

Delay, Delegation, and Obfuscation: The Politics of "No-Win" Situations

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Abstract: We consider how constituency characteristics affect policymakers' incentives to engage in "procedural obfuscation"—i.e., use legislative procedures, such as delegation and delay, that potentially hide policymakers' contributions to policy outcomes. We focus primarily on situations where a policymaker needs to make a decision on a salient issue that divides two electorally important groups within the official's constituency. In these "no-win" situations, the use of procedural obfuscation could be quite advantageous electorally. To examine this empirically, we conducted a large-N survey of elected municipal officials that employed survey experiments on this novel population. The results of the survey experiment strongly suggest that local policymakers are more likely to delegate and delay decisions when facing no-win situations. They do so because they believe that the use of these procedures diminishes the blame they receive among the losing group in the no-win situation. A series of questions about policymakers' experiences in office suggest that no-win situations occur regularly and that local policymakers often engage in procedural obfuscation to shield themselves from electoral blame for how the no-win situations are resolved.

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The legislative procedures used by elected officials to enact or hinder policies likely form a critical link in voters' ability to assess policymakers' contributions to policy outcomes (Arnold 1990). Though this link plays a critical role in democratic accountability, only recently have scholars begun to empirically examine the relationship between legislative procedures and electoral accountability (Doherty 2015; Dynes 2015; James et al. 2015). In this paper, we consider how constituency characteristics affect policymakers' incentives to engage in "procedural obfuscation"—i.e., the use of legislative tactics, such as delegation, delay, or any number of obscure procedures, that potentially hide policymakers' contributions to policy outcomes. We focus primarily on situations where a policymaker needs to make a decision on a salient issue that divides two electorally important groups within the official's constituency. In these "no-win" situations, the use of procedural obfuscation could be quite advantageous electorally.

To examine this empirically, we conducted a large-N survey of elected municipal officials from across the U.S. that employed survey experiments. The results of the survey experiment strongly suggest that local policymakers are more likely to delegate and delay decisions when facing no-win situations. They do so because they believe that the use of these procedures diminishes the blame they receive among the losing group in the no-win situation. A series of questions about policymakers' experiences in office suggest that no-win situations occur regularly and that local policymakers often engage in procedural obfuscation to shield themselves from electoral blame for how the no-win situations are resolved.

By surveying actual policymakers, we are able to examine what Kingdon (1967) refers to as elected officials' "explicit or implicit theory of voting behavior" (137). Scholars of legislative politics have long recognized that policymakers' perception of how voters respond to their actions in office "affects [their] important decisions on roll-calls, policy stands, campaigns, and the like" (137-138) (see also Arnold 1990, 46; Mayhew 1974, 57; Miller and Stokes 1963, 50). Theories of representation and legislative behavior hinge on elite-level perceptions of the

consequences of their actions, yet few studies attempt to measure what those perceptions are.³ This paper helps fill this gap in the literature.

Our focus on municipal officials contributes to an important and growing literature on representation in local politics. Though earlier work was skeptical of cities' ability to respond to the preferences of their citizens (e.g., Peterson 1981), recent work provides strong evidence of municipal responsiveness (e.g., Einstein and Kogan 2015; Tausanovitch and Warshaw 2013; 2014). This paper also builds on previous work that finds that the legislative process at the municipal level is susceptible to the use of obfuscating procedures (Dynes 2015; James et al. 2015) and that the legislative procedures used by city councils affect voters' assessment of the political process (Doherty and Wolak 2011) and their elected officials (James et al. 2015). Surveying municipal policymakers is also advantageous since they are much more numerous and accessible than their counterparts in national and state legislatures.⁴

No-win situations

While previous work finds that local policymakers believe that delegation can significantly reduce blame for unpopular policy outcomes (Dynes 2015) and that these tactics can be effective (James et al. 2015),⁵ the conditions under which elected officials will be more likely to engage in procedural obfuscation remain unclear. We propose that no-win situations provide strong electoral incentives for elected officials to use tactics that obscure their responsibility for unpopular outcomes. As mentioned above, we define no-win situations as political situations where a policymaker needs to make a decision on a salient issue that divides two electorally and equally important groups within the official's constituency. In what we call lopsided situations,

³ While a large body of work seeks to measure elected officials' perceptions of their district (Fenno 1978; Miler 2007) and of their constituents' policy preferences in particular (see Jewell 1983 for a review), few have sought to measure their perceptions of voter behavior.

⁴ For example, based on the authors' work on other projects, response rates among state legislators to online surveys have dropped well below 10%.

⁵ James et al. (2015) find through a survey experiment of voters that delegating the management of public services diminishes the blame that local elected officials receive only when they delegate to public managers as opposed to contracting with private firms.

the issue still divides two groups, but one of the groups is much more electorally important than another. No-win situations essentially present elected officials with an electoral dilemma: by making a decision, even when he sides with numerically larger group, he may lose more support among those displeased by his decision than he gains among those pleased with it.

A popular example of a no-win situation from local politics is Chicago's recent decision to close down public K-12 schools to address budget deficits and decreasing student enrollment. Though the city as a whole would be better off by closing schools, the residents in a neighborhood losing a school would feel worse off. Thus, a decision to keep the school in neighborhood A means that a school in some neighborhood B must be closed. These types of scenarios are also common at other levels of government. For example, the Obama administration's decision on whether or not to permit the extension Keystone XL pipeline pitted labor unions against environmentalists, both of which are key members of his party's coalitions. Many observers suspect this was a primary reason the Obama administration delayed several years before making a decision on the issue.

No-win situations are quite common in local politics and are consequential. Given the nature of local politics, no-win situations often deal with land use issues, which can be particularly salient in local politics (Oliver et al. 2012). Some of the most divisive and salient land use issues are those referred to as "Not In My Backyard" or NIMBY issues. These are situations in which residents are opposed to some change to their neighborhood and would prefer that it not happen "in their backyard." NIMBY issues are no-win situations when the change that residents in a particular neighborhood oppose is one that is necessary for the city at large, such as the placement of a much needed unsightly water treatment plant or cell phone tower, or the removal of a beloved neighborhood school as in the Chicago example.

Incentives to use procedural obfuscation in no-win situations

No-win situations are electorally dangerous for politicians, but the electorally optimal strategy to address them is not necessarily clear. On the surface, it may seem obvious that

politicians should pursue any tactic that allows them to diminish the costs of making a decision. Procedural obfuscation, which is the use of legislative procedures like delegating or delaying decision-making that potentially hide a legislator's contributions to a policy outcome, is one such tactic (Dynes 2015; James et al. 2015). However, this depends on policymakers' belief that an obfuscating procedure will diminish the electoral costs with the losing group more than it diminishes the electoral benefits that the policymaker would gain with the winning group. Otherwise, the politicians should just decide the decision directly and openly, avoiding any other downsides associated with delegation (such as the delegate deciding the issue in a way that the politician opposes) or delay (such as the appearance of dereliction of duty). Based on this logic, then delegation and delay should certainly be avoided in "lopsided" situations—ones where it is clear that a large majority of an elected officials' supporters favor one side on a salient issue that must be decided.

