

Procedural obfuscation and electoral accountability in local politics^{*}

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Abstract:

A common concern among scholars and political observers is that elected officials can use legislative procedures, like delegation, to undermine democratic accountability. Yet, few empirical works examine whether this procedural obfuscation is efficacious or applies to subnational legislatures. In this paper, I examine the legislative process at the municipal level and employ a survey experiment on elected municipal officials from across the U.S. to test their perceptions of the electoral effects of different legislative tactics. I find evidence that policymakers believe obfuscating procedures, and delegation in particular, can facilitate blame avoidance *without* necessarily hindering credit-claiming, even among engaged voters who witness the legislative process unfold. More generally, I find that the legislative process is quite uniform across municipalities and perceived by local policymakers as being consequential to their reelection interests.

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Theories of legislative politics argue that the procedures used to advance or hinder legislation compose a critical link between policymakers and their constituents by facilitating the latter's ability to monitor their representatives' actions in office (Weaver 1986, 1988; Arnold 1990; Fox and Jordan 2011). Despite the importance of these theories to our understanding of the legislative process and its implications for policy outcomes and substantive representation, the relevant literatures have largely ignored municipal politics. In addition, there is no systematic, quantitative evidence of policymakers' beliefs about how and which legislative procedures diminish the electoral repercussions of implementing unpopular policies. Obtaining this evidence is important since it is not clear, *ex ante*, that elected officials should believe that a particular legislative tactic, such as delegation, should equally diminish both electoral punishment (for any *unpopular* outcomes resulting from the use of that procedure) and electoral reward (for any *popular* outcomes). This highlights a more general gap in work on representation: few studies attempt to measure elected officials' perceptions of the electoral consequences of their actions even though theories of legislative behavior (Mayhew 1974, 57; Arnold 1990, 46) and representation (Miller and Stokes 1963, 50) hinge on these perceptions,³ what Kingdon refers to as politicians' "explicit or implicit theory of voting behavior" (1967, 137).

This paper begins to fill both of these voids. First, I apply major theories of legislative politics to explore how the legislative process in U.S. municipalities can mask policymakers' contributions to unpopular policy outcomes. I label procedures that potentially have this effect, such as obscure procedural votes or the delegation of decision-making, as *procedural obfuscation*.⁴ Through a mix of survey and qualitative data, I find that the legislative process at the municipal level provides ample opportunities for local policymakers to use obfuscating procedures though the dynamics behind their use can differ substantially from other levels of government given the lack of centralized procedural control in

³ From Mayhew (1974) comes the argument that it does not matter "how much particularized benefits count for at the polls" (57) as long as "the lore is that they count" (57). In theorizing about how members of congress use legislative tactics to avoid electoral punishment, Arnold argues that "What is relevant is how frequently legislators stop to calculate whether their actions in congress might stimulate citizens to reward or punish them at the polls" (46). Miller and Stokes's (1963) present a model of constituency influence on the roll call behavior of their representative in the U.S. House. This influence takes two paths, one of which consists entirely of the representative's "perceptions of what the district wants" (Miller and Stokes 1963, 50).

⁴ I use this term to describe these types of procedures even if elected officials do not use them intentionally to diminish electoral accountability. Regardless of why officials may employ these procedures, they may still have the effect of hiding their contributions to policy outcomes.

municipal legislatures. My research also shows that the legislative process in municipalities across the U.S. is quite uniform, especially as it concerns agenda control and other factors pertinent to procedural obfuscation.

To extend our understanding of policymakers' beliefs about the effects of delegation and other obfuscating procedures on voters' ability to assign blame and credit, I employ two surveys on a sample of elected municipal officials from across the US. One of these surveys included embedded experiments and illustrates how scholars can employ methods often used on voters to examine policymakers' "theory of voting behavior" (Kingdon 1967, 137). In the survey experiment, municipal officials read a vignette about a city councilor who has to decide how to vote on a salient policy that her constituents support but she opposes. The experimental treatment varied the legislative action taken by the city councilor—i.e., whether the city councilor voted directly on the issue or employed a form of procedural obfuscation—and the outcome of that vote—i.e., whether the policy favored by citizens was implemented or not. Respondents were then asked to evaluate how the policy outcome and legislative actions taken by the city councilor would affect her re-election chances and the behavior of other political actors. This research design allows estimation of how each different set of policy outcomes and legislative actions affects policymakers' perceptions of the electoral incentives they face on these types of votes.

In the analysis, I test three different legislative tactics that local policymakers could use in situations where they want to stop a popular policy from being implemented. Each of the maneuvers is a vote (or set of votes) that is taken to avoid casting a final-passage vote on a legislative proposal. The first is a simple dilatory tactic—a vote to table any decisions on the policy proposal to avoid voting directly against it on final passage. The second tactic is "vote-switching"—i.e., casting votes in favor of motions that attempt (but fail) to kill a piece of legislation in earlier stages of the legislative process but then switching to vote for the legislation on final passage. The final form of procedural obfuscation that I examine is delegating decision-making authority on the issue to another body. Since the delegated decision-maker could side with either the politician (i.e., kill the popular policy) or the voters (i.e., implement the popular policy), I also consider how delegation affects both the blame that politicians receive for unpopular policy outcomes and the credit they receive for popular ones.

The results provide empirical evidence that local policymakers believe the procedures they use in the legislative process have electoral effects. Specifically, the respondents believe that each form of procedural obfuscation used by the city councilor in the survey experiment diminishes the blame she would receive for unpopular policy outcomes compared to what would happen if the city councilor directly voted against her constituents' preferences. In fact, they believe that delegation can cut in half the blame that a policymaker would receive for an unpopular outcome. At the same time, respondents do not believe that delegation inhibits their ability to claim full credit for a popular outcome. In fact, they believe that this asymmetry even exists in how engaged voters, who watched the legislative process unfold, assign responsibility to their representatives for the resulting policy outcomes. When asked directly, 61% agree that "The legislative procedures used to implement or impede an ordinance affect how voters assign responsibility to city councilors for whether that ordinance passed or failed."

In a second survey of elected municipal officials, I also find that use of procedural obfuscation to buy electoral cover is quite common. 79% of local policymakers indicated that they have witnessed colleagues either delay votes, refer matters to other bodies for further study, or delegate decision-making in order to shield themselves from blame on an electorally difficult issue. Together, these findings highlight the need for further work on legislative politics at the local level and have important implications for democratic accountability, which I discuss in the conclusion.

Procedural obfuscation and traceability

The procedures that elected officials use to implement or obstruct legislation potentially affect how voters (and politicians believe that voters) assign responsibility to elected officials for policy outcomes.⁵ As Arnold (1990) argues, in order for citizens to punish or reward an individual official for her legislative actions, they must be able to "plausibly trace an observed [policy] effect first back to a governmental action and then back to a representative's individual contribution" (47). In other words, the link from a policy outcome to a politician's contribution to that outcome must be "traceable" or, using similar terminology, exhibit some level of "traceability" (Arnold 1990).

⁵ To be clear, the term *policy outcomes*, or *policy effects* in Arnold's (1990) terminology, refers to the effects that citizens perceive that government policy has on conditions in society.

An important component of this link that likely affects its traceability is the legislative procedures used to implement or impede a government’s policy decisions (Arnold 1990). Some legislative actions are highly traceable. For example, a recorded vote on final passage of a piece of legislation clearly indicates a politician’s stance on and contribution to the creation of a policy. These votes are easy for citizens to comprehend when that information is provided to them—either their city councilor voted to pass the legislation or to kill it. Other legislative actions have the potential to obscure traceability by making an individual politician’s contribution to a policy output harder to detect. I refer to these types of actions as *obfuscating procedures* and the general concept as *procedural obfuscation*. These tactics are potentially more difficult to trace for many reasons. First, they might be difficult if not impossible to observe—e.g., unrecorded voice votes (Arnold 1990, 101). And even if they are observed, their significance might be difficult to explain to voters in the context of an election—e.g., a politician’s recorded votes on obscure procedural motions (e.g., Grynaviski 2010). Finally, the procedure itself might provide politicians with convincing justifications for their actions and/or allow them to “pass the buck” for unpopular outcomes—e.g., a politician can argue that she would not have delegated a decision had she known ex-ante how the delegate was going to decide the issue (Fox and Jordan 2011). Before examining how elected officials may believe these tactics affect voter behavior, we turn to examining the legislative process at the municipal level.

The legislative process at the municipal level

Although most theoretical work on this question concerns congressional politics, the legislative process at the municipal level provides ample opportunity for local politicians to also use procedural tactics that potentially obscure traceability. Before briefly reviewing this process, I should clarify some terms used in the paper. First, the terms “municipality,” “city,” or “local government” refer to sub-county,⁶ general-purpose local governments, which are commonly known as cities, towns, villages, or townships.⁷ In

⁶ In the data, there are eight cities that have merged into one entity with their overlapping county(ies) (e.g., Lexington, KY or New York City, NY).

