adler and Wilkerson 2013, 122–123). Keeping a discretionary issue, such as a gun control or immigration reform bill, off the agenda is conceptually distinct from failing to address a ticking clock issue. If the majority party never schedules a vote on a gun control bill, there is no policy loss; rather, there is a failure to enact a policy gain. I predict that voters (and thus the majority party) will pay more attention to, and care more about, losses (ticking clock issues) than foregone gains (discretionary issues).

There are three main reasons why failures to address salient ticking clock issues, as opposed to discretionary issues, have the greatest potential to elicit voter attention and damage the party brand. First, it is more likely that politically disengaged voters will be aware of ticking clock issues because they involve more observable changes. Expirations of policies have tangible, perceptible effects: A program that used to provide benefits no longer does, a

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[6] The principal difference between "ticking clock" issues and Adler and Wilkerson's "compulsory" issues is that "compulsory" issues include both expiring laws and important issues, defined by whether the issue was covered by the *Congressional Quarterly Almanac*. Ticking clock issues include expiring laws but not all important issues, as important issues that are also ticking clock issues must arise from something that causes a drastic departure from the status quo and creates a need for corrective action.

government function—such as the ability to borrow money in the case of the debt limit—ceases to exist. By contrast, it is much more difficult for voters to notice forgone policy gains. The majority party does not take up hundreds of discretionary issues every year, often simply due to time constraints. In contrast to ticking clock issues, leaving discretionary issues off the agenda merely maintains the status quo. Why would the typical "unmotivated learning" voter notice inaction on any particular discretionary issue? If voters do not notice a party's inaction on an issue, then the inaction will not impact the party's brand, so majority leaders will be less likely to allow a majority roll over that issue. Certainly, some discretionary issues can become salient, such as those championed by the minority opposition, and the majority party could be blamed for inaction. But all else being equal, the probability that voters will notice an issue and hold a majority party accountable for blocking it should be greater if there is an observable change in the status quo due to inaction.

The second reason is the enhanced traceability of ticking clock issues. If a party's brand is to be harmed from failing to address an issue, voters must not only be aware of the issue and its effects, but they must also trace the observed effects back to the party's decision to ignore the issue. Compared to discretionary issues, the consequences of blocking ticking clock issues can more easily be traced back to the House majority's inaction. This becomes evident when we consider Arnold's (1990, 47–49) three conditions that traceability requires: a perceptible effect, an identifiable governmental action, and a legislator's visible contribution.[7] I discussed above how blocking ticking clock issues is more likely to result in perceptible effects. Regarding the second condition, it is difficult to attribute the effects of blocking discretionary issues to the

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[7] Arnold's conditions are intended to explain the traceability of the decisions of individual legislators, but the insights can be readily adapted to the discussion of majority rolls. Just as legislators must consider the traceability of their roll call votes, so majority party leaders must consider the traceability of their negative agenda control decisions out of concern for the party brand.

"identifiable government action" of blocking; discretionary issues are likely to involve persistent, intractable social problems, such as gun violence, that existed long before a majority party declined to address it during a particular Congress. On the other hand, given their time-sensitive nature, ticking clock issues create noticeable effects stemming from an explicit decision to leave them off the agenda. Finally, for similar reasons, the majority party's "individual contribution" is much clearer for ticking clock issues. While many past Congresses have had the opportunity to address discretionary issues, ticking clock issues arise while a specific majority party controls the legislative agenda. Inaction on that issue is directly attributable to the majority party. Considering the traceability of ticking clock issues, majority parties should be loath to jeopardize their reputation by blocking these issues, preferring instead to risk a majority roll and address them.

The third reason that voters will be more likely to notice failures to prevent loses than failures to enact policy gains is derived from the cognitive bias known as "loss aversion." Loss aversion is an element of prospect theory, which was developed by psychologists Daniel Kahneman and Amos Tversky to describe the way people make decisions under risk (Kahneman and Tversky 1979). In contrast to expected utility theory, prospect theory posits that people tend to think about choices in terms of the potential gains and losses in assets defined around a reference point rather than in terms of final net asset levels (Kahneman and Tversky 1979). The reference point is typically the status quo (Kahneman and Tversky 1984). Not only do people think in terms of gains and losses, but they also treat gains and losses differently, as "losses loom larger than corresponding gains" (Tversky and Kahneman 1991, 1039). This phenomenon of loss aversion implies, for example, that the pleasure one experiences from receiving five dollars is less in magnitude than the pain from losing an equivalent amount. Another implication of loss

aversion is "status quo bias": "Individuals have a strong tendency to remain at the status quo, because the disadvantages of leaving it loom larger than the advantages" (Kahneman, Knetsch and Thaler, 1991, 197–198). Loss aversion is a deeply ingrained bias that may have evolutionary roots: losses of resources could be fatal for ancestral humans living in subsistence economies (McDermott, Fowler, and Smirnov 2008). Indeed, some studies suggest that losses hurt twice as much as gains satisfy (Tversky and Kahneman 1991; Tversky and Kahneman 1992).

A few scholars have applied the concepts of loss aversion and status quo bias within the American political context, finding that the biases can affect public opinion and legislator behavior. Quattrone and Tversky (1988), for example, observe that people's preferences for candidates in survey experiments exhibit significant status quo bias.[8] They further find that individuals are more likely to favor passage of the Equal Rights Amendment if the issue is framed as removing discrimination (undoing a negative state) rather than improving women's status in society. Loss aversion has also been linked to voters' negativity bias—the tendency for negative information and policy losses to have a greater impact on voters' attitudes than do equally extreme positive information and policy gains (Soroka 2006; Jacobs and Weaver 2015). R. Kent Weaver (1986, 371) argues that this bias causes legislators to be "motivated primarily by the desire to avoid blame for unpopular actions rather than by seeking to claim credit for popular ones" (Weaver 1986). These studies show that loss aversion is a highly generalizable concept, one with effects that reach beyond Kahneman and Tversky's original experiments and into the domain of politics.