We argue that local policymakers will find procedural obfuscation advantageous in no-win situations due to their belief that procedural obfuscation has an asymmetric effect on electoral accountability (Fiorina 1982; Arnold 1990; Hood 2002; Dynes 2015), diminishing the blame that the politician receives from the group that loses in the no-win situation more than it reduces the credit she would receive from the winning group. This could stem from voter behavior absent any action taken by elites. As Arnold (1990) argues, "[c]itizens are far more likely to pursue traceability chains when they incur perceptible costs than when they reap an equal measure of benefits" (51). At the same time, policymakers "do not stand by idly, waiting for the axe to fall. They try to take credit for positive outcomes and to explain away any alleged connections between their actions ... and adverse conditions" (Arnold 1990; 50). For example, if a politician delegates a decision that results in a negative policy outcome, she can try to place blame for that outcome on the delegate. If she uses dilatory tactics to hinder a popular policy by voting to Table the issue or referring it to a commission for further investigation, she can tell voters that she needed more time to investigate the matter more thoroughly. These actions would diminish the blame that the politician receives for the unpopular outcome. On the other hand, if delegation or

delay results in a popular policy outcome, the politician can aggrandize her contributions and still claim credit at some level for the outcome. As work on representation in Congress has found, voters rely heavily on their elected officials' own account of their legislative efforts when assigning responsibility and are eager to give their elected officials full credit for their uncontested claims (Grimmer, Messing, and Westwood 2012).

This leads to our first hypothesis:

- *H1: Local policymakers will believe that it is more electorally advantageous to delegate or delay a decision rather than make it themselves directly in a no-win situation than in a lopsided one.*

As discussed above, we hypothesize that this will be the case at least partly due to the asymmetric effect of delegation and delay, and thus propose the following:

- *H2: Local policymakers will believe that delegating and delaying a decision will reduce electoral losses among the losing side on a policy decision more than it reduces electoral gains among the winning side.*

Moreover, a key reason that procedural obfuscation is electorally effective is because it obscures a politician's position on an issue, allowing even the losers on a policy outcome to be more likely to believe that their representative actually sides with them on the issue than would be the case if the politician openly and directly voted against their position. This leads to the following prediction:

- *H3: Local policymakers believe that delegating and delaying a decision on a policy obscure their policy position on that issue more than directly voting on it.*

Survey of Elected Municipal Officials

To test the hypotheses presented above, we conducted a survey of elected municipal officials from across the U.S. The sample of city officials for the survey was constructed by first downloading a list of all of sub-county general purpose governments (i.e., municipalities) in the 2010 U.S. Census with a population of 3,000 or more. Research assistants were then hired in the

spring of 2014 to search for the website of each town or city taken from the census. If the research assistants were able to identify the city's website, they then collected the name and email address of the city's elected executive (i.e., mayor) and members of its governing legislative body (e.g., city councilors, aldermen, supervisors). This search yielded emails from 29,136 elected municipal officials who were emailed three invitations to participate in the survey over a 1 month period in July and August, 2014. Those who clicked on the link were redirected to an online survey administered using Qualtrics. Overall, we had a response rate of 18 percent,⁶ a similar response rate as other surveys of elites (e.g., Fisher and Herrick 2013; Harden 2013) and local officials in particular (Butler and Dynes forthcoming).

Vignette-Style Survey Experiment

The survey featured a vignette with several associated questions that were used to measure local policymakers' perceptions of when engaging in procedural obfuscation is optimal and how procedural obfuscation affects voter behavior. (The full text of the vignette is presented in Box 1.) The vignette told respondents about a fictional city councilor named Mr. Jones whose constituents were split in their preferences for prioritizing either the preservation of green spaces or the continued commercial development. We refer to the former group of constituents as "pro-green" and the latter as "pro-development." We used this issue for the vignette for a couple of reasons. First, political conflict over land use is a familiar issue for all municipalities despite their differences in size and policy scope (Oliver et al. 2012).⁷ Second, land use issues are ones that can involve multiple layers of government, such as zoning boards, which facilitate delegation.

⁶ 5,370 local policymakers took at least some part of the survey.

⁷ Coincidentally, one of the authors of this paper just recently received an email sent from his representative on the city council that implored his constituents to support continued commercial development of the city in order to increase tax revenue and lower their tax burden.

Box 1: Text of Vignette, Treatment Conditions, and Question in Part 1

SCENARIO 2 (Screen 1 of 2):

Mr. Jones is a city councilor. Within his constituency, a recurring point of contention is between those who prioritize preserving green spaces and those who prioritize continued commercial development. Specifically, among his constituents:

- [{{LOPSIDED CONDITIONS:} **20 / 80** / {{NO-WIN CONDITION:} **51**}]% prioritize preserving existing green spaces, while
- [{{LOPSIDED CONDITIONS:} **80 / 20** / {{NO-WIN CONDITION:} **49**}]% prioritize continued commercial development.

Suppose that at a city council meeting held three months before Mr. Jones will stand for re-election, the city council considers whether to approve a project that would convert a green space adjacent to the municipality's commercial district into retail space. Due to the uniqueness of the situation, the city council can determine the matter themselves or involve the zoning commission.

At this meeting, Mr. Jones is confronted with the following two options for how to proceed on this matter. Which do you think [{{REELECTION CONDITION:} **would maximize his reelection prospects** / {{LIKELY CHOICE CONDITION:} **he would be more likely to choose**]?

- Vote to have the city council decide the matter themselves at the next meeting, which will be held two months before the election. (This means that Mr. Jones will have to cast a vote for or against converting the green space into retail space before the election.)
- [{{DELEGATION CONDITION:} **Vote to have the municipality's zoning commission decide the matter at the commission's next meeting, which will be held two months before the election. (There is a 50/50 chance that the zoning commission will approve the commercial development.)** /
{{DELAY CONDITION:} **Vote to postpone deciding the matter until after the election. (This means that Mr. Jones will NOT have to cast a vote for or against converting the green space into retail space before the election.)**]

Note: This is the text of the vignette used in part 1 of the survey experiment. The names of treatment conditions are in braces and in small caps while the text of the actual treatment conditions are bolded.

The first set of treatment conditions in the vignette manipulated the percent of Mr. Jones's constituents who were pro-green or pro-development. Respondents were randomly assigned to one of the following conditions

- NO-WIN TREATMENT CONDITION: In this condition, respondents saw that 51% of Mr. Jones's constituents were pro-green while 49% were pro-development.⁸
- LOPSIDED PRO-GREEN TREATMENT CONDITION: In this condition, respondents saw that 80% of voters were pro-green while 20% were pro-development.
- LOPSIDED PRO-DEVELOPMENT TREATMENT CONDITION: In this condition, respondents saw that 20% of voters were pro-green while 80% were pro-development.

After describing the split in support for green spaces and commercial development, we inform respondents that at the next city council meeting, Mr. Jones and his colleagues on the council will have to consider “whether to approve a project that would convert a green space adjacent to the municipality's commercial district into retail space.” Moreover, respondents learn that this meeting will be held three months before Mr. Jones will stand for re-election and that the land use issue could be resolved either by the city council themselves or through a zoning commission.⁹ In other words, re-election should be salient and decision-making on the issue could be delegated or delayed prior to the election.

At this point, local policymakers were told that Mr. Jones faced two options for how to vote on the land use issue in the next city council meeting where the issue was being considered.

⁸ We had intended to have a second no-win treatment condition in which the level of support was reversed, but due to a coding error in setting up the survey, half of the respondents were randomly assigned to the no-win treatment condition described here while the remaining half were randomly assigned to one of the lopsided conditions. Given how close the split is between pro-green and pro-development voters in the no-win treatment conditions, we are not concerned that the lack of a treatment condition where 51% of voters are pro-development is confounding our results.