⁷ Specifically, these governmental units meet the following definitions used by the U.S. Census Bureau: Minor Civil Divisions in CT, US, MA, MI, MN, NH, NJ, NY, PA, RI, VT, and WI (in these states, they are usually called townships or towns); Incorporated Places (in most states, they are called cities, towns, boroughs, and villages); and Consolidated Cities (these are a “unit of government for which the functions of an incorporated place and its county

addition, the term “city council” refers to each municipality’s governing, legislative body. I call members of this body “city councilors” and use any combination of the terms “local politician,” “city official,” or “municipal policymaker” to refer to city councilors and elected executives (i.e., mayors).⁸

Despite significant institutional differences across cities even within the same state, nearly all city councils follow variations of the same legislative process to create municipal ordinances and resolutions. This assessment is based on two original data sources. The first is a survey I conducted of a large sample of elected municipal officials that asked them a variety of questions about the legislative process in their municipality.¹⁰ I also had research assistants interview¹¹ the municipal administrator¹² over city council meetings from a random selection of municipalities, resulting in data from 27 municipalities. Although public deliberation and many legislative decisions may occur in committee meetings in municipal government,¹³ the ultimate legislative decision-making power resides in public city council meetings.¹⁴ Even when committees vote down legislation, a council member could propose that the full body consider the matter in an attempt to override the committee’s decision.¹⁵ Without the additional constraints of a procedural cartel as found in state legislatures and Congress, municipal committees do not possess significant gatekeeping powers.¹⁶

or Minor Civil Divisions have merged”) (U.S. Census Bureau 2011).

⁸ In some cases, the mayor is also a voting member of the city council, and in these situations, the term “city councilor” will refer to her as well.

¹⁰ I conducted a nationwide, online survey in July, 2014 of over 4,000 city councilors and mayors from cities across the U.S. with a population above 3,000. Respondents were asked to assess whether four statements (randomly selected from a total list 38) about the legislative process applied to their city.

¹¹ These interviews were conducted over the phone in fall 2017.

¹² In nearly all cases, this was the city clerk/secretary or one of their assistants.

¹³ Although 79% of respondents ($N=428$) indicated that their “city council has standing committees,” only 30% ($N=450$) agreed that “A proposed ordinance must be considered by a standing committee before it can be considered in a city council meeting.” In smaller municipalities and less professional city councils, the committees serve more as study groups, tasked with investigating issues and proposing legislation for the entire city council to consider. In larger cities, committee meetings play a regular role in the policy-making process and are where most public deliberation on issues occurs.

¹⁴ An important exception to this is municipalities where budgets must be approved by voters. In addition, some small municipalities have a separate legislative body of elected officials who create the budget or the budget proposal that citizens vote on. But for 92% of respondents ($N=314$), “The city council (as opposed to voters in a referendum or a separately elected finance board or commission) provides final approval of the city’s budget.”

¹⁵ In the 2014 survey, 70% of respondents ($N=429$) agreed that “Any member of the city council can make a motion for the city council to consider an ordinance that failed in committee or did not receive a committee’s recommendation.”

¹⁶ In the 2014 survey, 89% of respondents ($N=455$) agreed that “Technically, a committee cannot prevent the city council from considering an ordinance or resolution.” However, committees that formulate budget proposals would

Rather, control of the legislative agenda at the city level is diffuse. Each city councilor—and sometimes even mayors, agency heads, and citizens—can add items to the official agenda of a city council meeting.¹⁷ Although city council meetings are run by a designated chair,¹⁸ she serves more as a parliamentarian with few institutional resources to control what legislative actions occur in city council meetings.¹⁹ In nearly every municipality in the US, city council meetings are governed by a common set of parliamentary procedures, usually *Robert's Rules of Order* or a similar variant of it.²⁰ Under these rules, any city councilor can propose motions, including those to introduce or enact a piece of legislation,²¹ although city councils have restrictions on passing changes to city code in the same meeting in which the proposed changes were introduced. In almost all cases, motions are passed through simple majority vote.²² Once a motion has been made, other councilors can attempt to alter it by making subsidiary motions as per *Robert's Rules of Order*.²³ The egalitarian nature of the legislative process at the municipal level has important implications for procedural obfuscation.

Past work on legislative politics in municipalities focuses on...

wield significant influence on the contents of budget-related legislation due to information asymmetries.

¹⁷ Every city administrator interviewed said that any city councilor can add items to the city agenda. The process involves either making a proposal in a city council meeting for a future agenda or simply requesting that the staff in charge of the agenda add a particular item to it. 20 of the 27 administrators said that council members could even propose to add items to the agenda of a council meeting that is already in progress. The other 7 said items could be added but only in emergency situations as determined by the council. In the 2014 survey, 85% of respondents ($N=427$) agreed that “Any member of the city council can place items on the agenda of a city council meeting so long as they follow the proper process for submitting agenda items.”

¹⁸ The chair is usually a city councilor elected by members of the council or the mayor in municipalities with a weak-mayor form of government.

¹⁹ In the 2014 survey, 93% of respondents ($N=459$) agreed that “The person chairing or presiding over a city council meeting does not technically have the ability to prevent a member of the council from making a motion so long as the motion is in order.”

²⁰ 26 of 27 city administrators interviewed said that their municipality follows Robert's Rules of Order or a similar variant of it. In the 2014 survey, 94% of respondents ($N=416$) agreed that “In conducting its business, the city council follows a version of Roberts Rules of Order.”

²¹ In the 2014 survey, 85% of respondents ($N=436$) agreed that “In a city council meeting, any member of the city council can propose motions, including motions to introduce ordinances and resolutions.”

²² A common exception is a motion to suspend legislative rules, which usually requires a super majority.

²³ Although only 76% of respondents in the 2014 survey agreed that “Once a motion has been made in a city council or committee meeting, any member of the council can propose a subsidiary motion,” I have yet to find in my review of cities' by-laws a legislative rule that does not allow this to occur. The reference to “any member of the council” in conjunction with the reference to actions taken in committee meetings likely confused some respondents.

Preliminary votes and delegation

Although procedural obfuscation could potentially take many forms in local politics, I focus on a subset of tactics, which I call preliminary votes. These are votes that are taken on a piece of legislation prior to the final passage vote that would enact that legislation into law.²⁴ Final passage votes are arguably the most traceable and potentially salient to voters (e.g., Wilkerson 1992; Cox and McCubbins 2005, 29; Theriault 2008, 151). Preliminary votes, on the other hand, provide politicians with the opportunity to quietly alter legislation or change the likelihood that a final passage vote is ever taken on it. In congress and state legislatures, majority parties can use their strong negative agenda control to prevent most legislation from reaching the floor that might pit their members' personal policy preferences against those of their constituents (Cox and McCubbins 2005). These same cross-pressured members, however, regularly vote for procedures that maintain their party's ability to thwart the very legislation that their constituents would want them to support (e.g., Cox and McCubbins 2005; Theriault 2008).

The diffuseness of agenda-setting powers in city councils, however, fundamentally changes where preliminary votes occur in the legislative process since a single member can force the majority to consider issues and votes that they would prefer to avoid. In situations where the majority would like to stop a bill while minimizing the potential electoral backlash for doing so, procedural obfuscation in the form of preliminary votes often must occur after the bill has been introduced for consideration in a city council meeting. In this case, the obfuscating procedure would take the form of subsidiary motions (such as motions to table the issue or refer it to another group for consideration) that prevent the legislation from being implemented without taking a definitive, final passage vote. It is likely that votes on these motions are more traceable than the obscure procedural votes that state legislators and members of congress support to empower the majority party to keep this type of legislation off the floor.

A special case of preliminary votes is delegating decision-making authority to outside bodies. Compared to congress and state legislatures, city councils are technically more limited in their ability to delegate. According to most state laws, city councils cannot delegate the creation of ordinances (i.e., passage of legislation that changes city code/law) except in the few instances where state laws allow or

²⁴ In city councils, a final passage vote is technically called a final reading.

dictate it to occur. However, city councils can and often delegate ministerial and administrative decisions which have important policy and electoral implications.²⁵ They also seek out policy recommendations from the city's staff,²⁶ who regularly present analyses and recommendations in city council meetings. In addition, city councils regularly instruct committees and outside bodies, such as commissions, to investigate matters and report back their findings (including proposed legislation) at a later date.²⁷ Even though this may not completely delegate a decision into the hands of an outside group, it does facilitate "buck passing." In fact, one of the classic examples of delegation in the congressional literature—the closing of military bases through the Base Realignment and Closure Act—still requires congress to approve the recommendations made by the commission tasked with choosing which bases to close (Arnold 1990; Silver 1997). The key is that perceived decision-making at some level of importance is delegated to another group, which then facilitates buck passing on the legislature's part. In this sense, cities have ample opportunities to delegate.

How policymakers might believe procedural obfuscation affects voters

The question remains whether policymakers believe these tactics affect voters' assessment of their representatives' individual contributions to policy outcomes. Here, I lay out arguments for three plausible outcomes in answer to this question. The first is a **null effect**—i.e., that local policymakers do not believe that any of these legislative tactics, and delegation in particular, affect voter behavior. Such a perspective would be in line with scholars (Mashaw 1985,1997; Posner and Vermeule 2002) who argue that voters may fall at one of two extremes. The first is that they may exhibit extreme sophistication, realizing policymakers' intentions when they use dilatory legislative tactics or delegate controversial decisions to the bureaucracy. The other extreme is that citizens' vote choice is unrelated to the legislative process, whether due to political ignorance, reliance on partisan labels (when those are available) and racial cues (Hajnal and Trounstein 2014), or pure retrospective voting focused on outcomes and not individual official's actions (Arnold and Carnes 2012).