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[8] In the experiments, participants supported a candidate if his policies maintained the current levels of inflation and unemployment, but they opposed a candidate with identical policies if the policies would cause a departure from the status quo (Quattrone and Tversky 1988, 725).

How does loss aversion relate to ticking clock issues and Hastert rule violations? If losses loom larger than gains, then voters will pay more attention and be more concerned if the House majority party fails to prevent a loss than if it fails to enact a gain. Restated in the nomenclature of party brands, if the majority party does not address a ticking clock issue and a loss of some sort occurs, then voters' associative networks that comprise the party's brand will be impacted to a greater degree than if the party leaves a discretionary issue off the agenda. If, as I have argued, parties are willing to violate the Hastert rule to protect their reputation (much as legislators are motivated to avoid blame, as per Weaver (1986)), then ticking clock issues should lead to more majority rolls relative to discretionary issues. Majority rolls caused by the second category of ticking clock issues—issues that arise from events that drastically alter the current state of affairs—can also be explained by loss aversion and the related concept of status quo bias. If an event of this sort occurs, individuals' sensitivity to losses and their desire to return to the status quo ante likewise incentivize the majority party to take action, even if it means risking a roll.

In sum, since ticking clock issues are more likely to be noticed and to be a concern for voters—because these issues are more readily observable, traceable, and implicate loss aversion—ticking clock issues have the greatest potential to devalue the brand of the majority party that ignores them. The majority party should thus be more willing to violate the Hastert rule by allowing ticking clock issues on the agenda to prevent damage to the party label, protect vulnerable members, and hopefully retain majority status.

Empirical Tests: Speaker John Boehner's Rolls

Having described my theory predicting the types of issues that make majority rolls more likely, I now turn to testing my theoretical expectations. To do so, I will examine the six Hastert

rule violations that occurred during John Boehner's speakership. I exclude from my analysis the remaining bills that passed the House under Boehner. These bills, which comprise the vast majority of bills passed during this period, are consistent with Cox and McCubbins' (2005) procedural cartel theory (since they were passed with the support of the majority Republican caucus) and are thus not relevant to my theory. One of the many examples of this type of bill is the Nuclear Iran Prevention Act of 2013, which passed the House on July 31, 2013 by a vote of 400-20, with 222 out of 225 Republicans voting in favor (CQ Almanac 2014c). I also will not examine the thousands of bills that were introduced but did not receive a roll call vote on the House floor while Boehner was Speaker. Of these bills, the ones that are relevant to my theory are those that would have rolled the Republican majority had they been voted on—a group that can be termed "majority-roll-inducing bills" that did not receive a roll call vote. My theory would predict that a majority-roll-inducing bill that addresses a salient ticking clock issue is more likely to receive a roll call vote compared to a majority-roll-inducing bill that addresses a discretionary issue. However, I do not examine majority-roll-inducing bills that did not receive a roll call vote because I lack a systematic way to predict which bills would have rolled the majority had they been brought to a vote.

The remaining bills that I will explore in detail are the six bills that passed the House under Boehner over the opposition of the majority of the members of the majority Republican caucus. My theory predicts that salient ticking clock issues make majority rolls more likely, so I will assess whether each of these six bills addresses issues that qualify as both salient and ticking clock in nature. If my theory has strong predictive power, we should expect many of these six bills to address salient ticking clock issues rather than discretionary issues. However, this outcome is also dependent on the number of majority-roll-inducing bills introduced in the House

that address each type of issue (ticking clock or discretionary). If significantly more majority-roll-inducing bills are introduced that address discretionary as opposed to ticking clock issues, we should expect fewer Hastert rule violations over ticking clock issues. However, I lack a list of introduced majority-roll-inducing bills of each type. One substitute for this list is Adler and Wilkerson's (2013) classification of all bills from the 101st–104th Congresses as either "compulsory" or "discretionary." As discussed above (see footnote 6), these categories are similar to what I term salient ticking clock and discretionary issues. Adler and Wilkerson (2013) find that just 14 percent of bills introduced during these Congresses addressed compulsory issues (which map onto salient ticking clock issues), while the remainder addressed discretionary issues (which are similar to my use of the same term). Although Adler and Wilkerson (2013) do not predict which of these bills would have induced a majority roll if they had been voted on, it may be instructive to assume that the proportion of all introduced majority-roll-inducing bills that address ticking clock issues is approximately as small as the proportion of all introduced bills that address compulsory issues. If this assumption is correct, then we should expect fewer Hastert rule violations over ticking clock issues since a relatively small number of the relevant bills tend to be introduced. Therefore, if most or all of the six rolls under Boehner addressed salient ticking clock issues (despite the predicted low proportion of majority-roll-inducing bills of this type), we would find more substantial support for the theory.

In addition to determining whether salient ticking clock issues caused the six Hastert rule violations, I will also assess whether the issues threatened to damage the Republican Party brand through the mechanisms discussed in this paper. The theory predicts that, if they were not addressed, the issues at hand would cause perceptible negative effects, would be traced back to, and blamed on, the Republican majority, and would evoke people's loss aversion.

Fiscal Cliff

The fiscal cliff was a group of massive tax increases and spending cuts that were set to take effect automatically at the beginning of 2013 (CQ Almanac 2013). The pending tax increases, which totaled $500 billion in new revenue, were a result of the expiration of Bush era tax cuts and would have raised all income, payroll, estate, and capital gains tax rates (Masters 2012). The over $100 billion in pending spending reductions included cuts to the national defense budget, unemployment benefits, and other areas (Masters 2012). During end-of-year negotiations, congressional Republicans led by Speaker Boehner demanded that any deal to avoid the cliff include large spending reductions but preserve the Bush tax cuts, while Democrats insisted that taxes be raised on the wealthy (CQ Almanac 2013). Ultimately, Boehner largely caved to Democratic demands, scheduling a January 1 vote on a package that avoided the cliff by raising taxes on high income earners and delaying the spending cuts (CQ Almanac 2013). The bill passed with just 85 out of 241 House Republicans in favor, rolling the majority party.

