

**HOW PRESIDENTS LEGISLATE:
AGENDA CONTROL AND POLICY SUCCESS IN COSTA RICA**

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ABSTRACT

Presidents around the world have access to a wide range of legislative powers—veto power, decree power, and exclusive bill introduction powers, for example—that they can use to promote and defend their policy program. An important but often overlooked power is the ability to control the legislative agenda during extraordinary sessions where the president decides which bills the legislature will consider. Does agenda-control power make it easier for presidents to get their policies passed? In this paper, I examine whether the president's ability to set the legislative agenda increases the probability that his or her bills become law using the case of Costa Rica, where agenda control is one of the few legislative powers available to the president. I control for other factors that affect bill passage, including the partisan powers of the president, whether the president is a lame duck, the amount of time in the congressional session after sponsorship, the popularity of the president, and the type of bill. I examine this with data from three legislative sessions—1994–1998, 1998–2002, and 2002–2006—and find that agenda control, which increases the likelihood that they will successfully implement their policy agenda, is an important power for presidents.

RESUMEN

En todo el mundo los presidentes tienen acceso a un amplio rango de poderes legislativos —por ejemplo, el poder de veto, el poder de decreto y los poderes de iniciativa legislativa exclusiva— que pueden usar para promover y defender sus programas de política. Un poder importante y a menudo ignorado es la capacidad de controlar la agenda legislativa durante las sesiones extraordinarias, en las que el presidente decide qué proyectos de ley considerará la legislatura. ¿El poder de control de la agenda facilita a los presidentes obtener aprobación para sus políticas? En este artículo examino si la capacidad de los presidentes de establecer la agenda legislativa incrementa la probabilidad de que sus proyectos se conviertan en ley usando el caso de Costa Rica, donde el control de la agenda es uno de los pocos poderes legislativos de los que dispone el presidente. Controlo por otros factores que afectan la aprobación de los proyectos de ley, incluyendo los poderes partidarios del presidente, si el presidente atraviesa su último período de gobierno, la duración del período legislativo desde de la presentación de los proyectos de ley, la popularidad del presidente y el tipo de proyecto. Examino esto con datos de tres períodos legislativos —1994-1998; 1998-2002 y 2002-2006— y encuentro que el control de la agenda, que incrementa la probabilidad de que los presidentes implementen exitosamente su agenda de política, es un poder importante para los presidentes.

Presidents around the world have access to a wide range of legislative powers. These powers include the ability to issue decrees that carry the force of law, veto legislation approved by the legislature, and exclusively introduce certain types of bills in the legislature. An additional power available to some presidents is agenda-control power whereby the president controls which bills the legislature will consider during certain legislative sessions. While a growing body of research has examined the way in which presidents use some of these legislative powers and the consequences of their use, very little research has focused on agenda control. Theoretically, agenda-control power gives the president significant control over policymaking; however, it is unclear whether this power translates empirically into successful passage of the president's policy agenda.

This study examines how successfully presidents use agenda-control power to pass their policy agenda focusing on the case of Costa Rica. Costa Rican presidents are relatively weak in terms of constitutional powers. However, one important power they do have is to determine which bills the Legislative Assembly will study and debate during extraordinary sessions that occur twice a year, from August 1 to August 31 and again from December 1 to April 30. The assembly president still determines the order in which bills will be discussed during floor debates, but the assembly can only examine bills that the chief executive places on the agenda.