²⁵ In the 2014 survey, 52% of respondents ($N=462$) agreed that "The city council can direct the behavior of city staff on administrative issues."

²⁶ In a [YEAR] survey of municipal officials, ___% indicated that staff play a major role in developing policies

²⁷ In the 2014 survey, 88% of respondents ($N=466$) agreed that "The city council can create an ad hoc committee to consider an issue." 75% ($N=428$) agreed that the mayor could do so.

Given voters' ignorance of politics in general and the low-information nature of local elections, one might easily assume that the legislative process should have little effect on local electoral results. However, low-turnout in municipal elections²⁸ results in an electorate composed of the most educated, informed, and invested citizens who vote more on issues and less on heuristics such as party cues (Oliver, Ha, and Callen 2012).²⁹ Another important consideration is that this study tests local officials' *perceptions* of how voters respond to their legislative actions. Like members of congress, city councilors may be "running scared" (Jacobson 1987), worried about the *potential* electoral effects of a legislative process that is rarely monitored by voters but may be on particular votes (Arnold 1990) for idiosyncratic and unpredictable reasons (Oliver, Ha, and Callen 2012).

Other scholars argue that these legislative tactics, and delegation in particular, obscure traceability and, therefore, diminish both the blame and credit that politicians receive for any resulting policy outcomes (Fiorina 1982; Schoenbrod 1995; Hood 2002). This could result in a **symmetric effect** on electoral accountability, meaning that a tactic diminishes blame and credit-claiming equally. From this perspective, if policymakers believe a vote or tactic is obscure or complicated enough to hinder a citizen's ability to trace an unpopular outcome back to a legislator's legislative actions, then they should also believe that this vote or tactic will hinder traceability when the outcome is popular.

More likely, however, is that elected officials believe procedural obfuscation has an **asymmetric effect** on electoral accountability (Fiorina 1982; Arnold 1990; Hood 2002). 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

²⁸ By "municipal elections," I am referring to elections across all municipalities, which are mostly smaller cities and towns where race plays less of a factor than they do in urban cities (Hajnal and Trounstein 2014).

²⁹ See also Abrajano and Alvarez (2005) for additional evidence that local voters rely on issues and ideology in their vote choice even when deciding between candidates of different ethnicities.

further investigation, she can tell voters that she needed more time to investigate the matter thoroughly. These actions would diminish the blame that the politician receives for the unpopular outcome. On the other hand, if delegation results in a popular policy outcome, the politician can aggrandize her contributions and still claim credit at some level for the outcome.

One question concerns the extent of the asymmetry. Some scholars who have considered the issue argue that procedural obfuscation should still diminish credit to some degree (Fiorina 1982; Hood 2002). However, procedural obfuscation could facilitate blame avoidance *without* hindering credit-claiming (Arnold 1979). Of the obfuscating procedures discussed above, delegation is most likely to exhibit this extreme asymmetry since it allows policymakers to pass the buck to the delegate for unpopular outcomes while at the same time providing elected officials with a somewhat clear contribution to any resulting favorable outcomes—a vote to delegate the issue to another body that made the right decision. This also prevents political challengers, who are often citizens’ main information source of incumbents’ controversial votes (Arnold 1990, 49), from broaching the issue. In the context of a campaign, challengers would have difficulty conveying to voters the significance of the incumbent’s decision to delegate and the risk it entails of resulting in a policy outcome that voters oppose. Furthermore, any attempt by a challenger to use the vote against the incumbent would only remind voters that the incumbent’s actions resulted in a favorable outcome. Thus, a challenger’s limited time and resources are better spent elsewhere. As a result, if voters are informed of the delegation vote in the campaign, it will be done by the incumbent, who can aggrandize her contribution to the positive outcome. Absent any contrasting views on the matter, voters have little reason to not accept their elected official’s account.³⁰ Taken together, these arguments suggest that delegation could diminish blame without diminishing credit.

The extant empirical literature does not fully address this question nor test for asymmetry. Moreover, there is no systematic evidence of policymakers’ perceptions of the electoral costs and benefits of the legislative tactics they employ. To date, the only quantitative analysis on voters’ electoral reaction to procedural obfuscation is Theriault’s (2004, 2005) examination of roll calls on congressional pay raises.

³⁰ This jibes with evidence from Congressional politics, which suggests that voters 1) rely heavily on their Senators’ and Representative’s own account of their legislative efforts when assigning responsibility and 2) are eager to give their elected officials full credit for their uncontested claims (Grimmer, Messing, and Westwood 2012).

Theriault finds that U.S. Representatives are electorally punished when they vote for pay raises on a final passage vote that results in the pay raise being implemented. LOOK INTO ANDREW REEVES ON PRES. DELEGATION. Procedural votes and votes for failed efforts to increase Congressional salaries, however, do not provoke voters' ire. His analysis, however, only addresses procedural obfuscation in terms of facilitating blame-avoidance. There is a body of quantitative work on two related questions. The first examines voters' attitudes about the legislative process, both in general (e.g., Hibbing and Theiss-Morse 2001; Doherty and Wolak 2011) and with regards to specific procedures, such as the Senate filibuster (Doherty 2013). The other literature examines voters' assessments of the excuses and justifications that politicians' use to explain unpopular legislative actions (e.g., McGraw 1991) but does not evaluate how legislative procedures alter the effectiveness of those excuses.

Experimental design

To shed light on this question, I propose an experimental design to measure the perceptions of actual policymakers on the electoral effects of procedural obfuscation. These perceptions are central to theories of the policymaking process as this in turn affects legislative behavior and policy outcomes (e.g., Kingdon 1967). As Arnold argues in his theory of Congressional behavior, "What is relevant is how frequently legislators stop to calculate whether their actions in congress [or city hall] might stimulate citizens to reward or punish them at the polls" (1990, 46).

Survey of elected municipal officials

I embedded an experiment in a survey of elected municipal officials that was conducted between July and October 2012. To gather the list of municipal officials, I began with the U.S. Census Bureau's list of 26,566 U.S. municipalities and then conducted an exhaustive online search for each of these municipalities' websites to gather the title, name, and email address of the municipality's elected legislators and executives.³¹ The search for these municipal websites was conducted in random order and resulted in a list of 26,531 elected officials' email addresses from 5,024 municipalities.

³¹ The substantive results of the analysis are unchanged if elected executives (i.e., mayors who are not also members of the legislative body) are excluded from the sample.

The survey was conducted in five rounds with each elected official randomly assigned to be invited by email to participate in one of the rounds. The questions for this analysis were included in the fourth and fifth rounds of the survey, which were conducted in September 2012. The response rate was twenty percent, on par with recent surveys on elites of this nature (e.g., Butler and Powell 2014; Fisher and Herrick 2013; Harden 2013) and double the typical response rate for contemporary telephone surveys of the mass public. In each survey round, invitees received three email invitations over the course of several weeks. The email invitations contained a link to the survey, which was conducted online using Qualtrics. In order to keep the survey length to a minimum, the questions and vignettes in this analysis were designed to be as brief as possible.

Table A1 in the appendix presents summary data about the cities in the sample. The cities fall under one of three categories: (1) those where none of the email addresses of the city's elected officials was found; (2) those where emails were found but none of the officials took the survey; and (3) those where at least one of the officials from that city answered a question in the survey. The mean population of cities in category 1 (3,127) is much smaller than those in categories 2 (17,635) or 3 (36,304), which indicates that larger cities were more likely to have websites with emails and their elected officials were more likely to respond. Although the 2,989 cities with responses represent only 11.2% of total cities, they contain 108.5 million inhabitants or 51.2% of the population in our original list of cities. As figure A1 in the appendix illustrates, the cities with respondents are also relatively evenly dispersed across the U.S.

Treatment conditions

Survey respondents were presented with a vignette-style survey experiment that described 1) the legislative vote(s) taken by a hypothetical city councilor on a policy that her constituents support and 2) the policy outcomes resulting from those actions. Both of these elements were experimentally manipulated in the vignette, and respondents were randomly assigned to one treatment condition. After reading the vignette, respondents were then asked to estimate the impact that the legislative actions and outcomes would have on the city councilor's re-election chances. The response to this question, *Re-election Impact*, is the main outcome measure for the analysis and was measured using a sliding scale where positive (negative) numbers indicated a positive (negative) electoral impact.

The experiment has two baseline treatment conditions, described below, which measure respondents' beliefs about the electoral implications of legislative actions that have minimal procedural obfuscation:

- **Transparent, Popular:** the city councilor votes for the policy that citizens support in a final passage vote, and the policy passes. In other words, the legislative process is *transparent* and the resulting outcome is *popular* with citizens.
- **Transparent, Unpopular:** the city councilor votes against the policy that the citizens support in a final passage vote and the policy fails to pass.