The fiscal cliff majority roll fits the predictions of the theory quite well. First, the fiscal cliff was undoubtedly salient. Congressional Quarterly Almanac (2013) called the deal the "most significant moment in the second session of the 112th Congress," while two-thirds of voters said they were following the issue closely a month before the deadline (Clement 2012). To recap, salience is an important contributing factor in majority rolls because issues can more easily impact the party brand if voters are concerned and paying close attention. The fiscal cliff also satisfies the main test of the theory, as it was a ticking clock issue. Had congressional leaders not acted, policy change would have automatically occurred, as immense tax increases and spending cuts would have taken effect in the new year. CNN's coverage of the fiscal cliff negotiations

even included an actual ticking clock, omnipresent in the corner of the screen, counting down the seconds until the country would "go over the cliff" (CNN 2012).

Failing to address the fiscal cliff likely would have damaged the Republican Party brand in ways consistent with the theory. The increase in taxes and reduction in government spending would have evoked the loss aversive tendencies of voters, as the new tax rates and reduced unemployment benefits would have caused millions of Americans to lose money in some form. Voters were aware of these effects and traced them back to the actions of the Republican majority in the House. Polling showed that voters anticipated perceptible effects if a deal were not reached, with a large majority of voters expecting a "major" and "negative" effect on the U.S. economy and a negative effect on their personal financial situation (The Washington Post 2012). Voters' expectations were accurate. In addition to the widespread tax increases, most economists predicted that the fiscal cliff would lead to a renewed recession (Masters 2012). These effects would have been traced back to the Republicans: By a 2 to 1 ratio, people surveyed said congressional Republicans would be more to blame than President Obama if an agreement were not reached (Clement 2012). Republican lawmakers seemed to recognize this situation. As one Republican congressman explained, "The Republicans are in an untenable situation. If we don't do anything, we go over the fiscal cliff. And then the president will come back . . . and if the economy goes to hell, he's going to say it was the Republicans' fault" (Montgomery and Helderman 2012). It is thus no surprise that Boehner violated the Hastert rule to prevent the country from going over the cliff.

Hurricane Sandy Aid

On October 29, 2012, the northeastern United States was struck by Hurricane Sandy, a "superstorm" that would go on to cause an estimated $82 billion in damage (Hernandez 2013)

and over 70 deaths primarily across New Jersey, New York, and Connecticut (CNN 2018). In late December, the Senate passed a comprehensive aid package, but Boehner declined to schedule the bill for a vote until the next Congress convened amid concerns within his caucus about authorizing billions in new spending (CQ Almanac 2014d). The decision to delay consideration of the aid package provoked widespread, public, and bipartisan outrage, especially from Republican politicians from the affected states (Levs and Watkins 2013). The House voted for an initial $9.7 billion of aid on January 4, before eventually passing a $50.5 billion aid package on January 15 (CQ Almanac 2014d). With only 49 Republicans voting in favor of the larger package, the House majority was rolled on the bill (CQ Almanac 2014d).

The Hurricane Sandy aid package is in accord with the predictions of the theory. The situation was salient, as the storm itself naturally dominated news coverage, and tens of millions of Americans were directly affected by the hurricane. The legislative strife was also salient, as Congressional Quarterly Almanac (2014c) listed the majority roll as one of the 14 most important House roll call votes of 2013. Prominent politicians such as New Jersey Governor Chris Christie made public statements condemning congressional inaction, which further raised the salience of the legislative proceedings. The aid package was also a ticking clock issue, fitting into the second category of ticking clock issues that arise after a radical departure from the status quo. The vast damage caused by Hurricane Sandy certainly created a time-sensitive need for recovery funding.

The Republican majority's inaction likely damaged the party brand (and would have continued to damage it further if not for the roll), as the theory predicts. Sensitive to the losses incurred as a result of the storm, voters in the Northeast undoubtedly wanted to return to the state of affairs prior to the hurricane as quickly as possible, increasing the urgency for Congress to act.

24

The effects caused by the storm—damaged homes and businesses, shuttered subways and commuter rail systems—were eminently perceptible, making the recovery efforts a central issue in the lives of millions and focusing attention on congressional inaction. Most importantly, voters were cued by prominent politicians from both sides of the aisle to blame the Republicans in the House for delayed funding. In an impassioned speech decrying the federal government's insufficient response, Governor Christie proclaimed that there was "only one group to blame for the continued suffering of these innocent victims: the House majority and their speaker, John Boehner," and railed against "the toxic internal politics of the House majority" (Levs and Watkins 2013). The destruction brought by Hurricane Sandy and the bipartisan signals to voters that the House majority was, as Governor Christie and New York Governor Andrew Cuomo jointly stated, "failing to come to the aid of Americans," put immense pressure on Boehner to put a disaster relief bill on the agenda. Knowing his party's reputation would suffer if the House further delayed recovery funding, Boehner unsurprisingly violated the Hastert rule.

Violence Against Women Act Reauthorization

The Violence Against Women Act is a 1994 law that provides funds to assist local authorities with the prosecution of sexual and domestic violence cases and to aid the victims of these crimes (Helderman 2013b). Praised for its effectiveness in addressing domestic and sexual violence, the law had been previously reauthorized twice with bipartisan support (Thayer 2019; Helderman 2013a). The VAWA's authorization expired in September 2012 (although its associated programs continued to operate into 2013 (Khimm 2013)) when House Republicans rejected the inclusion in the Senate's proposed reauthorization bill of new protections for LGBT, Native American, and undocumented victims (CQ Almanac 2014b). In the next session, the Senate passed a similar bill with 23 Republican votes (CQ Almanac 2014b), as women's

advocacy groups and many Republicans in Congress put pressure on Boehner to reauthorize the law (Helderman 2013a). After a GOP-proposed substitute failed in the House, Boehner brought the Senate bill up for a vote, and it passed with 87 Republicans in favor but 138 voting "nay" on February 28 (CQ Almanac 2014b).