Costa Rica provides a strong test of whether presidents can successfully use agenda-control powers to pass their policies. Costa Rica is a country where presidents are only moderately successful passing their policy agenda. Despite having a closed-list party system, centralized party nomination processes, a presidential run-off election, and concurrent presidential/legislative elections, all of which would suggest a president who can very successfully get his policies passed in the legislature, Costa Rican presidents usually see less than fifty percent of their bills passed in the Legislative Assembly. Part of the reason that Costa Rican presidents are weak in terms of policymaking is the almost nonexistent alternative lawmaking powers of the president such that the president has little ability to bypass the legislature in order to promote his agenda. Another reason is the prohibition on presidential reelection, which shifts legislators' loyalties away from the sitting president and towards the next presidential candidate. Thus, Costa Rica offers a

setting where presidents must work within the legislature to negotiate passage of their policy agenda. Of course, findings from one country are limited in their generalizability because they do not tell us if presidential use of agenda control is successful across different electoral systems and alternative configurations of presidential powers. However, they do offer a solid starting point for examining whether presidents can successfully use agenda-control power to pass their policies.

PRESIDENTIAL POWERS AND AGENDA CONTROL

Presidents often have a wide range of constitutionally allocated powers at their disposal. Shugart and Carey (1992) identify two types of presidential powers: nonlegislative and legislative. Nonlegislative powers capture the degree of separation of power in presidential systems—the degree to which the survival of presidents and legislatures are independent. These powers include cabinet formation, cabinet dismissal, legislative censuring of the president’s cabinet, and dissolution of the legislature. Legislative powers, in contrast, relate specifically to the extent to which the president has control over policymaking. The legislative powers identified by Shugart and Carey (1992) include veto, decree, budgetary, referenda, and exclusive bill introduction power. These powers give presidents extensive influence on the policymaking process and allow them to assist or subvert the legislature in passing legislation.

Shugart and Carey (1992) created their typology of presidential powers to distinguish different forms of presidentialism and help explain countries’ experiences with democracy. Since their seminal book, others have built upon this conceptualization and use it to examine just how presidents use their powers to further political goals (Mainwaring and Shugart 1997; Carey and Shugart 1998; Metcalf 2000; Haggard and McCubbins 2001; Siaroff 2003). Most of this research focuses on legislative powers, specifically decree power, and the literature has found that presidents do successfully use these powers to shape the policymaking process (Negretto 2004; Pereira, Power, and Renno 2005).

One power that has been largely overlooked in this literature is the president’s ability to control the legislative agenda (see, however, Alcántara and García Montero

2008 and García Montero 2007; 2008). Agenda-control powers give presidents the ability to get directly involved in the legislature's policymaking process by specifying which bills the legislature can study at any given point in time. Most often this occurs in special legislative sessions that transfer agenda-control power from the president of the legislature to the president of the country. These types of powers are not uncommon in presidential systems. In Uruguay, the president can declare bills to be "urgent" and the legislature must act on the bill within forty-five days (Payne et al. 2002). Mainwaring (1997) argues that a similar power for presidents in Brazil helps to explain the shorter amount of time executive bills take to pass than legislative bills. Other presidents have the ability to call special sessions of congress during which the legislature focuses only on bills the president sponsors or sets as priorities. When the president calls a special session in Brazil, the legislature can only consider presidential initiatives (Mainwaring 1997). In Costa Rica, legislators can consider both executive-initiated and deputy-initiated bills during extraordinary sessions, but they can only study the bills decreed by the president for study during the special session.

While many presidents have some kind of agenda-control power, it is unclear just how successfully presidents use these powers to pass their policy agendas. In this paper, I suggest that agenda-control powers are an important but often overlooked power of presidents that can be a key weapon in the president's policymaking arsenal. By designating which pieces of legislation must be considered by the legislature, the president can influence *the likelihood* that certain bills become law. He cannot directly determine which bills pass because the bills must continue through the regular legislative process and ultimately be voted upon by legislators. However, designating bills for special study does allow the president to send a signal to the legislature that certain legislation is of top priority and to limit the bills on which the legislature can work during the legislative session. It is these two mechanisms by which agenda control affects policy passage.

