

CHRISTOPH GARWE 
Leibniz University Hannover

BENJAMIN G. ENGST 
University of Mannheim

YANNICK G. STAWICKI
Leibniz University Hannover

CHRISTOPH HÖNNIGE 
Leibniz University Hannover

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Temporal Strategies: Governments Alter the Pace of Legislation in Bicameralism Depending on Electoral Expectations

Does a government in a bicameral system strategically alter the length of the legislative process in the first chamber in anticipation of future majorities in the second chamber? Drawing on an existing formal model of dynamic policymaking, we argue that governing majorities strategically accelerate or delay their agenda when a potential majority change in the second chamber is imminent. If the government fears losing control over the second chamber, then the government accelerates their agenda. By contrast, if the government hopes to gain control over the second chamber, the government decelerates their agenda. We test our argument in Germany's symmetric and asymmetric bicameralism by analyzing 1,966 governmental bills from 1998 to 2013. The analyses confirm our expectations for symmetric bicameralism, thus suggesting that the synchronicity of election cycles should be taken into account both in the analysis of bicameral systems and in institutional design of such systems.

Governments in bicameral systems can control the legislative process in the first chamber, although they are usually less powerful once legislation enters the second chamber. Subsequently, the fate of a bill—and the success of the government's agenda—depends on the second chamber's cooperation. While first chambers regularly resemble a government's preferences in parliamentary

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systems, this is not the case for second chambers. The preferences of a second chamber might even change over the course of a first chamber's term, for example, if the second chamber is elected in a staggered manner (Willumsen and Goetz 2015).

However, governments can foresee the possibility of changing preferences of a second chamber. In particular, governments have specific knowledge about how and when members of second chambers are elected and thus whether an election may impact the majority situation. Consequently, they can strategically adapt their legislative agenda to the expected changes. Buisseret and Bernhardt (2017) predict that a legislative proposer will either accelerate her agenda when she expects an opposing veto player in the future or delay her agenda when she expects a friendly veto player. The authors prove their argument formally, although it still awaits empirical corroboration. We provide an empirical test by applying their argument to the interaction of a government and a second chamber in a bicameral system. Consequently, we ask: does a government in a bicameral system strategically alter the length of the legislative process in the first chamber in anticipation of future majorities in the second chamber?

In particular, we argue that a government in a bicameral system anticipates future majorities of the second chamber when presenting legislation. If the government anticipates losing a majority in the second chamber, then it accelerates the legislative process in the first chamber. By contrast, if the government anticipates gaining a majority in the second chamber, then it decelerates the legislative process in the first chamber. Governments are able to make an informed guess about the second chamber's future majorities based on (1) the ideological congruence of the first and second chamber, (2) the political affiliation of the challenged seats, and (3) the number of seats challenged in an election to the second chamber.

We test our argument for German bicameralism, which has the following advantages: (1) the parallel existence of procedures of symmetric and asymmetric bicameralism provides the opportunity to test our observable implications comparatively; and (2) staggered elections with varying impact enable observing the proposed mechanism in detail. We test our argument with newly collected data for 1,966 governmental bills from 1998 to 2013 and corroborate it with the GESTA dataset (Burkhart 2008) for the years 1976–2005. We find that governments indeed accelerate legislation when they fear losing a majority in the second chamber

and delay legislation when they might gain a majority in the second chamber. This behavior is evident for symmetric bicameralism but only to a limited extent for asymmetric bicameralism.

Besides providing an empirical test for the model by Buisseret and Bernhardt (2017), we make the following three major contributions. First, our argument provides an alternative to strategies aiming to adapt the policy content of a bill to preferences of the second chamber (Krehbiel 1998; Manow and Burkhart 2007; Vanberg 1998). Second, we demonstrate that staggered elections (Willumsen and Goetz 2015) can be used to construct research designs that aim at analyzing composition changes. Third, we investigate the effects of uncoordinated election cycles and demonstrate that the synchronicity of cycles is a crucial variable in bicameral systems.

In what follows, we discuss the relevant literature before we present our theoretical considerations, case selection and data and turn to the empirical assessment and then conclude.

Conventional Wisdom: Anticipation, Uncertainty and Temporal Strategies

The relevance of legislative time has been identified from early onwards in the literature on agenda control. In particular, the rules on setting and changing the legislative timetable and allocating scarce legislative time are seen as crucial for legislative action (Cox 2006; Cox and McCubbins 2005, 2011; Döring 1995; Siaroff 2003). Moreover, literature has focused on considerations of legislative time in terms of delayed political decision-making. A number of studies analyze intentional or unintentional delay of legislative processes (Becker and Saalfeld 2004; Hiroi 2008; König 2007; Manow and Burkhart 2008; Martin and Vanberg 2004; Schulz and König 2000; Taylor 2014; Wawro and Schickler 2004; Woon and Anderson 2012; Zubek and Klüver 2015). Strategies of delay have also been modeled formally. Thus, delay follows from either formal rules specifying who may make proposals and how they will be decided (Baron and Ferejohn 1989) or obstruction practices, for example, filibuster practices (Fong and Krehbiel 2018; Patty 2016).

However, considerations of time do not play a prominent role in traditional models of political bargaining, whereby such models explain outcomes based on actors' preferences and the position of the status quo (Cameron 2000; Krehbiel 1996; Tsebelis 2002).

Those models can reasonably be extended for the anticipation of a veto. Accordingly, actors consider their counterpart's position when they propose legislation. For example, when hostile veto players like second chambers or courts come into play, scholars argue that actors anticipatively adapt policy to prevent a veto (Krehbiel 1998; Manow and Burkhart 2007; Vanberg 1998). Others disagree and argue that anticipatory convergence is not reasonable as long as actors' future positions can change and are therefore uncertain (Fortunato, König, and Proksch 2013). Future positions become particularly uncertain when one considers staggered elections to second chambers which lead to frequent changes (Fukumoto and Matsuo 2015; Shepsle et al. 2009; Willumsen and Goetz 2015; Willumsen, Stecker, and Goetz 2018). Thus, traditional bargaining models have been extended to account for considerations of time in terms of anticipating future positions and strategic foresight. However, they lack an explicit understanding of how actors can foresee changes to the positions of veto players.