In the next set of treatment conditions, the city councilor in the vignette uses delegation to avoid a final passage vote on the legislation supported by her constituents. Since delegation could result in an outcome that either sides with or against citizens' preferences, I included two delegation treatment conditions that vary the resulting policy outcome:

- **Delegate, Popular:** the city councilor votes to *delegate* the decision, and the motion passes. The delegate implements the policy that citizens support, resulting in a policy outcome that is *popular* with citizens.
- **Delegate, Unpopular:** the city councilor votes to *delegate* the decision, and the motion passes. The delegate does not implement the policy that citizens support, resulting in a policy outcome that is *unpopular* with citizens.

Comparing the results from the “Delegate” conditions to those from the “Transparent” conditions allows us to test local policymakers belief's about the effect of delegation on electoral accountability and its level of asymmetry. Specifically, taking the difference of the two conditions when the popular policy is implemented (i.e., $Impact_{Delegate, Popular} - Impact_{Transparent, Popular}$) provides an estimate of the “credit differential” resulting from delegation. If this credit differential equals 0, then respondents believe that the city councilor receives full credit for the policy outcome regardless of whether she delegates the decision or not. On the other hand, a negative difference means that respondents believe that delegation diminishes the councilor's credit-claiming ability. To estimate the “blame differential,” I calculate the difference of the two conditions when the policy outcome in unpopular (ie., $Impact_{Transparent, Unpopular} - Impact_{Delegate, Unpopular}$).

Unpopular).³² If the difference equals 0, then respondents believe that the city councilor receives full blame for the policy outcome regardless of whether she delegates the decision or not. A negative difference means that respondents believe that delegation diminishes the blame that the councilor would receive for the negative outcome. Finally, the differences of these differences, $(I_{DP} - I_{TP}) - (I_{TU} - I_{DU})$, indicates the level of asymmetry in the effects. A difference-in-differences that equals zero suggests symmetry while a positive difference-in-differences suggests an asymmetric effect in the predicted direction (i.e., that delegation reduces blame more than credit).

Vignette

The vignette used in the survey experiment (see Table B1 in Appendix B for the full text) describes the situation of a hypothetical city councilor, Mr. Smith, who has to decide what legislative actions to take on a salient issue that pits his preferences against those of the voters in his district. Citizens in Mr. Smith's city have organized a campaign against a towing company that works for the city, demanding that officials terminate its contract. Although he suspects that most of his voters support firing the contractor, Mr. Smith and a majority of the members of the city council sincerely believe this would be bad public policy. The issue is on the agenda for the next city council meeting, which is filled to capacity with citizens who want the city council to fire the towing company. As is the case in most municipalities, the city councilors can only recommend, through passing a resolution, that the city's executive (i.e., the mayor or city manager) terminate the contract. However, Mr. Smith is certain that the executive will act on the council's recommendation. This vignette is based on an actual event that took place in Wilkes-Barre, PA in July 2012.³³

The last paragraph of the vignette contains the treatment conditions (see Table B2 in Appendix B for the full text). It describes the legislative action(s) taken by Mr. Smith and the city council and whether the

³² I switch the order of the outcome from the "Delegate" and "Transparent" conditions in these two differences so that both differences will be less than 0 if delegation reduces credit or blame. This also allows comparing the differences to estimate the level of asymmetry.

³³ In the actual event, one city councilor made a motion to recommend firing the towing company, which his colleagues refused to second despite hecklers from the crowd encouraging them to do so. Immediately after the motion died, a second councilor recommended that the mayor form a commission to investigate the matter. The motion passed and the meeting was adjourned. The mayor quickly left before a journalist could get his comments on the situation (Moyer 2012). I failed to find evidence that the city council ever addressed the issue again or that the mayor heeded the recommendation to form a commission.

contractor was ultimately fired or not. In each condition, another councilor makes the motion to either take a final passage vote on the recommendation (i.e., the Transparent conditions) or delegate the making of a recommendation to an ad-hoc committee of city officials and stakeholders (i.e., the Delegate conditions).³⁴ The text then indicates how Mr. Smith voted on the motion and whether the motion passed. In each treatment condition, the mayor/city manager acts on the city council's or commission's recommendation. If the city council or commission sides with constituents and recommends firing the contractor, the executive does so. If no recommendation is made, the executive does not fire the contractor. Respondents were then asked to indicate "what kind of an impact, if any, would the contractor issue have on Mr. Smith's re-election chances" given his legislative actions and the ultimate outcome of the issue. The response to this question, *Re-election Impact*, was measured on a sliding scale similar to a feeling thermometer. The scale ranged from -100, which was labeled as a "Very Negative Impact," to 100, which was labeled as a "Very Positive Impact." The center of the scale, 0, was labeled as "No Impact."

Delegation has asymmetric effects

The results from the survey experiment (see Table 1) provide empirical evidence that local policymakers believe that delegation has an extreme, asymmetric effect. Beginning with the first column of Table 1, we see that respondents believe that delegation has no impact on Mr. Smith's ability to claim credit for positive outcomes. Whether he votes directly with citizens (mean=22) or delegates the decision (mean=28), respondents believe the electoral impact will be positive. In fact, delegating the decision *increases* the positive impact by 6 points. This difference, which is in the opposite direction of theoretical predictions, is not statistically significant at traditional levels ($p=0.185$). Since our priors are that the difference should be less than or equal to zero, the finding that it is greater than zero is strong evidence that the *Re-election Impact* of delegating is not significantly less than the *Re-election Impact* of a transparent vote on final passage.

³⁴ Although city councils are limited in their ability to delegate the authority to create laws and ordinances, they can delegate ministerial and administrative duties, which is the case in the vignette. In the large volume of feedback I received from survey respondents, none of them suggested that the delegation was problematic.

Table 1: Delegation has an Asymmetric Effect on Mr. Smith’s Re-election Chances

		(1)	(2)	(3)
		Policy Outcome		
		Popular	Unpopular	Difference
Legislative Action	Transparent	$I_{Transparent, Popular}$ 22 (3.3) N = 154	$I_{Transparent, Unpopular}$ -21 (2.9) N = 161	
	Delegation	$I_{Delegate, Popular}$ 28 (3.2) N = 150	$I_{Delegate, Unpopular}$ -7 (2.3) N = 178	
Difference [†]		$I_{DP} - I_{TP}$ 6 (4.6) Full Credit	$I_{TU} - I_{DU}$ -14 (3.7) Diminished Blame	$(I_{DP} - I_{TP}) - (I_{TU} - I_{DU})$ 20 (5.8) Asymmetry

Note: Table presents the means of the outcome variable, $Impact_c$, for each treatment condition, $c = TP, DP, TU, DU$. Standard errors are in parentheses. The differences test whether delegation diminishes credit and blame. The difference-in-differences tests for asymmetry.

[†]The order of the “Delegate” condition and “Transparent” condition in these two differences are reversed so that the direction of the differences will be the same (negative in this case) if delegation diminishes credit or blame. This also changes the difference-in-differences estimator so that it calculates whether delegation reduces blame more than credit (and vice versa).

Although respondents do not believe delegation diminishes credit-claiming, they do believe it diminishes blame significantly. Based on the results in column 2, directly voting against citizens preferences has a much more negative impact on Mr. Smith’s re-election chances (mean= -21) than delegating the decision to a commission that also sides against citizens (mean= -7). Thus, delegation reduces the blame for the unpopular outcome by 14 points (p=0.000). The large positive value of the difference-in-differences ($[I_{DP} - I_{TP}] - [I_{TU} - I_{DU}] = 20$; p-value = 0.001) provides strong evidence that respondents believe delegation has an asymmetric effect, diminishing blame much more than it diminishes credit (if at all).

To give substantive meaning to these results, I assigned another subset of respondents to the following condition:

- **Position-Taking, Unpopular:** the city councilor votes for the policy that citizens support in a final passage vote, but the policy fails to pass, resulting in an unpopular outcome. In other words, the city councilor engages in *position-taking* in the face of a policy outcome that is *unpopular* with citizens.

The difference between this condition and the “Transparent, Unpopular” condition provides a benchmark of what respondents believe would be the electoral ramifications if all else were equal save Mr. Smith’s vote on the policy. Respondents assigned to the “Position-Taking, Unpopular” condition believe that Mr. Smith’s actions will have a somewhat neutral impact on his re-election (mean=5; s.e.=4.4). Thus, changing from a “yea” vote to a “nay” vote on a final passage vote that results in an unpopular policy decreases the *Re-election Impact* by 26 points ($p=0.000$). Delegating the decision, on the other hand, only results in a 12 point drop ($p=0.007$) relative to the “Position-Taking, Unpopular” condition. Thus, respondents believe that delegation can reduce the negative electoral impact of directly voting against citizens’ preferences by 54%—a sizable effect. The results for the “Position-Taking, Unpopular” condition also indicate that policymakers do not believe that simply voting with citizens is not enough to capture the maximum electoral reward—there must also be a popular outcome for credit-claiming to occur.

Why do policymakers believe delegation affects traceability?