The VAWA reauthorization roll provides further support for the theory. As a salient issue, the legislative debate over the VAWA received extensive media coverage, and CQ Almanac (2014c) included the House vote as one of the 14 most important House roll call votes of 2013. The VAWA was also a ticking clock issue: Had Congress not reauthorized the law, many of the various local and state programs that rely on funding from the VAWA would not have been able to continue to operate.

Inaction would have damaged the Republican party brand. The perceptible effects of losing a popular law (Gallup 2013a) and the associated victim assistance programs would have caught the attention and evoked the loss aversion of victims directly helped by the law as well as millions of voters sympathetic to the issue. Importantly, the voters made aware of the issue likely would have traced the expiration to the (in)action of Republicans: While the Senate Democrats passed a bipartisan reauthorization bill that had the public support of 1,300 women's and human rights groups (Parker 2013), the Republicans could not even manage to pass their own version in the House. Moreover, the prevailing media narrative was one of Republican obstruction, a fact that was recognized by Republicans such as Senator Lisa Murkowski who "warned her colleagues that the party was at risk of being successfully painted as antiwoman" (Weisman 2012). Ultimately the House republicans recognized that reauthorizing the VAWA was something that, as one GOP Representative put it, "[t]he majority of the country feels strongly . . . is something [Congress] ought to do" (Helderman 2013). Failing to act would have harmed the

GOP brand and further widened an electoral gender gap that the 2012 elections had illuminated (Fechner 2014).

Government Shutdown

On October 1, 2013, the federal government entered a shutdown after House Republicans refused to vote on any appropriations continuing resolution that did not defund or limit the full implementation of the Affordable Care Act (CQ Almanac 2014a). During the shutdown, most routine federal government functions ceased, and federal workers were either furloughed or forced to work without pay (Plumer 2013). At first, the Republicans tried to blame the Democrats for the shutdown, but the Republican conference fell victim to infighting over the party's controversial and increasingly unpopular tactic (Phillip 2013). After House Republicans were unable to unite behind a solution, and with the U.S. debt limit fast-approaching, Boehner agreed to vote on a continuing resolution that included virtually none of the original Republican demands (CQ Almanac 2014a). The "clean" continuing resolution and debt limit raise passed the House on October 16 with only 87 Republican "yea" votes, ending the shutdown but rolling the majority party (CQ Almanac 2014a).

The 2013 government shutdown is in line with the expectations of the theory. The shutdown was a highly salient issue, one that dominated news coverage and was, unsurprisingly, covered by CQ Almanac's (2014c) list of key 2013 House votes. The shutdown was also a ticking clock issue: Had Congress not come to an agreement, more and more people would have been adversely affected by the suspension of government services and the U.S. would have reached its debt limit.

As the theory predicts, the Republican brand was harmed by the shutdown and would have been damaged further had Boehner not passed the clean continuing resolution. The

shutdown had numerous immediate, perceptible consequences that evoked people's loss aversion and focused the country's attention on congressional inaction. The perceptible losses included withheld pay from over two million federal workers, the cessation of the National Institutes of Health clinical trial enrollment, the closing of national parks, the lack of new loans from the Small Business Administration, and an end to food safety inspections, among many other consequences (Plumer 2013). The effects of not raising the debt ceiling would have arguably been more severe, as I will discuss in detail in the next subsection. Voter concern over the shutdown's effects was clear from a poll showing that 73 percent of the country considered the shutdown "very serious" or "quite serious" (Klein 2013). Critically, people attributed these effects to the House majority's inaction: The public believed the Republicans were more to blame for the shutdown than President Obama by a 22-point margin (Klein 2013). Furthermore, during the shutdown fight, the favorability rating of the Republican Party hit its lowest point since Gallup began assessing party favorability in 1992 (Gallup 2013b). Meanwhile, the popularity of the Affordable Care Act—the law the House majority had shut down the government to defund—increased by seven percentage points from September to October 2013 (Klein 2013). Republican leaders were cognizant of the potential damage to their party's brand caused by the shutdown and tried to limit it: Casas and Wilkerson (2017, 804) analyzed the tweets of party leaders and electorally vulnerable Republicans, finding that these tweets "emphasized the party's effectiveness in working to end the shutdown" rather than the policy differences that caused the impasse. Despite this valence-branding strategy, the Republican label was badly damaged during the shutdown and would have been harmed even more if the debt limit had been reached. With his party's reputation at stake, Boehner violated the Hastert rule.

Debt Limit

In February of 2014, Treasury Secretary Lew began to take "extraordinary measures" to postpone reaching the U.S. debt ceiling, pushing the debt limit to February 27 (CQ Almanac 2015). Faced with the impending deadline, Republicans attempted to extract a deficit reduction deal or other policy concessions from President Obama and Senate Democrats in exchange for a debt limit increase (CQ Almanac 2015). However, after Obama declined to negotiate and House Republicans were unable to unite behind any policy demand, Boehner allowed a vote on a "clean" debt ceiling raise (Weisman and Parker 2014). On February 11, the House passed the extension with the support of just 28 Republicans (CQ Almanac 2015).

The clean debt ceiling extension is explained well by the theory. While the legislative debate surrounding the debt limit was moderately salient, receiving extensive coverage in news outlets, failing to lift the debt limit in time would have undoubtedly been an extremely salient outcome. The debt limit, as discussed, is also a ticking clock issue. If the debt limit is not raised the borrowing ability of the federal government is automatically constrained, forcing the government to default on its debt payments.