Buisseret and Bernhardt (2017) combine strategic foresight with legislative time. In their model, a proposer has to decide between the payoffs of a current deal and the uncertain payoffs of a future deal. Accordingly, she either accelerates or holds back her agenda for later. The model derives important predictions for the real world, yet such predictions remain to be empirically corroborated.

Thus, in assessing temporal strategies as a means available to the proposers of legislation, we contribute to the conventional wisdom in two ways: (1) we propose an institutional mechanism by which actors can foresee changes and future positions of second chambers; and (2) we provide empirical testing grounds for Buisseret and Bernhardt's (2017) model and thus confront formal wisdom with empirical evidence.

Theoretical Claim: Bicameral Alignment Prospects and Temporal Strategies

In Buisseret and Bernhardt (2017) a "proposer" is faced with a "veto player" and has to decide whether to cut a deal now or wait for a change of circumstances. Therefore, she weighs current payoffs in a first bargaining cycle against potential future payoffs in a second cycle. By then, both actors might have changed, meaning that the proposer has to anticipate future constellations when drafting a bill. The model yields the following implications: if the

future proposer and veto player are likely to be “misaligned”—that is, situated on opposite sides of the legislative status quo—then the proposer accelerates her agenda. If the two actors are likely to be “aligned”—that is, on the same side of the status quo—then she holds back her agenda for later. We apply the model to bicameral systems where the government is the proposer and the second chamber is the veto player.

The second chamber is either friendly towards the government when the majorities in both chambers are congruent¹ (“aligned” in Buisseret and Bernhardt [2017]) or hostile towards the government when majorities are incongruent (“misaligned” in Buisseret and Bernhardt [2017]). We specify the general theoretical claims for bicameral contexts and adopt two predictions: (1) if the second chamber is likely to change from congruent to incongruent, then the government’s agenda will be accelerated; and (2) if the second chamber is likely to change from incongruent to congruent towards the government, then the government’s agenda will be decelerated.

Governments in bicameral systems can foresee a potential change of the second chamber using three specific features of elections to the second chamber: (1) the congruence of the chambers before an election and (2) the number and (3) political affiliation of the seats up for election. In order to affect legislation, these elections need to be scheduled between the initiation of a proposal in the first chamber at t_0 and its arrival on the floor of the second chamber at t_1 . Subsequently, the government can anticipate the following potential *electoral outcomes* regarding majority change:

1. *Potential majority loss*: If the first and second chamber are congruent at t_0 , the seats contested in an election are affiliated with the government at t_0 and the number of contested seats is sufficiently large to lose a majority, then the government may lose a majority in the second chamber between t_0 and t_1 .
2. *Potential majority gain*: If the first and second chamber are incongruent at t_0 , the seats contested are affiliated with the opposition at t_0 and the number of contested seats is sufficiently large to gain a majority, then the government may win a majority in the second chamber between t_0 and t_1 .
3. *No change of majority*: Any other combination of the three features does not affect majorities in the second chamber.

The government can include the potential electoral outcomes in its reasoning when presenting a bill. Subsequently, strategic

legislative timing in the first chamber can become a reasonable strategy to the government. In particular, we identify the following *temporal strategies*:

1. *Acceleration of the agenda*: If the government expects a potential majority loss in the second chamber, then it will accelerate the legislative process in the first chamber. In doing so, the government can terminate the legislative process prior to possibly losing a majority in the second chamber and thus circumvent compromise with the second chamber. Otherwise, if the government proceeds at normal pace, it may be forced to compromise with a hostile second chamber.
2. *Deceleration of the agenda*: If the government expects a potential majority gain in the second chamber, then it will decelerate the legislative process in the first chamber. In doing so, the government can complete the legislative process after gaining a possible majority in the second chamber and thus circumvent compromise. Otherwise, if the government proceeds at normal pace, it may be forced to compromise with a hostile second chamber.
3. *Constant pace*: If the government expects neither a gain nor a loss in the second chamber, then there is no need to apply temporal strategies.

The instruments by which governments can control the pace of legislation differ between countries and are specified in constitutions and the standing orders of parliaments (Sieberer and Müller 2014). In general, changing the pace of legislation may occur in two ways: first, a government can use or threaten to use formal agenda-control instruments—especially instruments aimed at the timetable of the legislature (Cox and McCubbins 2011; Döring 1995)—whereby such instruments will be used within the legislative phase of a process; and second, governments can intentionally select the bills that they present in such a way to ensure their intended pace, in a kind of negative agenda control (Cox and McCubbins 2005). The latter strategy may be pursued by simply reducing the number of bills, holding back initiation until a more favorable point in time (Seemann 2008), or substituting typically slow bills with typically fast bills, or vice versa. Such practices are expected to be used prior to initiation. All of the outlined practices and instruments to influence the pace of legislation are in line with our argument.

From our theoretical considerations, we derive the following *hypotheses*:

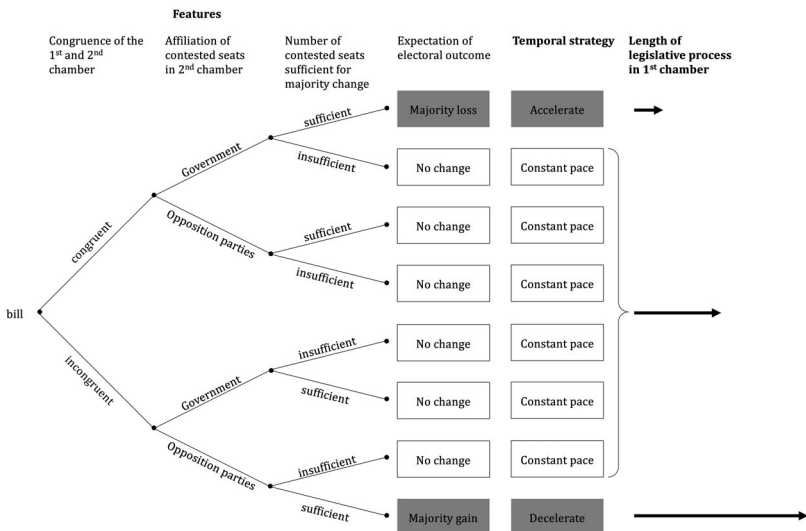
H1 (Acceleration hypothesis): If the government anticipates losing the majority in the second chamber, then the government will accelerate the legislative process in the first chamber.

H2 (Deceleration hypothesis): If the government anticipates winning the majority in the second chamber, then the government will decelerate the legislative process in the first chamber.