Respondents’ perceptions of how delegation affects traceability could arise for several reasons. In the survey, I examine four potential explanations, none of which are mutually exclusive, by asking a randomly selected subset of respondents (two-thirds of the sample) four additional questions (see box B3 in the appendix for the full text).³⁵ NOTE: There’s another explanation—delegation has informational advantages. Elected officials may believe that it results in an outcome that voters think is superior. Or it gives time for cooler heads to prevail. END NOTE. The first explanation is that the respondents themselves believe that Mr. Smith is just as responsible for the popular outcome when he delegates the decision as when he directly votes for that outcome. If true, this would undermine the argument that

³⁵ These questions appeared in random order on the next page of the survey immediately after the vignette and initial question about the *Re-election Impact* of Mr. Smith’s legislative actions and the policy outcome.

policymakers believe they can receive full credit for popular policy outcomes even when their actual contributions to that outcome is dubious. To assess this possibility, I asked respondents to indicate how responsible they believe Mr. Smith is for the policy outcome. The response to this question, *Responsibility in Respondents' Perspective*, was measured on a sliding scale from 0 to 100%, with 0% labeled as meaning “Mr. Smith is not at all responsible” and 100% meaning “Mr. Smith is completely responsible.”

The second question is similar except that respondents were asked to assess how they believed the *engaged citizens* who attended the city council meeting in the vignette would assess Mr. Smith's responsibility for the policy outcome. The response to this question, *Responsibility in Citizens' Perspective*, was also measured on a sliding scale from 0 to 100%. I purposely asked respondents to consider the perceptions of the engaged citizens at the city council meeting, as opposed to voters in general, to create an extreme test of politicians' perceptions of procedural obfuscation's effect on traceability—i.e., do they believe that procedural obfuscation can obscure traceability even among attentive publics who witness the legislative actions first hand?

The third and fourth questions examine how policymakers believe the legislative process affects the behavior of potential challengers. The third question asked respondents to assess the probability that a challenger would decide to run against Mr. Smith because of the issue. The response to this question, *Probability Challenger Runs*, was measured on a 100 point sliding scale where 100% meant that “it's absolutely certain a challenger would run.” The fourth question asked respondents to assess the effectiveness of the challenger using the contractor issue against Mr. Smith in the campaign. The response to this final question, *Effectiveness of Issue*, was also measured on a 100-point scale where 100% meant that using the issue against Mr. Smith would be “absolutely effective.”

Table 2 presents the results from each question, displayed in a similar layout as in Tables 1 and 2. Several findings stand out. First, the respondents believe that Mr. Smith is less responsible for the policy outcome when he votes to delegate the issue to a commission (see models [1] through [3] of Table 2). This is especially true when the outcome conforms with citizens' preferences (diff.=13; p=0.003) and less so when it does not (diff.=8; p=0.06). One reason this latter difference is smaller (although not statistically so) is because respondents believe Mr. Smith is much less responsible for the unpopular

outcome than the popular one when his actions on the issue are transparent (diff.=11; p=0.008). This result suggests that in addition to having strong incentives to avoid blame (Weaver 1986) local policymakers may also be biased against accepting responsibility for blame-inducing policy outcomes.

Table 2: Responses to questions assessing why respondents believe delegation affects traceability

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Outcome	Mr. Smith's Responsibility for Policy Outcome in Respondents' Perspective			Mr. Smith's Responsibility for Policy Outcome in Citizens' Perspective			Probability Challenger Runs			Effectiveness of Challenger using Issue in the campaign		
Response Measure	0 to 100%, 0% = no responsibility, 100% = complete responsibility			0 to 100%, 0% = no responsibility, 100% = complete responsibility			0 to 100%, 0% = 0% probability, 100% = 100% probability			0 to 100%, 0% = no effectiveness, 100% = completely effective		
Policy Outcome	Popular	Un-popular	Diff.	Popular	Un-popular	Diff.	Popular	Un-popular	Diff.	Popular	Un-popular	Diff.
Legislative Action												
Transparent	57 (2.9) N=100	46 (2.9) N=105	11 (4.1)**	60 (2.5) N=103	69 (2.5) N=108	-10 (3.5)**	29 (2.4) N=100	49 (2.7) N=109	-20 (3.6)**	31 (2.4) N=98	52 (2.8) N=108	-21 (3.7)**
Delegation	44 (2.9) N=86	38 (2.8) N=108	6 (4.1)	55 (2.7) N=87	51 (2.4) N=109	4 (3.7)	36 (2.6) N=86	40 (2.4) N=107	-5 (3.6)	37 (2.8) N=87	44 (2.6) N=108	-7 (3.8)*
Difference	13 (4.2)**	8 (4.0)*	5 (5.8)	4 (3.7)	18 (3.5)**	-14 (5)**	-7 (3.5)*	9 (3.6)**	-16 (5.1)**	-6 (3.7)*	8 (3.8)**	-14 (5.3)**

Note: Table presents the means of the outcome variable for each treatment condition, $c = TP, DP, TU, DU$. Standard errors are in parentheses. Models (1) through (3) present the results for the outcome variable *Responsibility in Respondents' Perspective*. Models (4) through (6) present the results for the outcome variable *Responsibility in Citizens' Perspective*. Models (7) through (9) present the results for the outcome variable *Probability Challenger Runs*. Models (10) through (12) present the results for the outcome variable *Effectiveness of Issue*.

Although respondents assign Mr. Smith less responsibility for the popular outcome when he delegates, they believe that the engaged citizens will assign Mr. Smith nearly as much responsibility for delegating the decision (mean=55) as they will for voting directly with citizens on final passage (mean=60; diff.=4; $p=0.245$). When the policy outcome is unpopular, however, respondents believe the engaged citizens will assign much less responsibility to Mr. Smith for delegating the decision rather than taking the more transparent action (diff.=18; $p=0.000$). This suggests that local officials believe that the asymmetric effect of delegation occurs early in the electoral accountability process, affecting the responsibility assessments of even the most attentive voters.

Turning to the last two questions, I also find evidence that respondents believe that delegation affects the behavior of potential challengers. However, it does not do so asymmetrically (see columns [7] through [12]). Regardless of whether the outcome is popular or not, respondents appear to believe that delegation has a similar sized effect on challenger entry. In the former case, it increases the probability that a challenger runs by 7% points ($p=0.052$), from 29 to 36%. In the latter, it decreases this probability by 9% points ($p=0.015$), from 49 to 40%. Although the 2-point difference between the absolute value of these differences is not statistically significant ($p=0.710$), this symmetric effect on challenger entry could still result in an asymmetric effect on Mr. Smith's re-election chances depending on respondents' beliefs about the effectiveness of using the issue against Mr. Smith under the different treatment conditions. But as with challenger entry, respondents believe delegation has similar sized effects on the effectiveness of the issue regardless of whether the policy outcome is popular (diff.=6; $p=0.098$) or unpopular (diff.=8; $p=0.035$; diff-in-diff=2; $p=0.714$). This lack of asymmetry contradicts the findings from Table 1 and may arise for a couple of reasons. First, only a subset of respondents saw these latter questions, so the results are estimated less efficiently.¹ Second, respondents' interpretations of the questions may have differed. Regardless, across all questions, I consistently find that local

¹ I note that the substantive results from Table 1 are unchanged if I restrict the sample to respondents who are included in the results in Table 2.

policymakers believe that delegation diminishes the costs of an unpopular policy outcome more than the benefits of a popular one.

One last finding to note is the magnitude of the effect of voting directly with citizens' preferences instead of against them. When Mr. Smith's legislative actions are transparent, voting with citizens reduces the probability that a challenger will run by 41% ($p=0.000$). It also reduces the effectiveness of using the issue against Mr. Smith by a similar amount ($\text{diff.}=-21$; $p=0.000$). These differences suggest that respondents believed, as the vignette was designed to convey, that the towing contractor issue was electorally consequential for Mr. Smith.

Effects of tabling and vote-switching

Although delegation's asymmetry makes it a potentially attractive form of procedural obfuscation, it also entails an important risk—the delegate may act against the elected official's preferences. In the example from the vignette, Mr. Smith may prefer the unpopular outcome (i.e., preventing the contractor from being fired) above all else. Delegating the decision to diminish the negative electoral impact of that decision could result in Mr. Smith's least preferred outcome—a decision to fire the contractor. In situations like these, officials may rely on other types of preliminary votes. One such procedure that is readily available to local policymakers is a simple dilatory tactic—a vote to table an issue in order to avoid a final passage vote. Even though this tactic has the same policy outcome as directly voting against citizens' preferences, voters may perceive the outcome as less permanent since a city council would be more likely to re-address an issue that it tabled rather than voted down. The policymakers could also deflect some of the blame for the resulting outcome with a plausible excuse for why delaying the issue was prudent—e.g., an official could claim she needed more time to consider the issue before voting on it. To test policymakers' perceptions of the effectiveness of this strategy, I assigned another subset of respondents to the following treatment condition:

- **Table, Unpopular:** the city councilor votes to *table* discussion of the policy that citizens support. The motion passes, resulting in an *unpopular* outcome.

Voting to table an issue also entails its own risks. The motion may fail to pass and still result in a final passage vote. In these cases, local officials may engage in vote-switching—i.e., voting in favor of legislation after previously voting to stop it—in order to avoid the full electoral impact of directly voting against citizens’ preferences. To examine the effects of this strategy, I included one final treatment condition in the survey experiment:

- **Vote-Switch, Popular:** the city councilor votes to table discussion of the policy that citizens support. When this motion fails, she votes for the policy in a final passage vote, and the policy passes, resulting in a popular outcome.