A default would have severely harmed the Republican party brand. Naturally, defaulting on U.S. debt obligations would come with significant negative consequences that would be eminently perceptible, evoke people's loss aversion, and focus attention on congressional inaction: Credit markets would dry up, interest rates would increase, stock prices would fall, the value of the dollar would drop, and a financial crisis could ensue (U.S. Department of the Treasury 2013). Many of these consequences began to occur during the debt ceiling crisis in 2011 when Congress flirted with default (U.S. Department of the Treasury 2013). These effects likely would have been traced back and attributed to the Republicans in Congress, as one poll

found that the public would blame the Republicans more than Obama for failing to raise the limit by a 24-point margin (CNN 2014). Faced with the prospect of his party being held responsible for untold economic harm, Boehner protected the Republican brand by allowing the House majority to be rolled.

American Battlefield Protection Program

On April 9, 2013, the House passed a bill to expand and reauthorize the American Battlefield Protection Program (H.R. 1033, 113th Cong. (2013)), which promotes the preservation of historic American battlefields largely through grants. The House bill reauthorized the program through 2018 (at a cost of $10 million per year) and expanded it to include battlefields of the Revolutionary War and the War of 1812 (H.R. 1033, 113th Cong. (2013)). With 101 Republicans voting in favor and 122 opposed, the bill rolled the majority party, but the Senate did not proceed to take up the bill during the same session (H.R. 1033, 113th Cong. (2013)).

The theory does not adequately explain this majority roll. For starters, the issue was not at all salient. A few news outlets did cover the minor bill's passage, but these articles were written to report that there was a Hastert rule violation and not because the issue at hand was important (Kasperowicz 2013; Strong 2013). While the bill was technically a ticking clock issue since the program was set to expire in October, there were virtually no perceptible effects or losses from failing to act, save for a select few grants that would not be issued. Why, then, did the roll occur? The explanation Cox and McCubbins (2005) would provide is that since the Senate did not take up the bill, the roll was an inconsequential roll. Although it is possible the majority leaders allowed the vote because they knew it would not be enacted, there was no clear indication at the time that the Senate would not vote on the bill. Another explanation comes from

Sarah Binder (2013), who notes that the conservative Heritage Action group scored the vote for the group's rating of congressional voting records because the bill authorized additional spending. Furthermore, she finds that GOP congressmen from safe districts were more likely to vote for the bill compared to those from swing districts, suggesting that the vote was an opportunity for "marginal GOP [. . .] to bolster their conservative credentials" (Binder 2013). It is also possible that majority leaders did not expect a roll at all, since very similar bills had been passed previously by voice vote each time (Binder 2013). Regardless of the actual reasons for the Hastert rule violation, due to the low salience and minor impact of the bill, it is clear that the issue did not jeopardize the Republican brand name.

Summary of Results

Issue	Bill	Roll Call Vote	Salient?	Ticking Clock Issue?	Predicted by the Theory?
Fiscal Cliff	H.R. 8	R: 85-151 D:172-16 Total: 257-167	✓	✓	✓
Hurricane Sandy Aid	H.R. 152	R: 49-179 D: 192-1 Total: 241-180	✓	✓	✓
Violence Against Women Act Reauthorization	S. 47	R: 87-138 D: 199-0 Total: 286-138	✓	✓	✓
Government Shutdown	H.R. 2775	R: 87-144 D: 198-0 Total: 285-144	✓	✓	✓
Debt Limit	S. 540	R: 28-199 D: 193-2 Total: 221-201	✓	✓	✓
Battlefield Protection Program	H.R. 1033	R: 101-122 D: 182-0 Total: 283-122		✓	

The results of the empirical tests are summarized in the table above. These findings provide evidence for the theory that salient ticking clock issues make Hastert rule violations more probable. In five of the six cases, the bill that caused the majority roll addressed a salient

ticking clock issue, as predicted by the theory. Moreover, each of these issues were, as expected, associated with perceptible negative consequences—ones that likely would have been blamed on the Republican majority and would have evoked voters' loss aversion. The results are even more supportive of the theory if we assume that a relatively small proportion of all majority-roll-inducing bills introduced during Boehner's speakership addressed salient ticking clock issues. While these case studies are by no means dispositive, they suggest that majority leaders in the House violate the Hastert rule over salient ticking clock issues to avoid damage to the party brand.

Conclusion

I have argued that the key to explaining why majority rolls occur is to investigate the concept at the heart of the theory explaining why rolls are so rare: the party brand. Understanding the party brand as an associative network of information and attitudes about a party allows us to consider factors that impact the brand beyond simply the presence or absence of party-splitting issues. Indeed, violating the Hastert rule over certain bills can prevent damage to the party reputation if keeping these issues off the legislative agenda would elicit voters' attention and shine a negative light on the party. The types of issues that would have this effect are salient ticking clock issues, those time-sensitive issues that would cause a noticeable change in the status quo if not addressed by Congress. Unlike discretionary issues, blocking ticking clock issues has perceptible effects, which could arouse the attention of even politically disengaged voters and evoke their natural aversion to losses. When these issues are traced back to the inaction of the party that controls the House, the majority party's brand and prospects for retaining majority status are at risk. Aware of this threat, majority leaders allow majority rolls

over ticking clock issues rather than jeopardize their party's political survival. This pattern was clearly demonstrated by five of the six Hastert rule violations during the speakership of John Boehner.

The theory outlined in this paper lends itself to a number of pathways for future research. The most important next step would be to test the theory more rigorously. Such a study would consider all bills that are introduced in the House, not voted on, and predicted to cause a majority roll if they did reach the floor (a prediction that could possibly be made by adapting the methods of Richman (2015)). The study would classify these bills according to whether or not they address salient ticking clock issues. In this respect, my theory would predict that majority roll-inducing bills that do not address salient ticking clock issues would be less likely to be brought up for a vote. Additional research directions could parallel the scholarly work that tested the predictions of procedural cartel theory in different contexts. My theory could be applied to negative agenda control across time in the House, Senate, state legislatures, and similar legislative bodies outside of the United States.