Figure 1 summarizes our argument regarding the congruence of the chambers, seat affiliation, and number of contested seats, the implications for potential changes of majorities in the second chamber, and expectations for the length of the legislative process in the first chamber.

The veto-player logic in Buisseret and Bernhardt (2017) assumes that both actors are equally powerful. Applied to bicameral systems, this is a defining characteristic of symmetric bicameralism (Lijphart 2012), and this seems to limit our argument to only this particular type of bicameral system. However, even in asymmetric bicameralism—when the two chambers are not equally

FIGURE 1
Effects of Possible Majority Changes in the Second Chamber on the Length of the Legislative Process in the First Chamber



powerful—there are typically costs involved for overriding the second chamber, as representatives need to be mobilized again and legislative time has to be devoted to veto override. This is why a government in asymmetric bicameralism also has an interest in engaging in temporal strategies, albeit to a lesser extent compared with symmetric bicameralism. This leads to deriving a third hypothesis:

H3 (Bicameralism hypothesis): The effect size of temporal strategies applied by the government will be smaller in asymmetric bicameralism than in symmetric bicameralism.

Data and Methods

In this section, we present Germany as a case that is particularly well suited to assess our theoretical considerations. We also introduce our newly collected data for the years 1998–2013, as well as the preexisting GESTA dataset for the years 1976–2005, and we operationalize the key concepts necessary to test our hypotheses.

German Case: Comparative Setting and Staggered Elections

Germany is a well-suited case to assess our argument for five reasons. First, the German case provides a comparative design in the sense of Przeworski and Teune (1970). Germany allows for a most similar systems comparison as two distinct legislative procedures are used. The power of the second chamber—which represents the state governments—varies between these procedures. For so-called consent bills, the second chamber has an absolute veto and constitutes a veto player, while for objection bills it has only a suspensive veto and is not considered a veto player (Manow and Burkhart 2007, 176). Hence, consent bills mirror symmetric bicameralism, while objection bills mirror asymmetric bicameralism. The proposed temporal strategies should be more pronounced for consent bills (symmetric) compared with objection bills (asymmetric bicameralism), as predicted by the bicameralism hypothesis. In our design, we can thus vary this single important variable while holding everything else constant and thus compare the effects of the two procedures.

Second, elections to the second chamber—the *Bundesrat*—allow observing the proposed mechanism in detail as they belong

to the class of staggered elections (Willumsen and Goetz 2015). In the *Bundesrat*, the governments of the 16 states are represented, and given that they are all parliamentary systems, their composition is determined by the elections to the 16 state assemblies. The state elections are scheduled independently from state to state and from the first chamber's term. Each state government holds between three and six of the total 69 seats in the *Bundesrat*, and the state legislative period is mostly five years. Subsequently, there is a more or less continuous flow of state elections, and not every election is pivotal to change majorities. This allows us to compare situations when majority change is possible to when majority change is impossible. However, these peculiarities of the German system do not mean that the proposed temporal strategies are only feasible in Germany. Several other bicameral systems use staggered elections, but typically redistribute larger shares of seats at once,² and election cycles to the second chamber are coordinated with the first chamber.³ In particular, when large numbers of seats are redistributed at once, then temporal strategies are even more plausible than when few seats are redistributed at the same time, like in Germany. Moreover, when the first and second chambers are elected at the same time, then at least acceleration is more reasonable compared with when election cycles are independent—like in Germany—because governments have to fear losing support in both chambers simultaneously. Thus, compared with other bicameral systems, German bicameralism provides fewer incentives to apply but more favorable conditions to observe temporal strategies. In other words, Germany allows for a particularly hard test of our argument.

Third, Germany's federal party system allows easily measuring congruence between the first and second chamber as the positions of federal and regional parties are overall assumed to be identical (Bräuninger, Gschwend, and Shikano 2010). However, even if congruent states occasionally dissented from the federal party line, then our results would underestimate the true effect.

Fourth, it is difficult to observe the German government's influence on the timetable. The timetable is set consensually by the president's conference (Döring 1995) and is rarely changed by the government's majority in the plenary by a formal vote (Hönnige and Sieberer 2011), as the government may already use its power as an unobservable threat in the president's conference to influence the agenda. Cabinet deliberations are widely unreported, and thus we cannot observe negative agenda control in the cabinet phase.

Fifth, we assess legislation for four legislative periods, from 1998 to 2013. This allows for variation regarding the ideological composition of governing coalitions at the federal level. We observe three government changes from center left, via a centrist grand coalition to center right. The grand coalition allows assessing the robustness of our argument as it can rely on supermajorities in both chambers, and thus circumventing compromise and temporal strategies is not necessary. Hence, theoretically temporal strategies for this type of government should not be as pronounced. Subsequently, we test for this hard case.

In sum, the German case provides a comparative setting, with differences in the impact of state elections, identical positions between state and federal parties, and variation regarding the ideological composition of the government. Thus, assessing Germany allows for a suitable and comprehensive test of our hypotheses.

Data and Operationalization

To test our hypotheses, we compiled a novel dataset covering legislation from September 1998 to September 2013. For this purpose, we leveraged information officially published by the German *Bundestag*. First, we web-scraped the legislative proceedings from the parliament's online documentation. Second, we added information to each proceeding from a detailed PDF documentation linked in the online documentation (see Appendix 1 in the online supporting information for further details). Having collected all proceedings, we ensured that the number of observations matched the official statistics published by the *Bundestag*.⁴ Afterwards, we automatically extracted the information of interest from the proceedings to compile our dataset. Each proceeding represents the legislative process around one bill. We implemented logic checks to identify inconsistencies in our extracted data and manually corrected them. Finally, a random subset of 10% of the entries in the dataset were reviewed manually to ensure data accuracy.

We aim to analyze the strategy of the federal government, which is why we only focus on bills presented by the federal government or governing parties. Moreover, it was necessary to exclude a few bills that did not complete the legislative process in the first chamber, as the length of the legislative process in the first chamber can only be measured for completed processes. However, given that bills passed in the first chamber are voted on in the second

chamber but do not necessarily pass in the second chamber, our data includes successful and unsuccessful bills.