This final treatment condition also allows me to assess whether a popular outcome is sufficient for explaining the full credit that Mr. Smith receives in the “Delegate, Popular” condition.

Table 3 displays the effects of the other two forms of procedural obfuscation tested in this analysis. Column 1 tests whether policymakers believe they can completely cover their tracks by engaging in vote-switching. The results suggest that they do not. The positive electoral impact of voting directly with citizens’ preferences is diminished 11 points ($p=0.014$) when Mr. Smith first attempts to table the bill prior to voting for it (mean=10). The conservative estimate² is that vote switching reduces the positive electoral effect of just voting directly for the policy by 27%. However, the impact of vote-switching is still positive and statistically significant from 0.

² Ideally, I would calculate this by comparing the outcomes from the “Transparent, Popular” and “Vote-Switching, Popular” conditions to one where Mr. Smith votes *against* the policy but it still passes, resulting in the popular outcome. Since I did not include this treatment, primarily for concerns of having sufficient statistical power, I calculate the magnitude of the reduction of the effect using the “Transparent, Unpopular” condition as the baseline.

**Table 3: Vote-switching diminishes credit (Col. 1) and
Tabling diminishes blame (Col. 2)**

		(1)	(2)
		Policy Outcome	
		Popular	Unpopular
Legislative Action	Final Passage	$I_{Transparent, Popular}$ 22 (3.3) N = 154	$I_{Transparent, Unpopular}$ -21 (2.9) N = 161
	Vote-Switching	$I_{Vote-Switch, Popular}$ 10 (3.2) N = 146	
	Tabling		$I_{Table, Unpopular}$ -12 (2.7) N = 176
Difference		$I_{VP} - I_{TP}$ -11 (4.6) Diminished Credit	$I_{TU} - I_{TaU}$ -9 (4.0) Diminished Blame

Note: Table presents the means of the outcome variable, $Impact_c$, for each treatment condition, $c = TP, VP, TU, TaU$. Standard errors are in parantheses. The differences test whether vote-switching (tabling) diminishes credit (blame).

Column 2 suggests that policymakers believe that tabling the issue rather than voting directly against citizens can also diminish the blame Mr. Smith receives for unpopular outcomes (mean= -12; diff.= 9; p= 0.025), reducing the negative impact of directly voting against citizens' preferences by 35%.³ Tabling the issue facilitates blame-avoidance less than delegation, although the 5 point difference between these two conditions lacks statistical significance (p=0.166). Since tabling is less ambiguous than delegation and does not facilitate buck passing, we should expect tabling to diminish blame less. This also helps explain why vote-switching hinders credit-claiming more than delegation. In the case of vote-switching, a political opponent could point to Mr. Smith's attempt to prevent the legislation from occurring and question the sincerity of Mr.

³ This is calculated as follows: $1 - [(I_{Table, Unpopular} - I_{Position-Taking, Unpopular}) / (I_{Table, Unpopular} - I_{Transparent, Unpopular})]$.

Smith's change of heart in voting with citizens on final passage. When delegation leads to a popular outcome, political challengers are better off not bringing attention to the issue.

Do local policymakers use these tactics?

Although the survey experiment above provides important insights into how local policymakers believe different procedures affect their electoral incentives, the extent to which these tactics are used by local officials remains unclear. To address this issue, I ran a second online survey of elected municipal officials from across the U.S. in July, 2014. The process for gathering the sample of municipal officials and administering the survey to participants was nearly identical to the one used for the first survey I conducted in 2012.⁴

In the 2014 survey, I asked a small subset of respondents to consider how they and their colleagues handle a specific type of situation where procedural obfuscation would be electorally advantageous, namely situations where the city needs to make a decision on a salient issue that divides two electorally important groups within the official's constituency. Based on the survey responses, these "no-win" situations occur regularly. 90% of respondents ($N=383$) indicated that they had faced a situation like this in the last 12 months. In open ended comments in the survey and a few phone interviews I conducted with survey participants, several local officials indicated that they face these constituent-splitting issues monthly if not more often. I also asked respondents to indicate whether they have witnessed their colleagues use one of several obfuscating procedures when facing a no-win situation in order to "avoid taking a stand on the situation's resolution" (in the case of delaying a vote on the issue) or to "shield themselves from blame for the situation's resolution."⁵ 66% of respondents ($N=380$) indicated that they had "witnessed colleagues try to delay voting on the matter" in these situations. 70% ($N=382$) had seen colleagues "[try] to refer the matter to a committee, commission, or municipal staff for

⁴ One important difference is that the 2014 survey did not include officials from cities with a population below 3,000. This was done for costs concerns given 1) the low percentage of cities below this threshold that had websites in the 2012 survey and 2) the significantly lower response rate of officials from these smaller cities.

⁵ I purposely asked respondents about their colleagues' behavior instead of their own to decrease social desirability bias and the incentive to dissemble.

further study” while 53% ($N=381$) had seen 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.” This last figure re-emphasizes that delegation is applicable to legislative politics at the local level despite the fact that city councils are technically limited in their ability to delegate policymaking authority. In total, 79% of local policymakers indicated that they have witnessed colleagues use at least one of these three tactics in order to avoid blame on an electorally difficult issue. Although these questions do not provide a measure of how frequently local policymakers employ such tactics, they do show that the use of legislative procedure to avoid blame is a familiar phenomenon.

Finally, to assess a major claim of this paper, I asked policymakers directly whether they believe that “The legislative procedures used to implement or impede an ordinance affect how voters assign responsibility to city councilors for whether that ordinance passed or failed.” 61% of respondents ($N=445$) agreed with the statement, providing further evidence that the overall finding from the earlier survey experiment that the legislative process is politically consequential was not specific to a particular survey sample or vignette. The electoral effects of these legislative procedures appear to be driven by the behavior of elites. Although only 13% of local policymakers ($N=463$) believed that “The average voter pays close attention to the legislative process used in city council meetings,” 58% ($N=455$) agreed that “Organized interest groups pay close attention” while 65% ($N=431$) believed that “local activists” did so as well.

Discussion and conclusion

Through two surveys of actual municipal policymakers, including one survey with embedded experiments, this study finds strong evidence that local elected officials believe that the legislative procedures they use to implement or hinder legislation affect voter behavior in ways that diminish democratic accountability. In situations where a city councilor opposes a policy that her constituents support, elected officials believe the negative electoral impact of defeating the policy in a final passage vote can be cut in half by delegating the unpopular decision to an outside commission. On the other hand, if the delegate sides *with* citizens, policymakers believe that a

city councilor can reap full credit for the resulting outcome even though they believe the city councilor contributed less to that outcome than he did when he votes directly for the policy on final passage. Thus, local officials believe that delegation has an asymmetric effect that diminishes blame without necessarily diminishing credit—something approaching a “heads I win, tails you lose” scenario. Even in situations where delegation is unavailable, policymakers believe they can still reduce the electoral repercussions of defeating a popular policy by 35% with the simple tactic of tabling the issue in order to avoid a final passage vote. Moreover, these tactics are effective, not simply due to voter apathy and ignorance, but because they even affect the responsibility assessments of *engaged* voters who are observing the legislative process unfold.

Although these findings could be troubling in terms of democratic accountability, their normative implications are not straightforward. On the one hand, some scholars argue that procedural obfuscation, and delegation in particular, undermine democratic accountability (Schoenbrod 1995) since voters cannot hold their elected representatives fully accountable for their legislative actions when those actions are hidden or disguise policymakers’ intentions (Arnold 1990). Other scholars, however, question whether the delegation of policy making authority insulates officials from political punishment (Mashaw 1985, 1997; Posner and Vermeule 2002). According to this view, voters are either sophisticated enough to see through such guises or completely ignorant of the legislative process. In either case, the procedures used in creating policy outputs have no direct⁶ effect on citizens’ vote choice. Based on this analysis, municipal officials fall under the former group (Schoenbrod 1995; Arnold 1990) with their belief that they can use legislative procedures to diminish the negative consequences of enacting unpopular policies.

Even though municipal officials hold this belief, it is unclear (at least from this study) that it always leads these officials to employ procedural obfuscation to undermine their constituents’ interests. As Fox and Jordan’s (2011) model highlights, the ability of elected officials to take

⁶ In the latter case where voters are completely ignorant of the legislative process, procedural obfuscation could still have an indirect effect on these voters’ vote choice if the legislative process, which is visible to elites, affects a quality challenger’s decision to run.

advantage of delegate's expertise can be welfare improving even if some politicians exploit delegation for self-serving purposes. In addition, procedural obfuscation may provide elected officials with sufficient electoral insulation to pursue policies that provide long-term benefits at the expense of short-term electoral incentives (e.g., Jacobs 2011). Indeed, an impetus for Arnold's (1990) exploration of traceability and electoral accountability was to identify how members of congress overcome parochial electoral concerns and organized interests to create policies that serve the broader public interest. He argues that procedural obfuscation is one tool that facilitates this welfare-improving behavior. It may also serve this purpose in local politics.⁷ On the other hand, this welfare-improving aspect of procedural obfuscation could be undermined if organized interest groups and local activists do not represent the interests of the public at large and policymakers believe that these groups are more likely than voters to monitor the proceedings in city hall and less likely to be affected by procedural tactics. Of course, the finding that municipal officials believe that these tactics even work on the activist citizens who attend the meeting where the tactics are employed suggests that they might believe these tactics work on interest groups, too.