⁹ Based on solicited feedback from survey respondents, the flexibility that the city council had to decide the issue or delegate the decision was not problematic to local policymakers. A few mentioned that their zoning boards always handled these types of land use issues, and thus they chose to delegate the decision in response to the first question. This should not affect our estimate of the treatment effect of the no-win situation versus a lopsided one. Where it may affect results is in the comparison of respondents' propensity to choose delegation or delay as opposed to deciding the decision directly. As described later, this should cause attenuation bias in the treatment effect we find.

Respondents were randomly assigned to one of the following questions about how Mr. Jones either should or would proceed:

- REELECTION TREATMENT CONDITION: In this condition, respondents were asked “Which do you think would maximize his reelection prospects?”
- LIKELY CHOICE TREATMENT CONDITION: In this condition, respondents were asked “Which do you think he would be more likely to choose?”

The first question measures what respondents believed would be the electorally optimal option. The second measures their beliefs about how a typical city councilor would behave. To avoid blatant social desirability bias, we purposely did not ask respondents what they themselves would do in this situation.

Below the question, respondents saw two options that Mr. Jones could choose between. Respondents were able to select one of them in response to the question they were asked. One of the options was always a direct vote on the matter.

- DIRECT VOTE OPTION: This option was described as a “Vote to have the city council decide the matter themselves at the next meeting, which will be held two months before the election.” To reemphasize that Mr. Jones’s final decision on the matter will be made public prior to the election, we also indicated to respondents that “(This means that Mr. Jones will have to cast a vote for or against converting the green space into retail space before the election).”

The other option was one of two randomly assigned forms of procedural obfuscation—either a vote to delegate the decision or a vote to delay making one.

- DELEGATE OPTION TREATMENT CONDITION: This option was described as a “Vote to have the municipality’s zoning commission decide the matter at the commission’s next meeting, which will be held two months before the election.” To indicate the uncertainty involved with a decision to delegate and to diminish the possibility that the no-win and lopsided treatment conditions affected respondents’ beliefs about the probability that the zoning commission would be more or less likely to approve the

project, we also indicated to readers that “(There is a 50/50 chance that the zoning commission will approve the commercial development.).”

- DELAY OPTION TREATMENT CONDITION: This option was described as a “Vote to postpone deciding the matter until after the election.” To reemphasize that Mr. Jones’s final decision on the matter will not be made public prior to the election, we also indicated to respondents that “(This means that Mr. Jones will NOT have to cast a vote for or against converting the green space into retail space before the election.).”

We purposely set up the direct vote and delegate options to be parallel in terms of when the final decision is made. In both cases, the city council and zoning commission will make the decision two months before the election. This allowed us to examine (in the next part of the survey) how local policymakers believe the ultimate policy outcome, in addition to how it was decided, will affect voter behavior. With the delay option, we wanted to make sure it was clear that the decision would not be decided until after the election.

With this vignette and its treatment conditions we can test our primary hypothesis (H1) that local policymakers will believe that it is electorally advantageous to engage in procedural obfuscation through delegation or delay in the face of no-win situations. If this is the case, then we should find that the percentage of respondents who pick the obfuscating procedure will be higher among those assigned to the no-win situation treatment condition than among those assigned to the two lopsided ones.

Procedural obfuscation is more likely in no-win situations

The results provide evidence that elected municipal officials are more likely to delegate and delay decisions when they face no-win situations (H1). As Table 1 shows, 59 percent of policymakers who read about a lopsided situation—i.e., they were told that either 20 percent or 80 percent of Mr. Jones’s constituents favored green space over business development—indicated that Mr. Jones’ reelection chances would be maximized if he chose to delegate or delay rather than to vote directly on the land use issue that split his constituents (column 2 of Table 1).

The proportion choosing the obfuscating procedure increased 8 percentage points when local policymakers were assigned to the no-win treatment condition—i.e., they were told that Mr. Jones’s constituents were evenly split on their preference for increasing green space or business development. The no-win treatment condition had a similar effect on local policymakers’ responses when they were asked to indicate what they believed Mr. Jones would be more likely to do, increasing the probability that the respondents chose the option to delegate or delay by 7 percentage points.

Table 1: Local policymakers are more likely to choose the obfuscating procedure (either to delegate or delay) in no-win situations

| | (1) | (2) | (3) | (4) |
|------------|----------------------|---|-------------------------|--------------------------|
| | Pooled, (2) & (3) | What would maximize re- election? | What would Jones do? | Difference, (2) – (3) |
| No-Win | 66.2% N=2,026 | 66.6% N=1,019 | 65.9% N=1,007 | 0.8 (2.1) |
| Lopsided | 58.7% N=2,038 | 58.4% N=1,039 | 59.1% N=999 | -0.6 (2.2) |
| Difference | 7.5%** (1.5) | 8.2%** (2.1) | 6.8%** (2.2) | 1.6 (3.0) |

Note: This table presents the percent of local policymakers who chose the obfuscating procedure (to either delegate or delay) over a direct vote when asked to indicate the legislative procedure they believed would maximize Mr. Jones’s re-election prospects (Column 2) or the one they believed would be chosen by Mr. Jones himself (Column 3). Column (1) displays the pooled results from columns (2) and (3) while column (4) displays the differences between columns (1) and (2). Regardless of which question they saw, respondents were more likely to choose the obfuscating procedure when Mr. Jones faced a no-win situation (1st row; in which voters were evenly split in their support for expanding green space over business development) than when he faced a lopsided one (2nd row; in which 80% of voters either favored or opposed expanding green space over business development). * p-value<0.05; ** p-value<0.01

A second important takeaway from Table 1 is that there are minimal differences in the responses regardless of whether local policymakers were asked to indicate the reelection maximizing option or the one that they believed Mr. Jones would most likely choose himself. The differences reported in column 4 are both statistically and substantively insignificant. This

finding generally holds as we examine the results in more detail below and at least suggests that they believe that other local officials act in ways that are consistent with their reelection interests.

A final interesting result in Table 1 is local policymakers' preference for choosing the obfuscating procedure over a direct vote. Recall that even in the lopsided scenario, nearly 60 percent of respondents indicated that delegating or delaying the decision would be the reelection maximizing option. There are several reasons why this might be. The first is that policymakers believe that procedural obfuscation provides electoral coverage. We find evidence for this belief throughout the results presented below. Part of this electoral coverage may be due to a belief among officials that delegation and delay result in better informed decisions, or at least ones that they believe voters will perceive as such. Below, we find evidence that this also plays a part in local policymakers' decision making.¹⁰

Table 2 presents the results broken down by whether local policymakers were assigned to the delegation or delay treatment conditions. (Recall that respondents were randomly assigned to see either delegation or delay as the obfuscating option.) In both treatment conditions, we continue to find that local policymakers' are more likely to choose the obfuscating procedure in a no-win situation than a lopsided one. However, the treatment effect is larger when local policymakers had the option to delay (Diff. = 9.2) than when they had the option to delegate (Diff. = 6.3). However, this 3 point difference is not statistically significant. The results also indicate that policymakers were more likely to choose the obfuscating procedure over the direct vote when delegating the decision was the obfuscating option. This could be for a couple of reasons. One is that local officials might believe that delegation results in decisions that voters will perceive as being of higher quality. Another possibility is that local policymakers believe that voters will view delaying a decision as a dereliction of duties that is blatantly motivated by reelection. Later in this paper, we find evidence that both may be occurring.

¹⁰ Another important consideration when examining this finding is that any noise in local policymakers' responses will bias the results toward 50 percent. This could potentially overstate (or understate) local policymakers' preference for delegation and delay. However, policymakers' responses when asked to explain their choice on this question (see) suggest that they took the vignette seriously and were thoughtful in their responses.