Overall, our dataset contains information on 1,966 government bills passed in the first chamber, of which 41 did not become law. Appendix 1 in the online supporting information provides further details on the composition of our sample. Of those bills, 968 are consent bills mirroring symmetric bicameralism, and 998 are objection bills mirroring asymmetric bicameralism.⁵

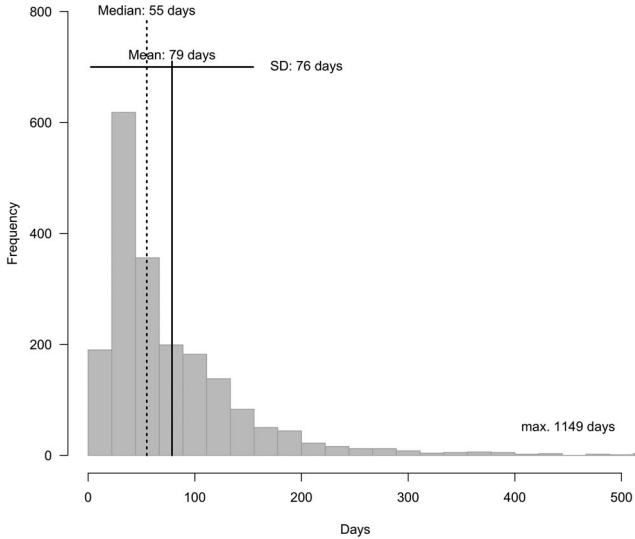
For all bills included in our dataset, we extracted (1) the date when a bill was submitted to the *Bundestag* by the government or a governing party, (2) the date when a bill was referred to the leading committee, (3) the date when the leading committee began to work on a bill, (4) the date when the committee published a resolution, and (5) the date of the final vote on the floor in the first chamber. Subsequently, we divide the legislative process in the first chamber into four phases: the initiation phase (from 1 to 2), the precommittee phase (from 2 to 3), the intracommittee phase (from 3 to 4), and the termination phase (from 4 to 5). Finally, we add information on the composition of the second chamber to our data to later identify the composition's influence on legislative proceedings in the first chamber.

We replicate our analyses with the GESTA dataset (Burkhart 2008), which contains all legislative proceedings initiated in Germany between 1976 to 2005 and show the results in the online supporting information. We choose to collect novel data to clearly differentiate the above-mentioned legislative phases and account for the greater variation regarding the composition of the *Bundesrat* in recent years, as frequent changes permit observing the proposed mechanism in detail.⁶

Dependent Variable: Legislative Length in The First Chamber. In order to conduct our main analysis, we calculate the length of the legislative process in days as the temporal difference between the date when a bill was presented in the first chamber and the date when a bill was finally voted on in this chamber. Hence, the dependent variable *legislative length* covers all legislative phases described in the previous section.

Figure 2 shows the distribution of our dependent variable. The legislative length in the first chamber ranges from 2 to 1,149 days. The mean time that a bill takes to pass in the first chamber is about 79 days, and the median length is 55 days.

FIGURE 2
 Length of the Legislative Process in the First Chamber—N = 1,966 Bills Presented By The Government Or Governing Parties; Legislative Periods 14 to 17



Independent Variable: Potential Second-Chamber Change. Our independent variable, *potential second-chamber change*, indicates whether the federal government expects a potential loss (−1), a potential gain (1), or neither a loss nor a gain (0) in the second chamber between time t_0 and t_1 . Combined in one discrete variable with equal distance between the values, the implicit assumption is that a potential gain and a potential loss exert similar weight on the legislative length. The assumption is chosen as there is no justifiable reason why either the expected loss or gain should have a higher or lower weight exerting influence on the legislative length compared with the other. Moreover, combined in one variable, we are able to compute parsimonious models.⁷

The independent variable, *potential second-chamber change*, is computed accounting for state elections between t_0 and t_1 and their potential effects on the majority of the second chamber. In order to do so, we calculate the hypothetical length of the legislative process in the first chamber by adding 90 days to the date when a bill was submitted to the *Bundestag*. The assumption is

that the government expects that the passage of a bill will take approximately three months in the first chamber.⁸

We code *potential second-chamber change* = -1 if the federal government was no longer certain of securing a majority in the second chamber within the hypothetical length of a legislative process, that is, if an election that might have resulted in majority loss was scheduled within 90 days of the initiation of a bill. We code *potential second-chamber change* = 1 if the federal government had the opportunity to win a majority in the second chamber, that is, if an election that might have led to majority gain was scheduled within 90 days of the initiation of the bill. Finally, we code the variable = 0 if the federal government could neither win nor lose a majority in the second chamber.⁹ For example, bill 17/1292 was presented on March 31, 2010. A state election in North Rhine-Westphalia was held on May 9, 2010, and thus within the 90-days window from the initiation. Given that the governing parties held a majority of 37 of 69 votes in the *Bundesrat* and the six seats up for election in North Rhine-Westphalia were affiliated with the federal government, they knew there was a chance of losing the majority before the bill finalized the legislative process in the *Bundestag*. Thus, bill 17/1292 was assigned the value - 1.

It is possible that multiple state elections take place within the hypothetical length of one legislative process. In such instances, we calculate each potential composition of the second chamber after all elections, that is, every possible number of seats that the federal government might hold in the *Bundesrat* following the elections. Every election can lead to two outcomes with respect to the second chamber, that is, a change of the composition or no change of the composition. Thus, with every additional election considered, the number of potential outcomes increases by powers of two.¹⁰ We apply a conservative coding scheme and account for all of these possible outcomes. Therefore, we code *potential second-chamber change* = 1 or = -1, respectively, whenever a single possible outcome of the multiple elections leads to a majority change in the second chamber.