More specifically, one reason that agenda-control powers may affect presidential policy success is that presidential agenda setting clarifies for legislators just which pieces of legislation are the president's top priorities, mirroring national policy priorities and reflecting the policy agenda on which he or she was elected. This should encourage

legislators to see the bills that presidents prioritize as a clear indication of policies that the public favors and rally behind them as well. Passing the president's priority bills allows legislators to put forth a united front to voters and piggyback on the president's policy successes. This is particularly important for legislators running for reelection, but even if legislators are term limited (as in Costa Rica), those in the president's party have a vested interest in rallying behind the president to secure future political appointments and continue their political careers (Carey 1996; Taylor-Robinson 1992). For those not in the president's party, supporting the president's priorities is still important because it provides leverage for legislators to secure presidential support for their initiatives. Thus, when presidents use their agenda-control power to signal their policy priorities, the bills that the president designates for special study should be more likely to become law than those not placed on the agenda.

The second way in which agenda-control power may increase the probability of the president passing his policy agenda is by limiting other policymaking options for legislators. When the president controls the agenda, he or she specifies which bills legislators can study and requires legislators to focus on his or her legislation. Legislators cannot simply ignore these bills because doing so leaves them few other options for policymaking during that period. If they fail to pass any bills when the president controls the legislative agenda, then they or their party are likely to face retribution at election time. By constraining the legislature's policymaking options, the bills that the president designates for study should be more likely to become law than others.

OTHER FACTORS INFLUENCING PASSAGE OF THE PRESIDENT'S POLICY AGENDA

In addition to agenda-control power, many other factors affect whether presidents pass their policy agendas. First, the president may have partisan powers, i.e., strong support from legislators in his political party, which will help bills make their way through the policymaking process. Second, the president can control the timing of bill introduction such that he sponsors bills when they have the best opportunity to pass—earlier in the term or prior to nomination of the next presidential candidate. Third, public support for the president sends cues to the legislature as to whether the president and his policy

initiatives are popular. The president's bills should be more likely to pass if they are initiated when the president has high approval ratings. Finally, certain kinds of bills may be more likely to pass because they are necessary for functioning of government (i.e., budget bills) or are symbolic bills that merely require legislative ratification (i.e., international treaties, intra-governmental financial transfers, or citizen honors).¹

Partisan Support in the Legislature²

Some presidents get elected alongside a large percentage of copartisans in the legislature. If a president has strong partisan support in the legislature, both in terms of holding a large number of seats and having strong ties with legislators, then this support should be sufficient for the president to pass just about every bill he or she initiates. The president is unlikely to sponsor anything that he does not already know the party will support and have enough votes to push the bill through the legislature easily. In an extreme case, just about every Mexican president under the PRI passed 100 percent of his bills, or very close to that, in every term between 1929 and 1997 (Casar 2002). Most of the time partisan support is not this reliable; however, presidents with copartisan support in the legislature generally are more successful at pushing policy in their preferred direction while presidents facing opposition-controlled legislatures are much less successful (Lockerbie, Borrelli, and Hedger 1998; Binder 1999; Coleman 1999; Jones 2001; Alcántara and García Montero 2008).

Timing

Presidents have limited control over a bill once they initiate it but the decision of whether and when to initiate a bill can have important consequences for passage. The simplest aspect of timing is how far into the term the president sponsors a bill (Amorim Neto 2002). The policymaking process is often slow because of the hurdles a bill must cross to finally become law. Once a bill is initiated, it gets sent to a committee for study, debate, and voting. Then, it may have to go through several floor debates and, if amended, sent back to committee for further study before again returning to the full chamber for additional debates and voting. As the process can take significant time, bills that are

sponsored earlier in the term should have greater chance of passage because they have more time to make their way through the legislative process. Bills sponsored in the waning months of a president's term in office may languish because they have insufficient time to make their way through to passage.