Table 2: Local policymakers are more likely to choose to delegate than to delay

| | (1) | (2) | (3) |
|------------|------------------|----------------|-----------------|
| | Delegate | Delay | Difference |
| No-Win | 70.5% N=1,035 | 61.8% N=991 | 8.8** (2.1) |
| Lopsided | 64.2% N=1,074 | 52.6% N=964 | 11.7** (2.2) |
| Difference | 6.3** (2.0) | 9.2** (2.2) | -2.9 (3.0) |

Note: This table presents the percent of local policymakers who chose the obfuscating procedure (to either delegate or delay) over a direct vote when asked to either indicate the legislative procedure they believed would maximize Mr. Jones’s re-election prospects or the one they believed would be chosen by Mr. Jones himself. Column (1) displays the results for respondents who had to choose between delegating the decision or directly voting on it while column (2) displays the results for respondents who had to choose between delaying the decision or directly voting on it. Column (3) displays the differences between columns (1) and (2). Regardless of whether they were given the option to delegate or delay, respondents were more likely to choose the obfuscating procedure when Mr. Jones faced a no-win situation (1st row; in which voters were evenly split in their support for expanding green space over business development) than when he faced a lopsided one (2nd row; in which 80% of voters either favored or opposed expanding green space over business development). This effect is larger under the delay treatment condition, but this difference is not statistically significant. In addition, officials are much more likely to choose the obfuscating procedure when delegation is an option than when delay is. * p-value<0.05; ** p-value<0.01

Finally, in Table 3 and Table 4, we examine whether asking local policymakers to choose the reelection maximizing option or the one that Mr. Jones would pick affects their responses. For respondents who saw delegation as the obfuscating option (Table 3), question wording might have an effect. The effect of facing a no-win situation on local policymakers’ decision to choose delegation over a direct vote is reduced by 5 percentage points when respondents were asked to indicate what they believed Mr. Jones would do. This difference-in-differences, however, does not reach statistical significance at traditional levels.

Table 3: The question wording may affect local policymakers' decision to choose the delegate option

| | (1) | (2) | (3) |
|------------|---------------------------------|----------------------|---------------|
| | What would maximize reelection? | What would Jones do? | Difference |
| No-Win | 70.5% N=492 | 70.5% N=543 | -0.0 (2.8) |
| Lopsided | 61.9% N=551 | 66.7% N=523 | -4.8 (2.9) |
| Difference | 8.6** (2.9) | 3.8 (2.8) | 4.8 (4.1) |

Note: This table presents the percent of local policymakers who chose the option to delegate the decision rather than directly vote on it when asked to either indicate the legislative procedure they believed would maximize Mr. Jones's re-election prospects (Column 1) or the one they believed would be chosen by Mr. Jones himself (Column 2). Column (3) displays the differences between columns (1) and (2). Regardless of the question asked, respondents were more likely to choose the delegation option when Mr. Jones faced a no-win situation (1st row; in which voters were evenly split in their support for expanding green space over business development) than when he faced a lopsided one (2nd row; in which 80% of voters either favored or opposed expanding green space over business development). This effect is larger when respondents were asked which would maximize Mr. Jones's re-election chances (Column 1), but this difference is not statistically significant. However, the effect of a no-win situation is not statistically significant when respondents were asked to indicate what they believed Mr. Jones would do (Column 2). * p-value<0.05; ** p-value<0.01

For those assigned to the delay option treatment condition, there is less evidence that question wording affected local policymakers' responses. At most, local policymakers who were asked to indicate which option Mr. Jones would most likely choose were slightly less likely to choose delay in both a no-win situation (Diff. = 2.7) and a lopsided one (Diff. = 3.9). These differences, however, are not statistically significant at traditional levels. Overall, these results suggest that local policymakers perceive other local officials as acting in ways that maximize their reelection prospects, at least in the abstract.

Table 4: The question wording does not affect local policymakers' decision to choose the delay option

| | (1) What would maximize reelection? | (2) What would Jones do? | (3) Difference |
|------------|--|--------------------------------|-------------------|
| No-Win | 63.0% N=527 | 60.3% N=464 | 2.7 (3.1) |
| Lopsided | 54.5% N=488 | 50.6% N=476 | 3.9 (3.2) |
| Difference | 8.5** (3.1) | 9.7** (3.2) | -1.2 (4.5) |

Note: This table presents the percent of local policymakers who chose the option to delay the decision rather than directly vote on it when asked to either indicate the legislative procedure they believed would maximize Mr. Jones's re-election prospects (Column 1) or the one they believed would be chosen by Mr. Jones himself (Column 2). Column (3) displays the differences between columns (1) and (2). Regardless of the question asked, respondents were more likely to choose the delay option when Mr. Jones faced a no-win situation (1st row; in which voters were evenly split in their support for expanding green space over business development) than when he faced a lopsided one (2nd row; in which 80% of voters either favored or opposed expanding green space over business development). This effect is about the same regardless of which question respondents saw. However, local policymakers were slightly more likely to choose to delay regardless of whether the situation was no-win or lopsided when asked what would maximize Mr. Jones' reelection chances. These differences are not statistically significant. * p-value<0.05; ** p-value<0.01

Officials believe obfuscating procedures affect voter assessments

Now that we have established that local officials believe that obfuscating procedures are electorally advantageous and more likely to be chosen in no-win situations than in lopsided ones, we want to examine why this might be the case, focusing first on how local policymakers believe these different legislative strategies affect voter behavior. We employed several strategies to do this.

The first approach was to continue the vignette described above on the next page in the survey. In it, respondents were asked to consider how a pro-green space voter in Mr. Jones's district might respond if he or she discovered the legislative actions taken by Mr. Jones on the commercial development project and the resulting policy outcome. We indicated to respondents that this pro-green voter lacked an attachment to Mr. Jones or his opponent in the race and

thought that it was “equally likely that Mr. Jones prioritizes preserving green spaces as it is that Mr. Jones prioritizes continued commercial development.”

The actions taken by Mr. Jones and the resulting policy outcome were randomly manipulated such that respondents ended up in one of five treatment conditions. In the first two, described below, respondents are told that Mr. Jones along with a majority of the city council cast a direct vote either against the commercial development, which we label as the “pro-green” position, or a direct vote against it, which we label as “anti-green.” Here is the exact wording:

- DIRECT PRO-GREEN TREATMENT CONDITION: “The city council held a vote, and Mr. Jones along with a majority of city councilors voted AGAINST approving the commercial development project.”
- DIRECT ANTI-GREEN TREATMENT CONDITION: “The city council held a vote, and Mr. Jones along with a majority of city councilors voted FOR approving the commercial development project.”

Respondents who were assigned to the Delegate Option Treatment Condition in the first part of the vignette, could have also seen that Mr. Jones voted to delegate the decision to the zoning commission and that the zoning commission either came to a pro-green or anti-green decision, as described below:

- DELEGATE PRO-GREEN TREATMENT CONDITION: Mr. Jones along with a majority of city councilors voted to have the municipality’s zoning commission determine whether to approve the commercial development project. This commission ultimately rejected the project.
- DELEGATE ANTI-GREEN TREATMENT CONDITION: Mr. Jones along with a majority of city councilors voted to have the municipality’s zoning commission determine whether to approve the commercial development project. This commission ultimately approved the project.

Finally, those assigned to the Delay Option Treatment Condition in the first part of the vignette, could have also seen that Mr. Jones, along with a majority of his colleagues, voted to delay the decision until after the election.