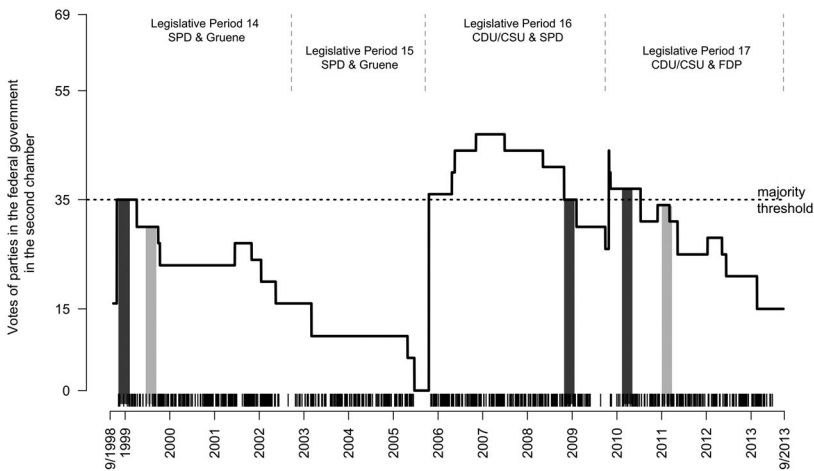
This is particularly relevant when elections with opposing effects on composition change take place inside the hypothetical length, that is, when one election redistributes seats that are affiliated with the federal government and another election redistributes seats that are affiliated with the federal opposition. If this is the case, then one election increases and the other reduces the

federal government’s potential vote share. Depending on the size of the vote share and the number of redistributed seats, these opposing elections in combination can still lead to a majority change, taking into account all of the possible outcomes.

Overall, we have 71 bills considered in the first chamber under the threat of a potential majority loss in the second chamber (−1) and 49 bills considered under the impression of a potential majority gain (1). The remaining 1,846 bills are coded 0.

Why does our independent variable contain so many zeros? The solid black line in Figure 3 shows the votes the federal government secures in the second chamber at any given point in time, whereas the dotted horizontal line indicates the majority threshold to dominate the second chamber at 35 votes. The tick-marks on the x-axis indicate all laws introduced by the federal government in the first chamber.¹¹ The bars shaded in dark-gray highlight zones that include laws introduced in the first chamber under the influence of a potential loss in the second chamber (−1), and the bars shaded in light-gray highlight zones that include laws introduced under the influence of a potential gain (1). Combining this information, Figure 3 illustrates that the federal government’s potential to lose or gain a majority in the second chamber is a seldom event; for example, the distance of the solid line from the dotted horizontal line is rather large from 2003 to 2006 during the 15th legislative period.

FIGURE 3
Vote Share of Parties in the Federal Government in the Second Chamber Over Years



Hence, one or two state elections were not sufficient to decisively change the second chamber. Thus, the higher number of zeros on the independent variable.

Nevertheless, the figure indicates that potential losses or gains are not related to singular events, but they occur across legislative periods (except for the 15th legislative period). Thus, it is not necessary to be concerned about the distribution of the independent variable. Instead, we argue that our small numbers provide a conservative test, and if we find significant and robust evidence in favor of temporal strategies, then this speaks strongly in favor of our theory.

Controls. We control for the following five other potential sources of variance in legislative length. First, it seems plausible that the federal government has an incentive to accelerate legislative processes prior to a federal election. Generally, elections are expected to give rise to increased levels of legislative activity at the end of a legislative cycle (Lagona and Padovano 2008; Shughart and Tollison 1985). In Germany, bills that are not finalized by the end of a legislative period are discarded.¹² In order to be consistent with the main analysis, we include an indicator variable showing whether a bill is considered within 90 days prior to a federal election. Two out of our 1,966 bills were considered in this period.

Second, committee chairs can function as gatekeepers and may decelerate or accelerate legislative processes following their party affiliations. In particular, leading committees considering a bill are not always chaired by representatives of the governing parties; instead, opposition parties are allocated chairmanship in some committees (Schindler 1999, 2093). This is why we control for bills considered in committees chaired by the opposition compared with committees chaired by a member of the governing parties. Overall, 651 of our 1,966 bills were considered in committees chaired by the opposition.

Third, we also control for the 41 bills that did not become law after they had been forwarded to the second chamber. While we do not expect any particular direction of the estimates, we assume that if the estimates were significant, this reduces our general argument's explanatory power.

Fourth, given that legislative length may vary across policy areas, we use the jurisdiction of the leading committee considering a bill as an indicator for the policy area addressed. In order to prevent policy areas with only a few bills, we aggregate committees

that have similar jurisdictions, such as the committee on foreign affairs and the committee on human rights. Eventually, we control for 10 different policy areas in our analysis.

Fifth, the application of temporal strategies may vary across governments and legislative periods (see also Figure 3). Hence, we include fixed effects in our analysis to account for the four different legislative periods. Overall, 510 bills were considered during the 14th legislative period, 367 during the 15th, 574 during the 16th, and 515 bills were considered during the 17th legislative period.

Empirical Assessment

In this section, we present our major findings using descriptive statistics and negative binomial regression on count data. First, we present a general analysis on the aggregated data. Second, we outline how we assess the robustness of our assessments. Third, we provide direct evidence to support our theoretical and empirical claims.

Effect of the Government's Expectations On Legislative Length

We argue that the expected potential loss or gain of second-chamber majorities leads the federal government to strategically alter the legislative length in the first chamber. In our analyses, we measure the legislative length in days from the initiation to the termination phase in the first chamber. In order to analyze this dependent count variable, the negative binomial regression is the appropriate model (Long 1997).

The expected loss or gain (K) influences the days (D) that a bill (i) is considered in the first chamber. Subsequently, we estimate the following model:

$$D_i = K_i\kappa + X_i\beta + \varepsilon_i$$

where K is a vector summarizing the variable indicating that the government can (not) expect a potential loss or a potential gain in the second chamber. The vector X summarizes the control variables from the earlier section. We estimate a (1) bivariate model without controls and a (2) complete model including all controls. Finally, we estimated separate models for (3) German consent bills, which mirror symmetric bicameralism, and (4) German objection

bills, which mirror asymmetric bicameralism. Hence, overall, we run four models.¹³

Figure 4 presents descriptive findings in the upper panels and the expected legislative length—as quantities of interest from negative binomial regressions—in the lower panels for legislative processes in symmetric (left panel) and asymmetric (right panel) bicameralism. We choose to focus on expected values and first differences throughout the discussion (King, Tomz, and Wittenberg 2000). The models estimated to compute these quantities of interest are summarized in Appendix 2.1 in the online supporting information.¹⁴