A second aspect of timing involves the occurrence of events during a president's term that make him more or less effective. For example, immediately upon taking office, presidents usually have a honeymoon period lasting anywhere from ninety days to a year in which presidents are afforded leeway in their actions. During this period of time, the legislature might be more receptive to a president's initiatives (Alcántara and García Montero 2008). Lockerbie, Borrelli, and Hedger (1998) found that the honeymoon period leads to presidential policy success in the US House of Representatives. Another major event that might affect the success of the president's bills is the nomination of the next presidential candidate. Particularly in systems where the president cannot be reelected, the emergence of a new candidate may make the incumbent president even more of a lame duck. Costa Rica is a good example of this. As Michelle Taylor-Robinson (2002, 6) describes it,

Because the president cannot be reelected, deputies weigh which of the presidential pre-candidates in their party is likely to be victorious and join the candidate's camp as their best strategy for receiving an appointed position in the executive branch in the next administration. The expected result is that when the presidential candidate is selected...deputies will take their voting cues from their party's presidential nominee, rather than from the current president.

Once the president's party nominates its next candidate for president, the sitting president may be left powerless to push his or her bills through the legislature and ensure his or her own presidential legacy. This applies not just to the president having difficulty rallying party supporters but for negotiating with the opposition as well. It may become harder to convince opposition legislators to support presidential initiatives as they too are trying to distinguish themselves from the current administration and promote their own candidate for president. Interestingly, Taylor-Robinson (2002) finds little support for this hypothesis in her study of aggregate bill passage rates for presidential initiatives in the 1990–1994 and 1994–1998 terms. She shows that the percentage of bills sponsored and

passed by the president is very similar across all four years of the president's term. Her findings are based on descriptive statistics, however, and she does not control for other factors that might affect bill passage.

Presidential Popularity

Presidential approval ratings may also affect passage of the president's policy agenda (Alcántara and García Montero 2008). This is likely to occur because the president takes popularity into his or her calculations about when to sponsor a bill and because the legislature is more likely to support presidential legislation if the president is popular. Popular presidents should be better able to rally legislator support for their policies than unpopular presidents. If citizens are pleased with the president, legislators may be able to piggyback on this popularity by supporting the president's policy proposals in the legislature. If the president is unpopular, legislators may want to distance themselves from the president to avoid transferring that negative image to themselves. Findings on the relationship between presidential approval and policy passage in the United States, however, show mixed results. Ostrom and Simon (1985) and Rivers and Rose (1985) find that approval and legislative support are significantly related. Other studies, however, find that approval and legislative success are not related (Bond and Fleisher 1990; Edwards, Mitchell, and Welch 1995; Cohen et al. 2000).

Bill Types

The types of bills that presidents sponsor may have an important effect on their likelihood of passage. Some categories of bills will have better prospects for gaining legislative support than others. International treaties, for example, may be easier to pass than domestic reforms. Most presidents have primary responsibility in negotiating treaties and legislators are only responsible for ratification. Presidents are unlikely to spend time and energy negotiating treaties unless they are relatively confident that the legislature will sign off on them. In addition, many foreign affairs bills are symbolic indicators of the country's support for the international community, such as UN conventions or regional

agreements. When these bills enter the legislature, their passage should be almost assured.

A similar logic applies for bills that transfer state resources within government or those that bestow honors on citizens. On these types of legislation, the legislature's role is one of rubber-stamping executive initiatives rather than checking presidential power. Transferring state resources usually involves small grants or land and these bills undergo little study and debate in the legislature. Symbolic gestures, such as honoring citizens for their art or winning an Olympic medal, also yield little debate by the legislature as they have few costs and significant benefits for those supporting passage of the bill.

Required legislation, such as passage of the national budget, is also more likely to become law, but the logic for this is quite different. Budget bills require significant work on the part of the legislature and are not merely rubber-stamped. The fundamental importance of these bills for continued functioning of government means that their passage, in some form, is almost guaranteed.