What is the value of a theory that can predict such an infrequent outcome as a majority roll? While majority rolls are certainly rare, the policy outcomes they lead to are not insignificant. In fact, Boehner's Hastert rule violations resulted in some of the most consequential policy enactments of Obama's presidency: preventing recession-inducing budget cuts, providing aid after a catastrophic natural disaster, reauthorizing a landmark domestic violence bill, ending a 16-day government shutdown, and raising the debt limit. Each of these bills solved pressing national problems and was supported by a large majority of the public. Thus, a normative implication of the theory is that, on some of the most critical questions of public policy, common concerns of good governance can trump partisan considerations. In this

regard, the theory intersects with Adler and Wilkerson's (2013) "problem-solving perspective" on Congress. Adler and Wilkerson (2013, 13) argue that the legislative process is problem-driven to a large degree: "Voters share common concerns about societal problems and expect their representatives to do more than stake out ideologically motivated positions." They observe that lawmakers recognize this and "have an electoral interest in responding to such concerns" (Adler and Wilkerson 2013, 14), just as I argue that party leaders have electoral incentives to violate the Hastert rule occasionally. In the current era of heightened partisanship and polarization, perhaps members of Congress should structure more pieces of legislation with expiring provisions given that Congress seems to prioritize ticking clock issues. Doing so would put pressure on Congress to devote attention to these issues in the future, which provides the opportunity to update and improve the legislation (as demonstrated by the inclusion of new protections in the VAWA reauthorization). This incentive accords with Adler and Wilkerson's (2013, 72–74) explanation for the increase in temporary legislation since the 1960s. My theory also contributes to the literature concerning party valence brands. I find that legislative leaders strongly consider the impact of their actions on the party valence brand, in line with Butler and Powell (2014).

Hastert rule violations, at their core, are motivated by partisan self-preservation. But to the extent that they result in solutions to issues of great national concern, majority rolls help achieve better representation of the popular will.

References

Adler, E. Scott, and John D. Wilkerson. *Congress and the politics of problem solving*. Cambridge University Press, 2013.

Akirav, Osnat, Gary W. Cox, and Mathew D. McCubbins. "Agenda control in the Israeli Knesset during Ariel Sharon's second government." *The Journal of Legislative Studies* 16, no. 2 (2010): 251-267.

Anzia, Sarah F., and Molly C. Jackman. "Legislative organization and the second face of power: Evidence from US State Legislatures." *The Journal of Politics* 75, no. 1 (2012): 210-224.

Arnold, R. Douglas. *The logic of congressional action*. Yale University Press, 1992.

Baum, Matthew A., and Samuel Kernell. Has cable ended the golden age of presidential television?." *American political science review* 93, no. 1 (1999): 99-114.

Binder, Sarah. 2013. "Rolling a House Majority, Again." *The Monkey Cage*. http://themonkeycage.org/2013/04/rolling-a-house-majority-again/.

Butler, Daniel M., and Eleanor Neff Powell. "Understanding the party brand: experimental evidence on the role of valence." *The Journal of Politics* 76, no. 2 (2014): 492-505.

Carson, Jamie L., Nathan W. Monroe, and Gregory Robinson. "Unpacking agenda control in congress: individual roll rates and the republican revolution." *Political Research Quarterly* 64, no. 1 (2011): 17-30.

Chandler, William M., Gary W. Cox, and Mathew D. McCubbins. "Agenda control in the Bundestag, 1980–2002." *German Politics* 15, no. 1 (2006): 27-48.

Clement, Scott. 2012. "Poll: Fiscal Cliff Blame Would Fall Heaviest on GOP." *The Washington Post*. https://www.washingtonpost.com/politics/poll-fiscal-cliff-blame-would-fall-heaviest-on-gop/2012/12/04/e917cd38-3e3b-11e2-a2d9-822f58ac9fd5_story.html?utm_term=.724c61a95e0d.

CNN. 2012. "Tennessee Sen. Bob Corker Predicts a Fiscal Cliff Deal." *YouTube*. https://www.youtube.com/watch?v=NGHcJu6-ErA.

CNN. 2014. "CNN/ORC Poll: Debt Ceiling Blame Game." *CNN*. http://politicalticker.blogs.cnn.com/2014/02/03/cnnorc-poll-debt-ceiling-blame-game/.

CNN. 2018. "Hurricane Sandy Fast Facts." *CNN*. https://www.cnn.com/2013/07/13/world/americas/hurricane-sandy-fast-facts/index.html.

Cohen, Jeffrey E. *The presidency in the era of 24-hour news*. Princeton University Press, 2008.

Cox, Gary W., and Mathew Daniel McCubbins. *Legislative leviathan: party government in the House*. University of California Press, 1993.

Cox, Gary W., and Mathew D. McCubbins. *Setting the agenda: Responsible party government in the US House of Representatives*. Cambridge University Press, 2005.

Cox, Gary W., Thad Kousser, and Mathew D. McCubbins. "Party power or preferences? Quasi-experimental evidence from American state legislatures." *The Journal of Politics* 72, no. 3 (2010): 799-811.

Cox, Gary W., William B. Heller, and Mathew D. McCubbins. "Agenda power in the Italian Chamber of Deputies, 1988–2000." *Legislative Studies Quarterly* 33, no. 2 (2008): 171-198.

CQ Almanac. "Partisan Combat Prevailed in 112th, Fiscal Cliff Narrowly Avoided." In CQ Almanac 2012, 68th ed., 1-3-1-8. Washington, DC: CQ-Roll Call Group, 2013. http://library.cqpress.com/cqalmanac/cqal12-1531-87288-2553077.