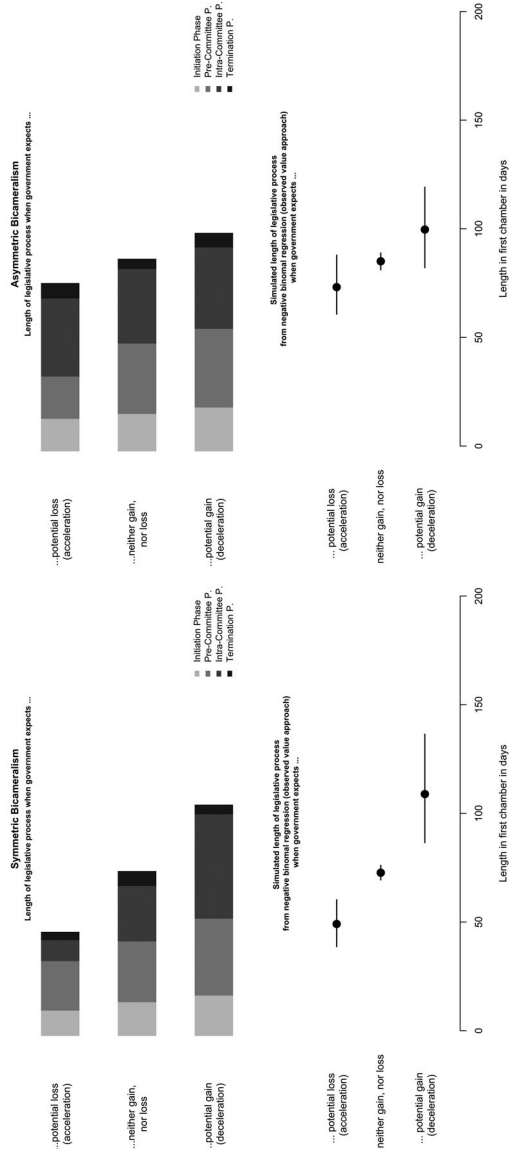
The left panel in Figure 4 concerning symmetric bicameralism (German consent bills) is read as follows: the three bars illustrate the average legislative length in the first chamber for bills proposed by the federal government, whereby the bars are separated by the government's expectations regarding the composition of the second chamber. The upper bar illustrates the average length (in days) once the federal government expects a potential loss in the second chamber, the middle bar illustrates the average length once the government expects neither a loss nor a gain, and the lower bar illustrates the average length once the government expects a potential gain. The bars are composed of the average length of the different legislative phases in the first chamber (different shades of gray).

The different lengths of the bars allow for a preliminary test of our hypotheses and confirm our expectations, whereby the government accelerates the legislative process in the first chamber once a potential loss in the second chamber seems possible. Moreover, the government decelerates the legislative process once a potential gain in the second chamber seems possible.

The lower part of the left panel in Figure 4 summarizes the expected legislative length simulated from the complete models in Appendix 2.1 in the online supporting information. The estimates confirm the acceleration and deceleration hypotheses: when the federal government expects neither a gain nor a loss in the second chamber, then the legislative length is between 69 to 76 days (see 95% confidence interval, estimate “neither gain, nor loss”) and on average about 73 days (point estimate). By comparison, when the government expects a potential loss in the second chamber, the legislative process is within a range of 39 to 60 days and on average 49 days (estimate “potential loss”). Comparing a potential loss with neither a gain nor a loss, the difference is significant and

FIGURE 4

Government's Temporal Strategies in the First Chamber Anticipating The Second Chamber's Composition—N = 968 Consent Bills (Symmetric Bicameralism) and 998 Objection Bills (Asymmetric Bicameralism). Quantities of Interest Simulated from the Complete Models of the Negative Binomial Regression in Appendix 2.1 in the online supporting information



about 24 days on average.¹⁵ Thus, in a setting where the first and second chamber are equally powerful (symmetric bicameralism), the federal government significantly accelerates the legislative process when expecting a potential majority loss in the second chamber. The passage of a bill is on average 24 days faster compared with when the government expects neither a gain nor a loss.

The point estimate for a potential gain in the left panel of Figure 4 shows that the average legislative length is 109 days (range 87 to 136 days) once the federal government expects a gain in the second chamber. Estimating the first difference comparing a potential gain with neither a gain nor a loss shows a significant difference of 36 days (Appendix 2.2 in the online supporting information). Therefore, in symmetric bicameralism, the federal government significantly decelerates the legislative process when expecting a potential majority loss in the second chamber. The passage of a bill is on average 36 days slower compared with when the government expects neither a gain nor a loss. Thus, in settings of symmetric bicameralism, the government shows behavior in accordance with our hypotheses.

The right panel in Figure 4 shows the analysis for German objection bills that mirror asymmetric bicameralism. In general, we find a similar pattern of the bars and estimates when compared with the left panel. Thus, on average the federal government also follows temporal strategies in systems where the second chamber is less powerful than the first chamber. Nevertheless, the differences and effect sizes are much smaller. For example, the average legislative length is about 73 days (range 61 to 88 days) when the government expects a potential loss and about 85 days (range 81 to 89 days) when the government expects neither a gain nor a loss. The average difference is thus only about 12 days, although it is significant at a 90% confidence interval (Appendix 2.2 in the online supporting information). In other words, once the government expects a potential gain, the government significantly accelerates the legislative process by 12 days on average. The same holds true for strategic deceleration: the legislative process takes on average 100 days (range 82 to 119 days) once expecting a potential gain. Compared with neither a gain nor a loss, the difference is significant but only about 15 days. This suggests that the government follows temporal strategies in asymmetric bicameralism and the smaller effect sizes confirm our bicameralism hypothesis.

In sum, the analyses suggest that the federal government follows temporal strategies in symmetric bicameralism, and thus the

acceleration and deceleration hypotheses are confirmed. The government also follows those strategies in asymmetric bicameralism, although the effect sizes are smaller, which speaks in favor of the bicameralism hypothesis. In the next section, we further outline robustness checks.

Robustness and Validity of the Identified Effects

In order to confirm that our results are robust and valid, we discuss a number of tests in the online supporting information. First, we compute Poisson regressions, ordinary least square regressions taking the log of the legislative length, a pooled model with an interaction term, and models with separate indicator variables for a potential gain and loss. Appendix 3 shows that the findings are robust to the different modeling choices. Second, in Appendix 4 we show that our results are valid using alternative specifications of the hypothetical length that the government chooses to look into the future. Third, we replicate our analysis using the GESTA dataset (Burkhart 2008) in Appendix 5. Fourth, we assess the government's strategies during the first half of each legislative period in Appendix 6. Fifth, we assess our hypotheses accounting only for bills presented in proximity to state elections in Appendix 7. Finally, we replicate the results within separate legislative periods in Appendices 7.3 and 7.4.