Another important consideration in this vein is that local officials do not believe voters are completely fooled by obfuscating procedures. They still believe that tabling and delegating have a negative impact on a politician's re-election chances when those decisions result in unpopular policy effects. Vote-switching diminishes perceived electoral rewards by at least a quarter. Furthermore, if elected officials overestimate their ability to diminish electoral accountability through obfuscating procedures, then their behavior based on these misperceptions could increase the likelihood that they lose office.

Given the electoral incentives that local officials perceive themselves to face, we might expect them to delegate more decisions. Several factors constrain their incentives to do so. First, delegation involves a classic principal-agent problem—the delegate may not always side with the

⁷ In fact, the vignette used in the survey established a situation where the city councilor's preferences were justified in terms of the town's well-being. This was partly done to avoid upsetting respondents by insinuating that they would use these tactics to serve other means.

legislature. Second, the incentives to delegate in a one-shot game (such as this vignette) likely differ from those in a repeated game. Policymakers may want to avoid cultivating a reputation as a “buck-passer.” In addition, the delegate may rebel against being the city council’s political scapegoat (Hood 2002). A third reason why local policymakers may not delegate all decisions is to force their political opponents on the city council to take electorally damaging votes. Finally, local governments face legal limits in their ability to delegate. As mentioned above, local governments can delegate administrative decisions but usually not the creation of local laws and regulations. However, many cities have boards and commissions that regularly investigate matters and propose legislation to the city council. Although these outside bodies may not have the power to enact their proposals, this process likely allows city councilors to pass some of the blame on to other officials in much the same way that delegation does.

Although this analysis provides novel data on the perceptions of actual elected officials concerning the electoral incentives they face, it also has several limitations, especially in terms of external validity and generalizability. One is the underlying assumption that respondents’ answers reflect their true beliefs about the behavior of local voters. Although respondents were told that Mr. Smith’s municipality is similar to their own, their answers may reflect their perceptions of voters in general and not necessarily their perceptions of the voters they consider when making actual political decisions. A related caveat concerns the relationship between these perceptions and actual behavior. In this regard, I follow Kingdon’s assumption that a politician’s “beliefs about voters may be an important part of his image of his district, which in turn affects his important decisions on roll-calls, policy stands, campaigns, and the like” (1967, 137-8).

These limitations highlight the need for more empirical work on the interaction of the legislative process and electoral accountability. Do the findings apply to other situations or at higher levels of government? Although observational data at the local level may be difficult to obtain, more work could be done with the wealth of data on congress and state legislatures to analyze the use and effectiveness of obfuscating procedures. In addition, the vignette and treatment conditions could easily be used in a survey experiment of voters to test whether municipal officials’ perceptions of voter behavior are accurate. In terms of theory, future work

could consider the conditions that affect policymakers' decision to engage in procedural obfuscation.

Finally, the overall finding that local officials believe that their legislative actions can have significant electoral effects also highlights the need for further work, in general, on legislative politics at the local level. Despite the consequential role played by municipalities in the U.S. system of government (Peterson 1980; Judd 2005), “[t]he study of local politics has been relegated to the periphery of political science” for several decades (Trounstein 2009, 611). Not only do they employ 63% of all public employees and account for roughly 25% of all public revenue and expenditures; local governments handle issues that are regularly of most concern to citizens (Trounstein 2009). They are also the level of government with which citizens interact most regularly and directly. This paper is part of a larger movement that seeks to link the study of local politics with broader interests in political science on such topics as representation, voter behavior, and legislative behavior (e.g., Gerber and Hopkins 2011; Arnold and Carnes 2012; Tausanovitch and Warshaw 2013).

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Supplementary Online Appendix

Appendix A: Survey Details

About the Survey

The cities with respondents are relatively evenly dispersed across the U.S. Figure A1 below illustrates the number of cities with respondents (Panel A) and the response rate of cities (Panel B) across the lower-48 states. The states with the highest populations, not surprisingly, also have some of the highest number of cities with respondents as do states located in the Midwest and mid-Atlantic. This latter characteristic is likely explained by the fact that these states' rural regions are divided into six-mile squared townships, which were counted as municipalities in the survey. The response rates in the lower-48 range from 12% to 35%, with the highest response rates in New England and the mountain west and the lowest in the southeast, not including Florida. In sum, the cities with respondents represent a wide swath of the U.S. population.

Table A1: Summary Data of Cities in the National Municipal Official Survey

	(1) Cities without emails	(2) Cities with emails but no respondent	(3) Cities with at least 1 respondent
Number of Cities	21,542	2,035	2,989
Total Population (2000 Census) in millions	67.4	35.9	108.5
Population (2000 Census)			
Mean	3,127	17,635	36,304
Median	856	4,523	10,157
Number of Elected Officials			
Mean		5.6	6.6
Median		6	7
Percent of Officials with Emails on Website			
Mean		75%	92%
Median		100%	100%

Note: Unit of analysis is a city. Each column presents summary data for cities that fall under the following exclusive categories: (1) “Cities without emails” means cities where none of the email addresses of the city’s elected officials was found; (2) “Cities with emails but no respondent” means cities where emails were found but none of the officials took the survey; and (3) “Cities with at least 1 respondent” means cities where at least one of the officials from that city answered a question in the survey.