- DELAY TREATMENT CONDITION: Mr. Jones along with a majority of city councilors voted in favor of a motion to postpone making a decision on whether to approve the commercial development project until after the election.

After being told about the pro-green voter and Mr. Jones's actions on the land-use issue, local policymakers were asked two questions about how this would affect the pro-green voter's behavior and assessment of Mr. Jones. The first question measured respondents' beliefs about the electoral effects of Mr. Jones's actions by asking "What effect do you think learning this information will have on this pro-green space voter's support for Mr. Jones?" Responses were measured on a 21-point sliding scale from -10 to 10, where -10 was labeled as "Much Less Likely to Support," 0 was labeled as "No Effect on Support," and 10 was labeled as "Much More Likely to Support."

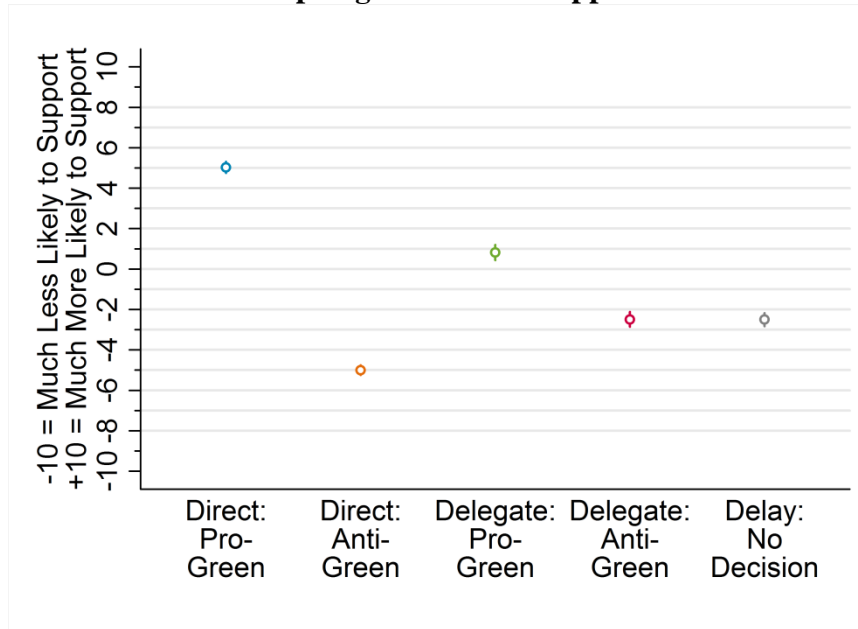
The second question measured how local policymakers believed Mr. Jones's actions would affect the pro-green voters' ability to infer Mr. Jones's underlying preference for expanding green spaces over commercial development. It asked "Upon learning this information, what is the probability that this pro-green space voter will believe that Mr. Jones prioritizes preserving green spaces?" Responses were measured on a 101-point sliding scale from 0 to 100, where 0 was labeled as "0% chance this voter believes Mr. Jones prioritizes preserving green space," 50 was labeled as "50% chance this voter believes Mr. Jones prioritizes preserving green space," and 100 was labeled "100% chance this voter believes Mr. Jones prioritizes preserving green space."

Figure 1 displays the primary results from these questions and treatment conditions. Panel A of Figure 1 displays the results from the first question while Panel B displays those from the second. The circles indicate the mean response for respondents assigned to each treatment condition, which are labeled along the x-axis. A similar pattern emerges in both panels. As

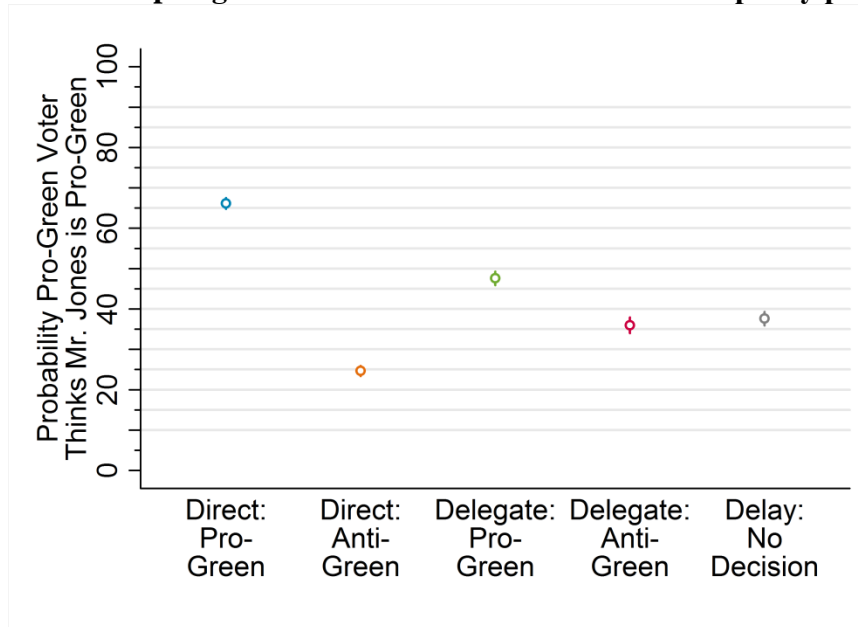
predicted, local policymakers believe that taking a direct vote on an issue has the strongest effect on voters' assessments of Mr. Jones. Delegating that decision, diminishes these effects. Nonetheless, local policymakers believe that voters will still reward them somewhat when delegation results in an outcome they favor and punish them when it does not. Respondents also believe that delegation diminishes the pro-green voters' ability to infer Mr. Jones's underlying preferences for expanding green spaces over commercial development. This finding supports H3. In both panels, local policymakers believe that delaying the decision has a similar effect on voters' assessments as delegating a decision that results in the anti-green policy outcome that the pro-green voter opposes. This is interesting since delaying at least prolongs the pro-green status quo, maintaining the land in question as a green space.

Figure 1: Local policymakers believe obfuscating procedures affect voters’ assessments of politicians

Panel A: Effect on pro-green voter’s support for Mr. Jones



Panel B: Effect on pro-green voter’s beliefs about Mr. Jones’ policy preferences



Note: Circles indicate mean responses when respondents were asked to assess how the legislative actions taken by Mr. Jones and the associated policy outcomes (as indicated on the x-axis) would affect either a pro-green space voter’s support for Mr. Jones (Panel A) or the probability that the pro-green space voter would believe that Mr. Jones also prioritizes green space over business development (Panel B). The outcome variable in Panel A was measured on a 21-point scale from -10 to 10 with -10 indicating that the pro-green voter would be “Much Less Likely to Support” Mr. Jones and 10 indicating that she would be “Much More Likely to Support” him. 0 indicated “No Effect on Support.” 95% confidence intervals are indicated with lines. In sum, delegation and delay diminish both blame and credit.

The results from Figure 1, however, fail to support H2. In fact, the differences are in the opposite direction. Delegation diminishes the gains among winners more than the losses among losers. Looking at Panel A, when Mr. Jones directly votes for the pro-green outcome, respondents believe the pro-green voter will be more likely to support Mr. Jones, with a mean result of 4.9 (which is half the distance on the scale from having no effect to having the maximum effect). When Mr. Jones delegates and the outcome is pro-green, the outcome drops 4.1 points (p-value=0.000) to 0.8, just 1/20th of the scale above no effect. When the outcome is anti-green, the effect of delegation is a bit smaller (Diff = 2.5; p-value=.000), going from a mean of -5.0 when Mr. Jones directly votes for the anti-green policy to a mean of -2.5 when he delegates and it results in the anti-green policy. The 1.6 point difference between these differences has a p-value less than 0.001. In other words, local policymakers believe that the effect of delegation on the pro-green voter's support for Mr. Jones is diminished more when the pro-green voter is the winner than when she is the loser. A similar asymmetry in the opposite direction as predicted is present in the results in Panel B.