All appendices show strong evidence that the government significantly accelerates or decelerates the legislative length in symmetric bicameralism in anticipation of second-chamber changes, thus confirming the acceleration and deceleration hypotheses. Moreover, they confirm the smaller effect sizes under asymmetric bicameralism but yield mixed evidence regarding the significance of temporal strategies. Thus, strictly speaking, we confirm the bicameralism hypothesis based on our robustness assessments but cannot be certain that temporal strategies are indeed present under asymmetric bicameralism. In the next section, we present direct evidence shedding light on the practices used to affect legislative length.

An Example of Direct Evidence: Acceleration and Deceleration in the Committee Phase

Using our data's advantage to differentiate phases, we find that variation in legislative length is mainly due to changes in

the intracommittee phase (compare Figure 4). We analyze what drives the differences in the intracommittee length by providing additional information on (1) the frequency of committee sessions—the length of the intracommittee phase in days divided by the number of committee sessions held on a bill—and (2) debate content for bills presented in the 14th legislative period, which show the expected empirical pattern clearest (see Appendix 7.4 in the online supporting information). In particular, we analyze in detail 12 processes for expected acceleration and 16 for expected deceleration.¹⁶ For the discussion, we differentiate between confrontational bills (main opposition party voting against the bill) and consensual bills (main opposition party voting for the bill). As one would expect, consensual bills are mostly debated in a single session, while confrontational bills require up to 11 sessions for deliberation.

First, when acceleration is expected, then consensual bills take 28 days per session on average and confrontational bills take 13 days per session on average. By contrast, when deceleration is expected, then consensual bills take 48 days per session, and confrontational bills take 119 days per session. Following our hypotheses, committee sessions are indeed scheduled more frequently for expected acceleration and less frequently for expected deceleration. Thus, session schedules are a powerful means by which governing majorities influence legislative length in the committee phase. As one would expect, this pattern is clearest for confrontational bills. Interestingly, we find the expected pattern for consensual bills as well (although less pronounced). It appears that the urge to engage in temporal strategies has been so prominent in the period studied here, that they are present even for consensual bills. In particular, the left-wing government under Chancellor Schröder had entered office in 1998 after a 16-year period of conservative rule but had to fear to lose the *Bundesrat* majority after less than half a year in office due to the state election in Hesse in January 1999—and in fact lost it. It is thus reasonable that they acted with particular caution to secure the success of their bills from a hostile second chamber—even if the opposition seems to approve of the bills.

Second, regarding debate content according to committee reports and plenary protocols,¹⁷ for two out of the six confrontational bills under expected acceleration, we find that the coalition changed the committee agenda by force using its majority rights.¹⁸ In three of the six cases, time pressure was reported.¹⁹ For expected deceleration, we find the following statement that allows observing our

argument directly. In the final debate on bill 14/1246, opposition MP Dr. Michael Luther (CDU/CSU) directed the following complaint at the majority: “The discussions on this bill have been dragged out for a long time by you. We could have held a hearing last spring and discussed the bill with experts. But only after the Saxon state elections, on 29 September, a hearing was allowed” (Plenarprotokoll 14/90, 8355). Indeed, the federal government could have regained the majority in the *Bundesrat* following the state election in Saxony.

To sum up, a detailed assessment reveals that German governments speed up or slow down legislative processes by scheduling committee sessions and changing committee agendas. Moreover, actor statements highlight time pressure and even confirm our argument directly.

Conclusion

Does a government in a bicameral system strategically alter the length of the legislative process in the first chamber in anticipation of future majorities in the second chamber? We argue that governments strategically adjust the length of the legislative process in the first chamber according to information available to them on the future composition of the second chamber. In particular, if governments fear losing a majority in the second chamber, then they will accelerate the legislative process. If governments might gain a majority in the second chamber, then they will delay the legislative process. We tested our argument on German bicameralism by collecting a novel dataset summarizing 1,966 governmental bills passed between 1998 and 2013 and utilizing prior data for 1976–2005 (Burkhart 2008). Germany is an excellent testing ground as it provides a comparative setting using procedures of both symmetric and asymmetric bicameralism and staggered elections to the second chamber.

We find that governments significantly alter the length of the legislative process in anticipation of changes to the majority of the second chamber in symmetric bicameralism—when the second chamber has a veto—but find mixed results for asymmetric bicameralism, namely when the second chamber has only a suspensive veto. Utilizing the comparative testing grounds the German case provides, we can thus trace the variance in legislative length to the preferences and veto power of the second chamber as our theory predicts. Furthermore, we also observe the practices by which governments pursue temporal strategies.

The findings provide several contributions to existing scholarship and our understanding of bicameral interactions. First, the findings corroborate a general economic model of dynamic policymaking. The observed variance in legislative length resembles the predicted acceleration and delay of a proposer's agenda according to Buisseret and Bernhardt (2017).

Second, the pace of legislation seems to be changed using power to control the legislative timetable. Unfortunately, the two most popular comparative agenda-control measures (Döring 1995; Siaroff 2003) do not sufficiently differentiate between the voting agenda and the timetable agenda. We therefore suggest taking into account the differences between voting and timetable agenda in such measures. A pure measure of timetable control could be utilized to analyze whether the usage of temporal strategies depends on control over the legislative timetable.

Third, the findings have important implications for classical policy and veto bargaining models that focus on policy choices as outcomes (Cameron 2000; Krehbiel 1996; Tsebelis 2002) and especially for studies arguing that actors strategically adapt policy in (bicameral) conflict (Krehbiel 1998; Manow and Burkhart 2007; Vanberg 1998). The findings suggest that under specific circumstances, governments can avoid policy concessions and simply adapt the pace of legislation instead. Moreover, while recent literature holds that uncertainty over actors' future positions prevents strategic adaption of policy (Fortunato, König, and Proksch 2013), we contribute an institutional mechanism by which governments can foresee potential changes and thus reduce uncertainty over future positions of the second chamber.

Fourth, the differences in findings between symmetric and asymmetric bicameralism fit traditional expectations on the two types of bicameralism (Lijphart 2012; Tsebelis and Money 1997). Symmetric bicameralism seems to have stronger effects not only regarding policy strategies aimed at preventing a veto, but also concerning temporal strategies in legislation.