CQ Almanac. "Conflict Over Discretionary Caps Ends in Fourth Straight Omnibus." In *CQ Almanac 2013*, 69th ed., 2-3-2-9. , : , 2014. http://library.cqpress.com/cqalmanac/cqal13-1634-93328-2627786.

CQ Almanac. "Domestic-Violence Law Is Renewed." In *CQ Almanac 2013*, 69th ed., 9-11-9-12. , : , 2014. http://library.cqpress.com/cqalmanac/cqal13-1634-93335-2628154.

CQ Almanac. "Important Votes for Year Reflect Breaking Points and Brief Truces." In *CQ Almanac 2013*, 69th ed., C-3-C-11. , : , 2014. http://library.cqpress.com/cqalmanac/cqal13-1634-93322-2627529.

CQ Almanac. "Sandy Disaster Aid Bill Enacted." In *CQ Almanac 2013*, 69th ed., 2-38-2-39. , : , 2014. http://library.cqpress.com/cqalmanac/cqal13-1634-93328-2627902.

CQ Almanac. "GOP Agrees to Extend Debt Limit." In *CQ Almanac 2014*, 70th ed., 3-5-3-6. Washington, DC: CQ-Roll Call, Inc., 2015. http://library.cqpress.com/cqalmanac/cqal14-1770-97582-2704181.

Edwards, George C. *On deaf ears: The limits of the bully pulpit*. Yale University Press, 2003.

Fechner, Holly. "Managing political polarization in congress: a case study on the use of the Hastert rule." *Utah L. Rev.* (2014): 757.

French, Alan, and Gareth Smith. "Measuring political brand equity: a consumer oriented approach." *European Journal of Marketing* 44, no. 3/4 (2010): 460-477.

Gailmard, Sean, and Jeffery A. Jenkins. "Negative Agenda Control in the Senate and House: Fingerprints of Majority Party Power." *The Journal of Politics* 69, no. 3 (2007): 689-700.

Gallup. 2013. "Most in U.S. Back Funding for Sexual Violence Victims." *Gallup*.
    https://news.gallup.com/poll/161180/back-funding-sexual-violence-victims.aspx.

Gallup. 2013. "Republican Party Favorability Sinks to Record Low." *Gallup*.
    https://news.gallup.com/poll/165317/republican-party-favorability-sinks-record-low.aspx.

Golshan, Tara. 2018. "The 'Hastert Rule,'" the Reason a DACA Deal Could Fail in the House,
    Explained." *Vox*. https://www.vox.com/policy-and-politics/2018/1/24/16916898/hastert-
    rule-daca-could-fail-house-ryan.

Helderman, Rosalind S. 2013. "House to vote on Violence Against Women Act measures." *The
    Washington Post.* https://www.washingtonpost.com/politics/house-to-vote-on-violence-
    against-women-act-measures/2013/02/27/53837910-8121-11e2-a350-
    49866afab584_story.html?utm_term=.baf520c49d09

Helderman, Rosalind S. 2013. "Violence Against Women Act Passed by House, Sent to Obama
    for Signature." *The Washington Post*. https://www.washingtonpost.com/politics/violence-
    against-women-act-passed-by-house-sent-to-obama-for-signature/2013/02/28/c540f058-
    81b4-11e2-b99e-6baf4ebe42df_story.html?utm_term=.a28c359f3e75.

Hernandez, Raymond. 2013. "House Approves $50.7 Billion in Emergency Aid for Storm
    Victims." *The New York Times*. https://www.nytimes.com/2013/01/16/nyregion/house-
    passes-50-7-billion-in-hurricane-aid.html?_r=0.

Jacobs, Alan M., and R. Kent Weaver. "When policies undo themselves: self-undermining
    feedback as a source of policy change." *Governance* 28, no. 4 (2015): 441-457.

Jacobson, Gary C., and Samuel Kernell. *Strategy and Choice in Congressional Elections*. Yale
    University Press, 1981.

Jenkins, Jeffery A., and Nathan W. Monroe. "On Measuring Legislative Agenda-Setting
    Power." *American Journal of Political Science* 60, no. 1 (2016): 158-174.

Jenkins, Jeffery A., and Timothy P. Nokken. "Partisanship, the electoral connection, and lame-
    duck sessions of Congress, 1877–2006." *The Journal of Politics* 70, no. 2 (2008): 450-
    465.

Jones, Mark P., and Wonjae Hwang. "Party government in presidential democracies: Extending
    cartel theory beyond the US Congress." *American Journal of Political Science* 49, no. 2
    (2005): 267-282.

Kahneman, D., and A. Tversky. "Choices, values, and frames." *The American psychologist* 39,
    no. 4 (1984): 341-350.

Kahneman, Daniel, and Amos Tversky. "Prospect Theory: An Analysis of Decision under

Risk." *Econometrica* 47, no. 2 (1979): 263-292.

Kahneman, Daniel, Jack L. Knetsch, and Richard H. Thaler. "Anomalies: The endowment effect, loss aversion, and status quo bias." *Journal of Economic perspectives* 5, no. 1 (1991): 193-206.

Kasperowicz, Pete. 2016. "House Violates GOP's 'Hastert Rule' Again with Land Purchase Bill." *The Hill*. https://thehill.com/blogs/floor-action/house/292793-house-narrowly-passes-federal-land-purchase-bill-in-face-of-heritage-opposition.

Khimm, Suzy. 2013. "The Violence Against Women Act: Out of the fire, into the sequester." *The Washington Post*.https://www.washingtonpost.com/news/wonk/wp/2013/03/01/the-violence-against-women-act-out-of-the-fire-into-the-sequester/?utm_term=.afd11e03cea8

Klein, Ezra. 2013. "The Republicans' Worst Poll Yet." *The Washington Post*. https://www.washingtonpost.com/news/wonk/wp/2013/10/10/the-republicans-worst-poll-yet/?a&utm_term=.216ed53e294c.