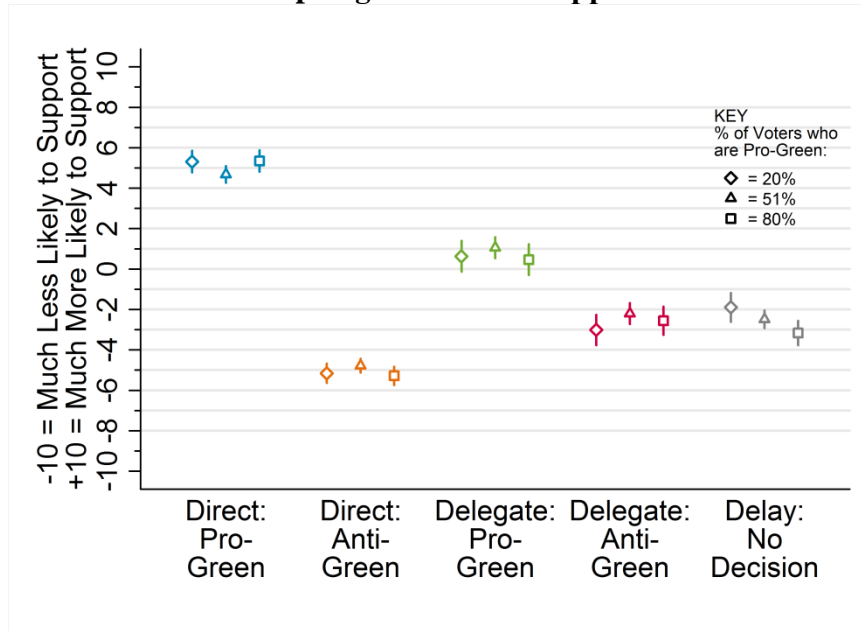
These results counter our expectations for why local policymakers will favor delegation in the face of no-win situations and could have several possible explanations. The first is that the other benefits of delegation outweigh the potential loss in gains among policy winners. A second possibility is that local policymakers believe that the losers in any policy outcome are more likely to seek out whom to blame for unpopular outcomes than the winners are to seek out whom to gain. We do not test this possibility here since we explicitly asked respondents to indicate how a pro-green voter would respond conditional on learning about Mr. Jones's actions and the associated policy outcome. We did not ask whether they thought the voter would be more likely to seek out this information under the different scenarios. We also did not ask local policymakers to also consider the actions of a pro-development voter in addition to a pro-green voter. It is possible that local policymakers believe that pro-green voters would behave dramatically differently than pro-development ones when informed about Mr. Jones's actions to the point that difference-in-differences would change directions, but this is unlikely. We also checked to see if

the results would support H2 if we limited the analysis in Figure 1 to respondents who chose the delegation option in the first part of the vignette, but the results were unchanged. Despite the lack of evidence supporting H2, the primary results still hold that local policymakers believe it is more electorally advantageous to obfuscate in no-win situations.

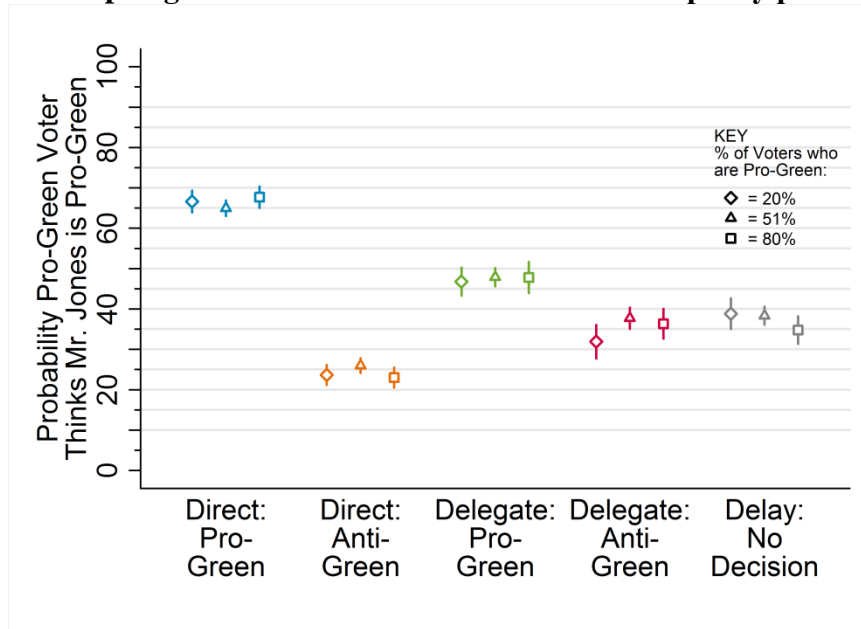
In Figure 2, we examine whether policymakers believed that the distribution of support for the issue affected voters' inferences about Mr. Jones's support for expanding green spaces over commercial development. Our intuition is that a direct vote for the pro-green outcome would be much less informative of Mr. Jones's preferences when 80% of voters were pro-green. However, when only 20% of voters were pro-green, a vote for the pro-green outcome would be a much stronger signal that Mr. Jones favors green spaces over commercial development. The results in Figure 2 fail to find evidence that local policymakers' believe that voters' inferences about Mr. Jones's preferences are affected by the level of voter support for the different policy outcomes. This could be due to a belief that voters are not sophisticated in updating their beliefs and are influenced primarily by legislative actions and policy outcomes. Another possibility is that the treatment of the underlying public support for the commercial development proposal was too weak at this point in the survey. However, when local policymakers were asked to evaluate Mr. Jones's electoral motivations, a question that came after the two questions about the pro-green voter, the distribution of support for the policy has a small effect on their responses, as displayed in Panel B of Figure 3. This could suggest that the local policymakers believe voters are not as sophisticated in updating their beliefs. At the same time, given the number of comparisons between these figures, the small effects in Panel B of Figure 3 could be noise.

Figure 2: Local policymakers do not believe that the distribution of voter support over the issue affects voters’ assessments of politicians