Fifth, recent literature has begun to assess the effects of staggered elections (Fukumoto and Matsuo 2015; Shepsle et al. 2009; Willumsen and Goetz 2015; Willumsen, Stecker, and Goetz 2018). While Germany seems to be a unique case upon first glance due to the continuous but irregular elections to the second chamber, similar effects may appear in every system using staggered elections, like Australia, Japan, Austria, or India. Therefore, we generally suggest including the synchronicity of elections to the first and

second chamber as a third analytical dimension of bicameralism, besides congruence and symmetry. The matter of synchronicity has been mentioned in general theories of comparative politics (Lijphart 2012), but it should further be used to construct research designs, as our analysis demonstrates.

Finally, our results are not only important for the design of bicameral systems due to the “strange revival of bicameralism” (Coakley 2014), but also for constitutional engineering in systems with multiple veto players. When designing or reforming these systems, it is important to not only think about the powers of institutions and electoral systems, but also about how election cycles across different institutions are coordinated. Indeed, this not only leads to switches between divided and unified government but also to a strategic adaption in the behavior of politicians. As the reform of the election cycles of the French presidency and the parliament has shown (Grossman and Sauger 2009), synchronicity of election cycles is a serious concern for politicians in many political systems.

Conflict of Interest

The authors are aware of no conflicts of interest.

Data Availability Statement

The data that support the findings of this study are openly available in the Harvard Dataverse at <http://doi.org/10.7910/DVN/KHZQA2>, reference number 10.7910/DVN/KHZQA2.

Christoph Garwe <c.garwe@ipw.uni-hannover.de> is a Ph.D. candidate in political science at Leibniz University Hannover, Schneiderberg 50, 30167 Hannover, Germany. **Benjamin G. Engst** <engst@uni-mannheim.de> is a postdoctoral research fellow at the Collaborative Research Center on the Political Economy of Reforms at the University of Mannheim, 68131 Mannheim, Germany. **Yannick G. Stawicki** <yannick.stawicki@gmail.com> is a political affairs consultant and a graduate of Leibniz University Hannover. **Christoph Hönnige** <c.hoennige@ipw.uni-hannover.de> is professor for Political Science and Chair for Comparative Politics and the Political System of Germany at Leibniz University Hannover.

NOTES

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1. Congruence means similarity of policy positions (Tsebelis 1995). Thus, when the government controls a majority of votes in both chambers, then the chambers are congruent. When the majority controls a majority in the first chamber but lacks a majority in the second chamber, then the chambers are incongruent.

2. For example, in the United States, France, Argentina, and India, one-third of all Senators and in Japan and Australia half of the representatives in the second chamber (Lijphart 2012).

3. For example, midterm elections in the United States or similar elections to the second chamber in France, Japan, Argentina, Australia, the Netherlands, and Mexico (CIA, 2020).

4. https://www.bundestag.de/resource/blob/196202/ee30d500ea94ebf8146d0ed7b12a8972/Kapitel_10_01_Statistik_zur_Gesetzgebung-data.pdf [accessed 07/28/2020]: page 4. The comparison showed that we miss only one proceeding.

5. To identify consent and objection bills, we rely on the official online documentation of the German Bundestag. In some proceedings, the bill type was contested according to the documentation. We coded contested bills as consent bills because the federal government had to fear that the bill could become a consent bill.

6. The German reunification in 1990 led to an enlargement of the *Bundesrat*. Moreover, the party system has diversified with a new leftist party entering in 2005. This has led to more frequent changes in the composition of the *Bundesrat* in recent years and a larger variety of coalition governments within the German states.

7. To show that the modeling choice does not drive the findings, we estimate models with two separate indicator variables in Appendix 3.4 in the online supporting information, which confirms the robustness of our main findings.

8. To illustrate that our results are not driven by this choice, we replicate the analyses in Appendix 4 in the online supporting information. We therefore use three alternative proxies for the hypothetical length: (1) the average of the legislative length within a legislative period, (2) the previous period's average, and (3) an average on the basis of policy domains. The findings illustrate that our results are robust to all specifications.

9. The code 0 covers cases (1) in proximity to state elections that cannot change the majority in the second chamber and (2) cases when no state elections

are held. A plausible alternative would be to drop bills of type (2), which we do for replication purposes in Appendix 7 in the online supporting information.

10. For example, if three elections occur within the hypothetical length of the legislative process, then ($2^3=$) eight potential compositions of the second chamber are feasible.

11. The tick marks are set based on the date a bill was submitted to the Bundestag.

12. Section 125 of the Parliamentary Standing Orders of the Bundestag.

13. In Appendix 3.2 in the online supporting information, we include bill type (consent vs. objection bills) and potential second-chamber change in an interaction effect in a single pooled model, and the results are similar to our main analysis.

14. All quantities of interests are estimated using an observed value approach (Hanmer and Ozan Kalkan 2013).

15. All estimated first differences are summarized and further discussed in Appendix 2.2 in the online supporting information.

16. A detailed list of the analyzed processes including their intracommittee length, number of sessions, and average number of days per session can be found in Appendix 8 in the online supporting information.

17. All bills and reports are indicated by an assigned document number (“Drucksachennummer”) and retrieved from <http://dipbt.bundestag.de/dip21.web/>.

18. 14/40: Opposition request for consultation of experts has been rejected, and the final vote on the bill had spontaneously been scheduled only two hours after a first consultation (cv. 14/440, 10). 14/280: Further consultations had been requested by the opposition but refused by the majority (cv. 14/441, 23).

19. 14/45: CDU/CSU: bill is “knitted with the hot needle” (report 14/151, 29), PDS: “hectic process” (14/151, 31); 14/40: opposition: “untenable time pressure” (14/440, 10), “amendments had been tabled at very short notice” (14/440, 10); coalition: opposition wants “delay and procrastination” (14/440, 10); 14/300: “The scope of the positions discussed and the ... time available for consultation required ... a tight discussion in the committee within a tight time frame” (14/624, 1).

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Supporting Information

Additional supporting information may be found in the online version of this article at the publisher's web site:

Appendix 1. Information on Data Generation and Sample Composition

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Appendix 2.2. First Differences Comparing Potential Gain and Loss To Neither A Gain, Nor A Loss

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- Appendix 3.2. Robustness of the (Main) Models Appendix 2 in Pooled Model with Interaction
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