Levs, Josh, and Tom Watkins. 2013. "Furor over Dropped Vote for Sandy Aid Defused – CNNPolitics." *CNN*. https://www.cnn.com/2013/01/02/politics/house-sandy-aid-vote/index.html.

Masters, Jonathan. 2012. "What Is the Fiscal Cliff?" *Council on Foreign Relations*. https://www.cfr.org/backgrounder/what-fiscal-cliff#chapter-title-0-4.

McDermott, Rose, James H. Fowler, and Oleg Smirnov. "On the evolutionary origin of prospect theory preferences." *The Journal of Politics* 70, no. 2 (2008): 335-350.

Mondak, Jeffery J., Edward G. Carmines, Robert Huckfeldt, Dona-Gene Mitchell, and Scot Schraufnagel. "Does familiarity breed contempt? The impact of information on mass attitudes toward Congress." *American Journal of Political Science* 51, no. 1 (2007): 34-48.

Montgomery, Lori, and Rosalind S. Helderman. 2012. "Boehner Abandons Plan to Avoid 'Fiscal Cliff'." *The Washington Post*. https://www.washingtonpost.com/politics/cliff-standoff-boehner-works-to-wrangle-votes-for-plan-b-obama-threatens-veto/2012/12/20/d37cd8c6-4aa5-11e2-9a42-d1ce6d0ed278_story.html?utm_term=.71b0436c588c.

MSNBC. 2013. "Importance of 'Hastert Rule' Comes into Sharper Focus." *MSNBC*. http://www.msnbc.com/rachel-maddow-show/importance-hastert-rule-comes.

Nielsen, Sigge Winther, and Martin Vinæs Larsen. "Party brands and voting." *Electoral Studies* 33 (2014): 153-165.

Parker, Ashley. 2013. "House Renews Violence Against Women Measure." *The New York*

Times. https://www.nytimes.com/2013/03/01/us/politics/congress-passes-reauthorization-of-violence-against-women-act.html.

Phillip, Abby D. 2013. "Republican Civil War Over Shutdown Drama." *ABC News*. https://abcnews.go.com/Politics/story?id=20615308.

Plumer, Brad. 2013. "The Nine Most Painful Impacts of a Government Shutdown." *The Washington Post*. https://www.washingtonpost.com/news/wonk/wp/2013/10/01/the-nine-most-painful-consequences-of-a-government-shutdown/?utm_term=.178908fe4412.

"The Potential Macroeconomic Effect Of Debt Ceiling Brinksmanship." 2013. *U.S. Department of the Treasury*. https://www.treasury.gov/initiatives/Documents/POTENTIAL%20MACROECONOMIC%20IMPACT%20OF%20DEBT%20CEILING%20BRINKMANSHIP.pdf.

Quattrone, George A., and Amos Tversky. "Contrasting rational and psychological analyses of political choice." *American Political Science Review* 82, no. 3 (1988): 719-736.

Richman, Jesse. "The electoral costs of party agenda setting: why the Hastert rule leads to defeat." *The Journal of Politics* 77, no. 4 (2015): 1129-1141.

Soroka, Stuart N. "Good news and bad news: Asymmetric responses to economic information." *The journal of Politics* 68, no. 2 (2006): 372-385.

Stiglitz, Edward H., and Barry R. Weingast. "Agenda control in Congress: Evidence from cutpoint estimates and ideal point uncertainty." *Legislative Studies Quarterly* 35, no. 2 (2010): 157-185.

Strong, Jonathan, and Daniel Newhauser. 2013. "Boehner Pledges to Stick to the 'Hastert Rule'." *Roll Call*. http://www.rollcall.com/news/boehner_pledges_to_stick_to_the_hastert_rule-222874-1.html/.

Strong, Jonathan. 2013. "Boehner Violates Hastert Rule Again." *Roll Call*. https://www.rollcall.com/news/policy/boehner-violates-hastert-rule-again.

Tedin, Kent, Brandon Rottinghaus, and Harrell Rodgers. "When the president goes public: The consequences of communication mode for opinion change across issue types and groups." *Political Research Quarterly* 64, no. 3 (2011): 506-519.

Thayer, Kate. 2019. "The Violence Against Women Act Has Expired. Advocates Say That Sends a Dangerous Message and Are Pushing for Permanent Protections." *Chicago Tribune*. https://www.chicagotribune.com/lifestyles/ct-life-violence-against-women-act-expired-20190220-story.html.

Tversky, Amos, and Daniel Kahneman. "Loss aversion in riskless choice: A reference-dependent model." *The quarterly journal of economics* 106, no. 4 (1991): 1039-1061.

U.S. Congress. House. *American Battlefield Protection Program Amendments Act of 2013*. H.R. 1033. 113th Congress. Introduced in House March 7, 2013.

The Washington Post 2012. "Fiscal Cliff Attitudes, Post-Pew Poll Nov. 29 - Dec. 2, 2012." *The Washington Post*. https://www.washingtonpost.com/page/20102019/WashingtonPost/2012/12/04/National-Politics/Polling/release_181.xml.

Wattenberg, Martin P. "The changing presidential media environment." *Presidential Studies Quarterly* 34, no. 3 (2004): 557-572.

Weaver, R. Kent. "The politics of blame avoidance." *Journal of public policy* 6, no. 4 (1986): 371-398.

Weisman, Jonathan, and Ashley Parker. 2014. "House Approves Higher Debt Limit Without Condition." *The New York Times*. https://www.nytimes.com/2014/02/12/us/politics/boehner-to-bring-debt-ceiling-to-vote-without-policy-attachments.html.

Weisman, Jonathan. 2012. "Women Figure Anew in Senate's Latest Battle." *The New York Times*. https://www.nytimes.com/2012/03/15/us/politics/violence-against-women-act-divides-senate.html?hp.

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