Panel A: Effect on pro-green voter’s support for Mr. Jones



Panel B: Effect on pro-green voter’s beliefs about Mr. Jones’ policy preferences

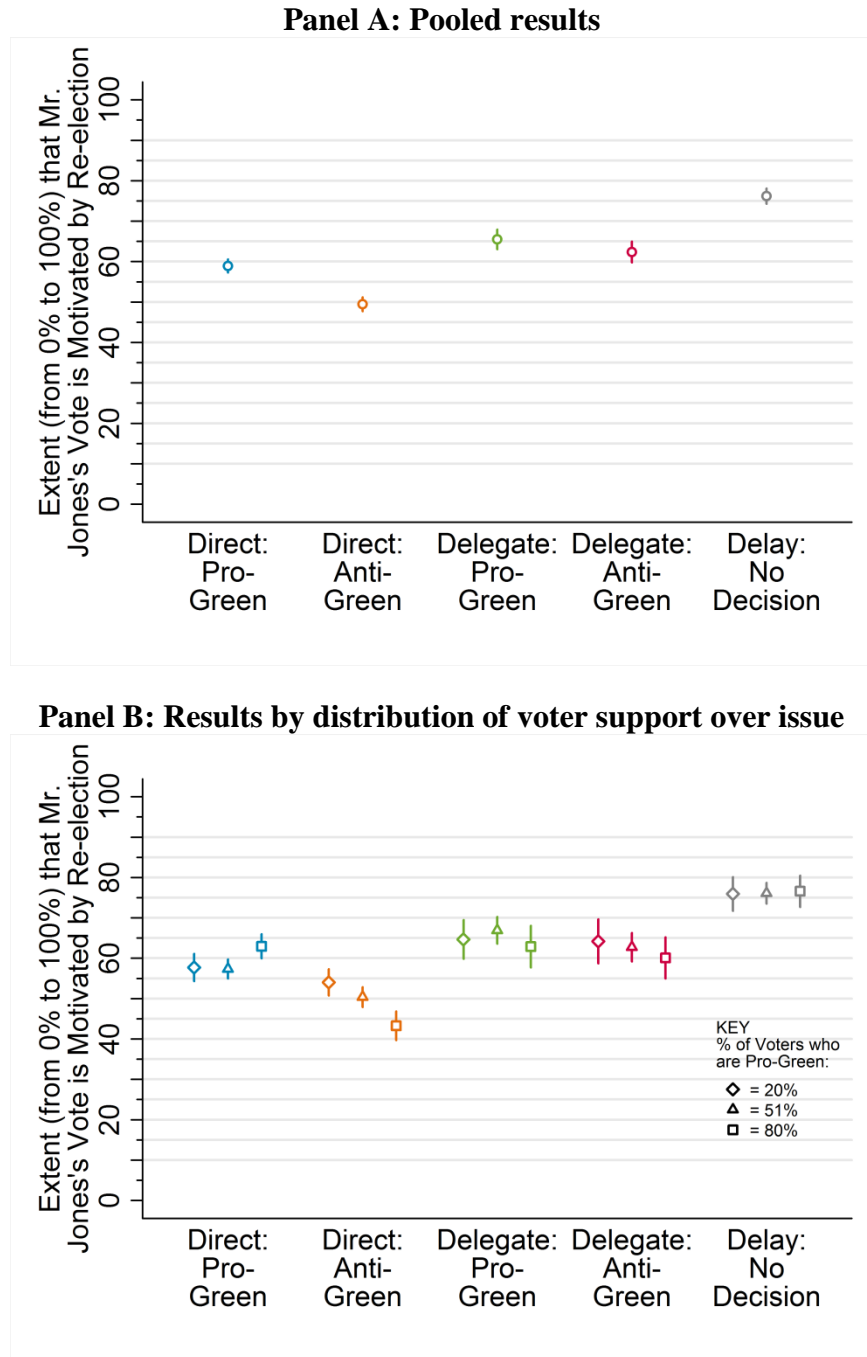


Note: Both panels show the results from Figure 1 broken down by the level of support for the issue among Mr. Jones’s voters. Diamonds and squares indicate the mean response among local policymakers who read about a lopsided distribution in which 20% or 80% (respectively) of Mr. Jones’s voters prefer green space over business development. Triangles indicate the same outcome for a no-win distribution in which 51% of voters prefer green space expansion. For more details on the outcome measure, see the note under Figure 1. Overall the results do not find much evidence that the distribution of support for green space development affected local policymakers’ beliefs about how a pro-green voter would update her assessment of Mr. Jones.

Additional tests of motivations

To further assess local policymakers' motivations for using obfuscating procedures, we also asked respondents "To what extent do you think Mr. Jones's actions were driven by his desire to be re-elected?" Responses were measured using a 101-point sliding scale from 0 to 100, where 0 was labeled as "0% driven by a desire to be re-elected," 50 was labeled as "50% driven by a desire to be re-elected," and 100 was labeled as "100% driven by a desire to be re-elected." The responses to this question are presented in Figure 3. Overall, local policymakers believe that Mr. Jones is somewhat more motivated by reelection when they learned that he delegates the decision and especially more motivated by reelection when he delays decision-making. In Panel B, we see some evidence that the distribution of voter support for the commercial development project affected local policymakers' beliefs about Mr. Jones's motivations. When Mr. Jones takes a direct, pro-green vote on the issue, respondents believe that Mr. Jones is slightly less motivated by reelection when only 20% of voters are pro-green as opposed to when 80% are. A similar but stronger pattern is seen when Mr. Jones takes a direct, anti-green vote—respondents believe that Mr. Jones is less motivated by reelection when the vast majority of his constituents are opposed to the position he takes.

Figure 3: Local policymakers believe Mr. Jones was more motivated to be reelected when he used an obfuscating procedure



Note: Both panels display the results when local policymakers were asked to assess the extent to which the thought Mr. Jones's actions (as indicated on the x-axis) were driven by his desire to be re-elected. The outcome was measured on a scale from 0 to 100, where 0 was labeled as "0% driven by a desire to be re-elected," and 100 was labeled as "100% driven by a desire to be re-elected." Panel A shows the pooled results while panel B shows the results broken down by the distribution of voter support for expanding green spaces over business development using the same key as described in the note under. Overall the results do not find much evidence that the distribution of support for green space development affected local policymakers' beliefs about Mr. Jones's motivations.

We also assigned a small subset of respondents to read an alternative vignette (Box 2) instead of the one presented in Box 1 above. The two vignettes are almost identical except that in this alternative one we told local policymakers that Mr. Jones voted to have the zoning commission resolve the matter. We did not indicate how the zoning commission ultimately decided the issue.

Box 2: Text of Alternative Vignette, Treatment Conditions, and Associated Question

SCENARIO 2:

Mr. Jones is a city councilor. Within his constituency, a recurring point of contention is between those who prioritize preserving green spaces and those who prioritize continued commercial development. Specifically, among his constituents:

- [{{LOPSIDED CONDITIONS: } **20** / **80** / {NO-WIN CONDITION:} **51**}% prioritize preserving existing green spaces, while
- [{{LOPSIDED CONDITIONS: } **80** / **20** / {NO-WIN CONDITION:} **49**}% prioritize continued commercial development.

Suppose that at a city council meeting held three months before Mr. Jones will stand for re-election, the city council considers whether to approve a project that would convert a green space adjacent to the municipality's commercial district into retail space.

Due to the uniqueness of the situation, the city council can determine the matter themselves or have the zoning commission resolve the matter. When confronted with a choice between these options, he opted to have the zoning commission decide the matter.

Please indicate how much you agree or disagree with the following statements concerning Mr. Jones and his decision. (Strongly Disagree=1 to Strongly Agree=6)

At the end of the vignette, we asked the local policymakers to indicate how much they agreed or disagreed with six statements concerning Mr. Jones's motivations for deciding to delegate and what effects it would have on voter behavior. Responses were measured using a 6-point Likert scale from "Strongly Disagree" to "Strongly Agree." The results from these statements are presented in Table 5. To ease interpretation of the results, we present the percent of local policymakers who at least agreed somewhat with each statement. Although the results are too underpowered to identify a treatment effect from the distribution of constituents' preferences,¹¹ the results provide additional insight into local policymakers' beliefs about the motivations for using delegation and its effects on voter behavior. A large majority believe that obfuscation is a

¹¹ The results are substantively the same regardless of whether the outcome variable is converted to a dummy variable or not and whether the results are analyzed using OLS, probit, or ordered probit.

motivation for Mr. Jones’s decision to delegate the decision. 76% agree that “Mr. Jones involved the zoning commission to avoid having to take a stand on a difficult matter” while 70% agree that doing so allowed Mr. Jones “to hide his personal views as to how this matter should be resolved.” At the same time, local policymakers also believe that delegation has informational advantages. 66% believe that “Mr. Jones involved the zoning commission due to their experience handling such matters.” Statements 5 and 6 are further tests of H2. Similar to the findings in Figure 1, the results suggest that local policymakers believe that losers will be less likely to blame the zoning commission for the policy outcome than the winners will be to credit it.