Figure A1: Panel A: Total Responses from Cities by State

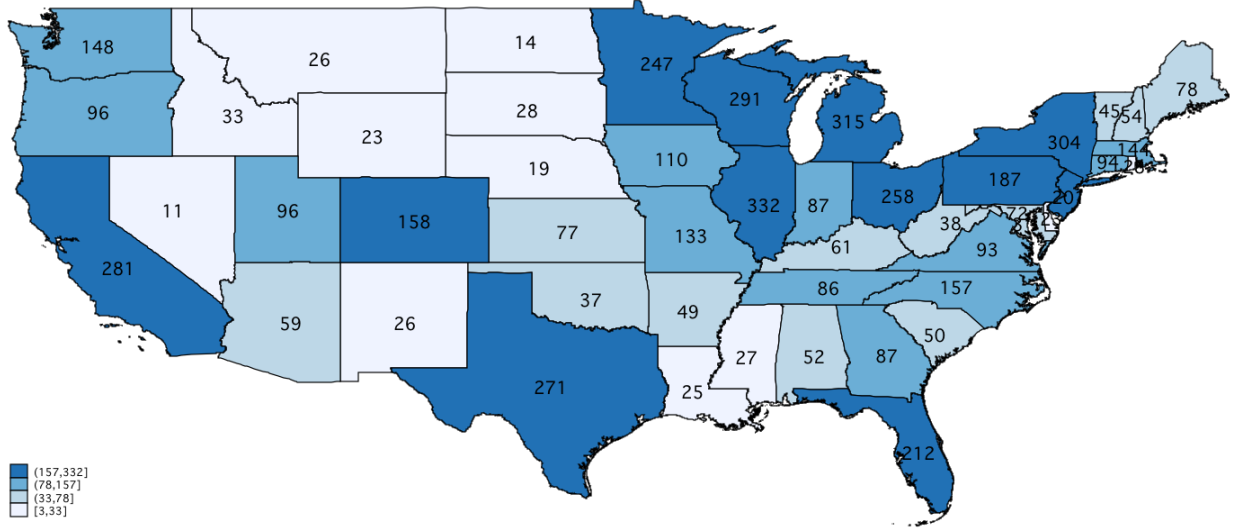


Figure A1: Panel B: Response Rates of Cities by State

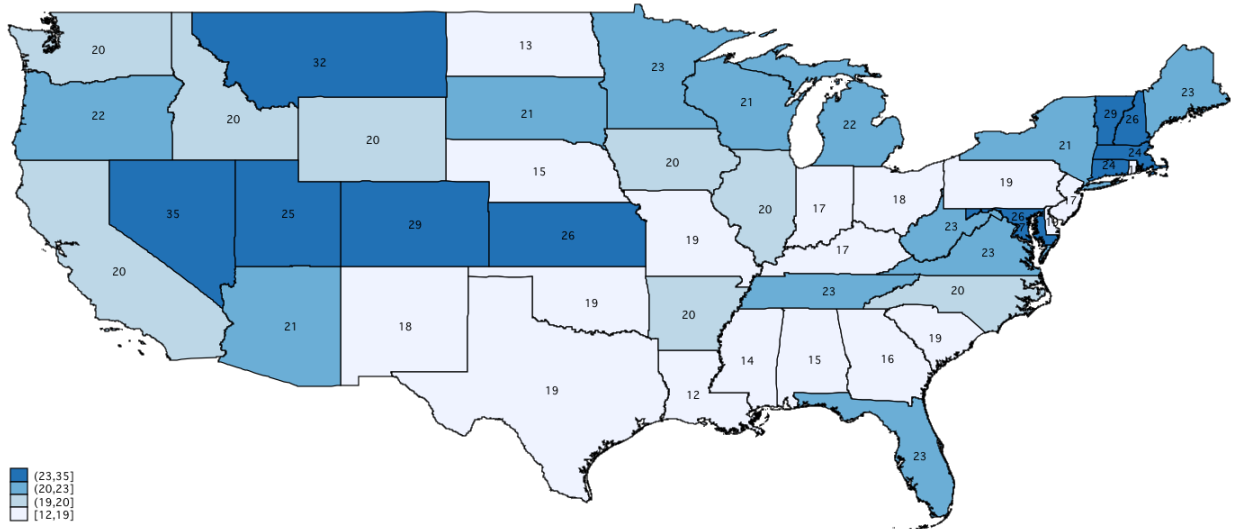
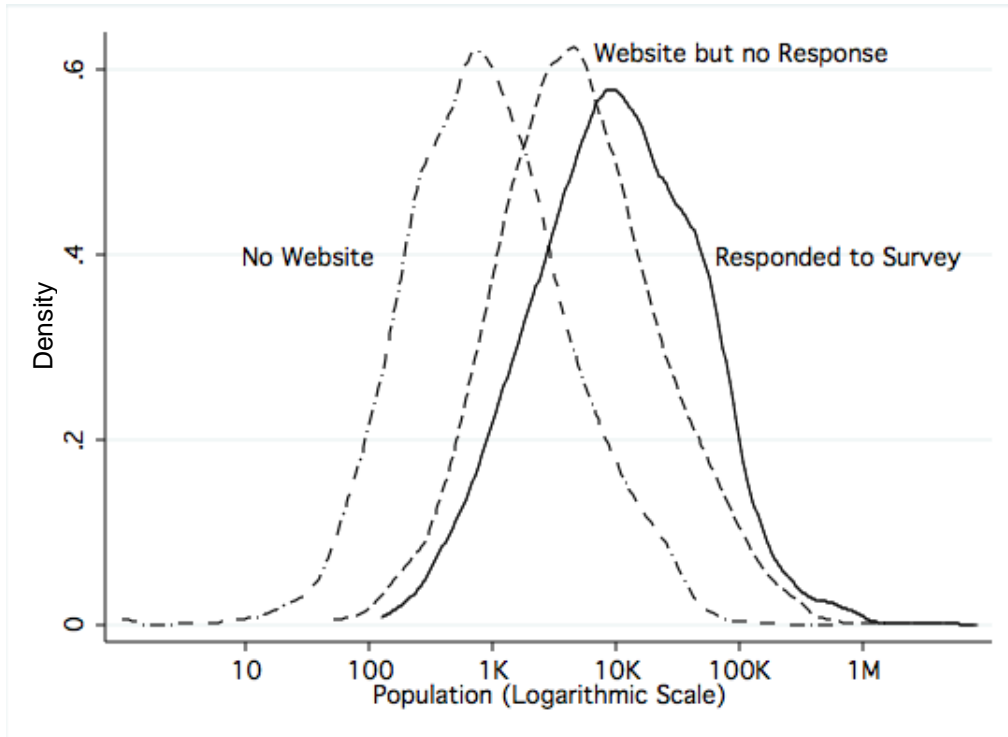


Figure A2: Density plot of cities' population by website and response



Appendix B: Text of Survey

Box B1: Text of Vignette and Question with Sample Treatment Condition

In a municipality similar to yours, citizens have organized a campaign against a contractor that tows illegally parked cars for the city. The citizens accuse the contractor of improper business practices and demand that the city terminate the towing company's contract. City officials have received numerous emails and phone calls about the issue from upset constituents.

Mr. Smith is a member of the city council. Although he believes that most voters in his district sympathize with the campaign against the contractor, Mr. Smith and a majority of the city councilors disagree with the accusations. They think the contractor is doing an excellent job of monitoring the streets for illegally parked cars, which is why citizens are so upset. Firing the contractor for being more effective than other towing companies would be irresponsible and hurt city revenues.

Another city councilor added the issue to the agenda of the next city council meeting. Attendance at the meeting was as high as anyone had ever seen and mostly consisted of citizens opposed to the contractor. Nearly every person who addressed the council during public comment spoke against the contractor.

When public comment ended, the councilor chairing the meeting explained to the audience that under state law, only the [executive's] office could terminate the contract. The city council could only make a recommendation to the [executive]. The councilors who opposed firing the contractor were certain that the [executive] would implement whatever recommendation he received from the city council, but they did not make that known to the audience.

Suppose that at this point in the city council meeting the following occurred:

[Insert Treatment Condition]

QUESTION 1: RE-ELECTION IMPACT

Given Mr. Smith's actions on this issue and the ultimate outcome (i.e., that the contractor was NOT fired), what kind of an impact, if any, would the contractor issue have on Mr. Smith's re-election chances if he faced a challenger in the upcoming election?

(Possible Responses: sliding scale from -100 to 100 with the following labels above -100, 0, and 100, respectively: "Very Negative Impact," "No Impact," and "Very Positive Impact.")

Box B2: Full text of treatment conditions

TRANSPARENT, POPULAR

“A councilor made a motion to recommend that the mayor terminate the contract with the towing company. Mr. Smith voted FOR the motion and it PASSED by one vote. The mayor followed the recommendation and fired the contractor.”

TRANSPARENT, UNPOPULAR

“A councilor made a motion to recommend that the mayor terminate the contract with the towing company. Mr. Smith voted AGAINST the motion and it FAILED by one vote. The mayor followed the recommendation and did NOT fire the contractor.”

DELEGATION, POPULAR

“A councilor made a motion to form a committee composed of city officials, stakeholders, and distinguished citizens to further investigate the claims made against the towing company and make an official recommendation to the mayor on the council's behalf.”

“Mr. Smith voted FOR the motion and it PASSED by one vote. Six weeks later, the committee recommended that the mayor terminate the towing company's contract. The mayor followed the recommendation and fired the contractor.”

DELEGATION, UNPOPULAR

“A councilor made a motion to form a committee composed of city officials, stakeholders, and distinguished citizens to further investigate the claims made against the towing company and make an official recommendation to the mayor on the council's behalf.”

“Mr. Smith voted FOR the motion and it PASSED by one vote. Six weeks later, the committee recommended that the mayor NOT terminate the towing company's contract. The mayor followed the recommendation and did NOT fire the contractor.”

POSITION-TAKING, UNPOPULAR

“A councilor made a motion to recommend that the mayor terminate the contract with the towing company. Mr. Smith voted FOR the motion but it FAILED by one vote. The mayor followed the recommendation and did NOT fire the contractor.”

VOTE-SWITCHING, POPULAR

“First, a councilor made a motion to move on to the next item of business on the agenda. Mr. Smith voted FOR the motion but it FAILED by one vote. Next, another councilor made a motion to recommend that the mayor terminate the contract with the towing company. Mr. Smith voted FOR the motion and it PASSED by one vote. The mayor followed the recommendation and fired the contractor.”

TABLE, UNPOPULAR

“A councilor made a motion to move on to the next item of business on the agenda. Mr. Smith voted FOR the motion and it PASSED by one vote. No action was taken on the issue of the contractor during the city council meeting. The mayor also took no action on the issue.”

Box B3: Text of questions assessing responsibility

QUESTION 2: RESPONSIBILITY IN RESPONDENTS' PERSPECTIVE

From your perspective, how responsible is Mr. Smith for the ultimate outcome of this issue (i.e., that the contractor [**was/was NOT**] fired)?

(Possible Responses: sliding scale from 0% to 100% with the following labels above the lower and higher ends of the scale, respectively: “0% = Mr. Smith is not at all responsible” and “100% = Mr. Smith is completely responsible”.)

QUESTION 3: RESPONSIBILITY IN CITIZENS' PERSPECTIVE

How much do you think the engaged citizens will [**blame/credit**] Mr. Smith for the fact that the contractor [**was/was NOT**] fired? In other words, from the perspective of the engaged citizens who know how Mr. Smith voted, how responsible is Mr. Smith for the ultimate outcome of this issue (i.e., that the contractor [**was/was NOT**] fired)?

(Possible Responses: sliding scale from 0% to 100% with the following labels above the lower and higher ends of the scale, respectively: “0% = In citizens' view, Mr. Smith is not at all responsible” and “100% = In citizen's view, Mr. Smith is completely responsible”.)

QUESTION 4: PROBABILITY CHALLENGER RUNS

What's the chance that a challenger would run against Mr. Smith in the upcoming election because of the contractor issue--assuming that he doesn't already have a challenger?

(Possible Responses: sliding scale from 0% to 100% with the labels above the lower and higher ends of the scale, respectively: “0% = there's no chance a challenger would run” and “100% = it's absolutely certain a challenger would run.”)

QUESTION 5: EFFECTIVENESS OF ISSUE

If Mr. Smith faced a challenger in the upcoming election, how effective would it be for his challenger to use the contractor issue against Mr. Smith in the election?

(Possible Responses: sliding scale from 0% to 100% with the following labels above 0%, 50%, and 100%, respectively: “0% = absolutely not effective,” “50% = a complete toss-up,” and “100% = absolutely effective.”)

Note: This box shows the text of two additional questions that were asked of a randomly-selected subset of respondents. These questions appeared in random order on the next page of the survey immediately after the vignette and initial question shown in Box A.