Table 5: Percent of local policymakers who agree with the following statements by voter support for issue under consideration

| Statement | % Who agree at least somewhat | | Diff. | Obs. |
|--|-------------------------------|-----------|-----------|------|
| | No-Win | Lop-sided | | |
| 1. Mr. Jones involved the zoning commission to avoid having to take a stand on a difficult matter. | 75% | 77% | -2 (6) | 243 |
| 2. By involving the zoning commission, Mr. Jones is able to hide his personal views as to how this matter should be resolved. | 71% | 70% | 1 (6) | 242 |
| 3. Mr. Jones involved the zoning commission due to their experience handling such matters. | 62% | 69% | -7 (6) | 240 |
| 4. By involving the zoning commission, voters will feel better about the outcome. | 53% | 58% | -5 (6) | 241 |
| 5. Those who OPPOSE the zoning commission’s ultimate decision will BLAME the commission instead of Mr. Jones for its decision. | 55% | 56% | -1 (5) | 241 |
| 6. Those who SUPPORT the zoning commission’s ultimate decision will CREDIT the commission instead of Mr. Jones for its decision. | 68% | 69% | -1 (6) | 242 |

As a final means of examining local policymakers’ beliefs about the electoral optimality of delegation and delay, we asked 6.75% of those who answered the question in the first vignette (Box 1) to “briefly explain why [they] chose the option that [they] did as opposed to the other?” This resulted in 250 responses. Although we have not been able to conduct a more thorough examination of the local officials’ explanations for their choices, we present 10 randomly chosen

responses in Table 6. These responses are quite fascinating and provide strong evidence that respondents were engaged in the survey and thoughtful in their responses. In addition, they overwhelmingly perceived delegation and delay as means for elected officials to hide their preferences and avoid blame for unpopular outcomes.

Table 6: A sample of local policymakers’ explanations for their responses in the first vignette

| | % of Voters who are Pro-Green | Option to Delegate instead of Delay? | Question about Maximizing Reelection? | Chose to Delegate or Delay? | Explanation |
|-----|-------------------------------|--------------------------------------|---------------------------------------|-----------------------------|--|
| 1. | 20 | Yes | No | Yes | self preservation |
| 2. | 80 | Yes | Yes | Yes | The zoning commission, made up of members of the community, are appointed to make those decisions. Takes it further away from the mayor. |
| 3. | 80 | No | Yes | Yes | To wait would maximize his ability for reelection as neither party side would be upset at the time of election |
| 4. | 20 | No | Yes | No | Even though postponing would a void having to face the issue before the election , while he is in office he still has the responsibility to serve the citizens and is accountable |
| 5. | 51 | Yes | No | Yes | Decision from Council or Zoning Commission likely to be the same. Why would Mr. Jones risk alienating 50% of his constituency |
| 6. | 20 | No | No | No | As a City Counselor, Mr.Jones should work diligently until the end of his term to do what he was elected to do. He is only one vote, his vote may not be a deciding vote, but you have to do what you can while in office. |
| 7. | 20 | No | Yes | No | Not making tough decisions close to an election is cowardly, and obvious. |
| 8. | 51 | Yes | Yes | Yes | No matter how Mr. Jones or the council voted, Mr. jones may or may not get re-elected, this would be a big issue for the lection. |
| 9. | 80 | No | Yes | Yes | To prevent the issue from becoming pivotal to the election |
| 10. | 51 | Yes | Yes | No | No one person who is running again would want to take the chance that spending would go up. Keeping your budget in tack is extremely important in an election year. |

Do local policymakers use obfuscating procedures?

In sum, yes! The sample of explanations in Table 6 demonstrate that municipal officials have strong beliefs about how legislative decisions affect voter behavior. To further test this, we also randomly assigned a small subset of respondents (about 450 or 10%) to answer a few questions about their experiences with no-win situations and whether and how obfuscating procedures were employed to deal with them. Box 3 shows the description of no-win situations that we provided respondents. They were then asked to indicate whether they agreed or disagreed (on a 2-point scale) with several statements concerning their experience with no-win situations and procedural obfuscation.

Box 3: Text of description of no-win situations for local policymakers

No-Win Situations (Screen 1 of 2)

We are interested in understanding how local officials deal with “no-win situations,” meaning situations where a decision needs to be made by the city government and no matter what the city decides to do, a key group of voters among an elected official’s constituency will be upset with the outcome.

For instance, one might consider a vote on whether to allow a green space adjacent to a city’s commercial district to be developed into retail space a no-win situation for an official who depends on both business interests (who want the land developed) and environmental interests (who want the green space preserved) for support.

Similarly, a city council member might find a vote to raise the municipality’s minimum wage a no-win situation, especially if he depends on the support of both low-skilled labor (that might benefit from the increase) and small business owners (who fear they might be harmed by the increase) for support.

Please indicate whether you agree or disagree with each statement below about how elected officials in your municipality have dealt with no-win situations.

As the results in Table 7 indicate, the vast majority of local policymakers (80%) faced a no-win situation in the past year (statement 1). This number jumps to 91% when we include those who also faced a no win situation prior to the previous 12 months.¹² In addition, 83% have seen colleagues engage in delay or delegation to avoid taking a stand on an issue or receiving blame

¹² We asked several follow up questions to the 20% of local policymakers who said they had not faced a no-win situation in the last 12 months. Of those 55% agreed that they had faced “a tough vote on an issue that divided [their] constituents] or a no-win situation prior to the previous 12 months.

for unpopular outcomes (statement 2). We also asked the local policymakers who answered the statements presented in Table 7 to briefly tell us about a no-win situation they faced and how it was resolved using delegation (for those who agreed with statements 4 or 5). We have not yet analyzed these qualitative results systematically, but an initial reading of them further supports the idea that no-win situations and the use of procedural obfuscation is common in local politics. It also confirms that the vast majority of respondents were sincerely engaged in the survey.

Table 7: The vast majority of local policymakers have faced no-win situations and seen colleagues use procedural obfuscation to avoid blame

| Statement | % Who Agree | Obs. |
|--|-------------|------|
| 1. I've been confronted with at least one no-win situation in the past twelve months. | 80% | 454 |
| 2. Percent of respondents who have seen colleagues delay or delegate a decision to avoid blame—i.e., percent who agreed with either statement 3, 4, or 5. | 83% | 453 |
| 3. When confronted with a no-win situation, I've witnessed colleagues try to delay voting on the matter in order to avoid taking a stand on the situation's resolution. | 58% | 447 |
| 4. When confronted with a no-win situation, I've witnessed colleagues try to refer the matter to a committee, commission, or municipal staff for further study, in order to shield themselves from blame for the situation's resolution. | 63% | 453 |
| 5. When confronted with a no-win situation, I've witnessed colleagues try to delegate authority to some other person (e.g., mayor, city manager, etc.) or body (e.g., government agency, special commission, etc.) to resolve the issue in order to shield themselves from blame for the situation's resolution. | 49% | 453 |
| 6. When confronted with a no-win situation, I've witnessed colleagues try to bring both sides of the conflict together in order to identify a compromise. | 68% | 447 |

Conclusion

Forthcoming.

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