Summary of Hypotheses

This section outlined some of the theoretical reasons as to when presidents will be more successful getting their bills passed and generates several hypotheses for empirical testing:

- H1:** Bills that the president prioritizes with formal agenda-control powers are more likely to pass.
- H2:** Copartisan support in the legislature increases the likelihood of executive-initiated bill passage.
- H3a:** The later in the congressional term that a president introduces his bills the lower the probability of passage.
- H3b:** Bills sponsored by the president after the nomination of his party's new presidential candidate will be less likely to pass.
- H4:** The more popular the president is when he sponsors a bill, the more likely that bill will pass.
- H5:** Foreign affairs bills, symbolic bills, and public resource allocation bills initiated by the president are more likely to become law.

EXECUTIVE-LEGISLATIVE RELATIONS IN COSTA RICA

Costa Rica is a somewhat unusual setting in Latin America for executive-legislative relations because, unlike many other countries, presidents are neither all powerful nor completely reactive in the policymaking process. In many ways, Costa Rica represents what Cox and Morgenstern suggest is a “workable” legislature—one where the executive and legislature must bargain or negotiate with one another to get policies passed (Cox and Morgenstern 2002). And, it is these types of legislatures in which we know the least about how policymaking works (Cox and Morgenstern 2002, 462). Costa Rica offers an opportunity to understand better how presidents, who must make policy by working through the legislative process, use agenda-control powers to increase the likelihood of passing their policy agenda.

At first glance, Costa Rica appears to be a country where the president should be highly successful getting his bills passed. Legislative electoral rules and candidate nomination procedures suggest an institutionalized party system with a small number of parties and strong party discipline. Elections to the unicameral, fifty-seven-seat National Assembly occur in a closed-list electoral system with district magnitudes in the seven electoral districts ranging from 2 to 18 and an average of 8.1 (median=6). Two main political parties have dominated Costa Rican politics since its return to democracy in 1949—the *Partido Liberación Nacional* (National Liberation Party, or PLN) and the *Partido Unidad Social Cristiana* (Social Christian Unity Party, or PUSC). In both parties, party leaders control candidate selection processes in practice, despite formal rules that outline a more decentralized process (Taylor-Robinson 2002). These characteristics indicate a significant degree of party discipline that the president should be able to mold easily into legislative support for his policies.

Party support for the president is further implied by presidential electoral rules and the president’s pre-election influence over future deputies. In Costa Rica, the president is elected via a reduced-threshold run-off system where the candidate must win at least 40 percent of the vote to avoid a run-off election, which encourages parties to fall in line behind the president (Carey 1997). The concurrently held presidential and legislative elections underscore tight ties between the president and his or her partisans

who can ride on the president's coattails (Carey 1997). Lastly, presidential nominees along with party leaders play a key role in the nomination of legislators and have important "goodies" to distribute, such as ministerial and other government appointments (Taylor 1992; Taylor-Robinson 2002). This system should generate strong party linkages between presidents and legislators.

Yet, in practice, the links between the president and legislators are much weaker than these theories would predict. This can be seen in the moderate proportion of executive-sponsored bills that are passed in each congress. In the 1990–1994 congress, only 35 percent of the president's bills were passed, and in 1994–1998, it was 45 percent (Taylor-Robinson 2002). In the 1998–2002 congress, 54 percent of the president's bills were passed but only 19 percent in the 2002–2006 assembly. The characteristics detailed above would suggest more consistent and much higher passage rates. The primary reason for this lack of success is that legislative and presidential term limits in Costa Rica counter the incentives for strong party discipline (Carey 1996). Once presidents are elected and make their appointments, they have no way to curry continued support from legislators. This situation may be exacerbated once the president's party selects its next presidential nominee and sitting deputies shift their loyalties to the presidential hopeful who can secure political appointments for them once their terms in office end.

Many presidents in this situation would simply resort to constitutionally allocated lawmaking powers, such as decree powers, that allow them to bypass the legislature. But Costa Rican presidents have very weak legislative powers—they have a package veto, but no partial veto, no decree authority, no exclusive bill introduction powers, no ability to call referenda, and only weak budgetary powers (Shugart and Carey 1992). Thus, mixed partisan powers and weak constitutionally allocated lawmaking powers leave a president who must work through the legislature to pass his policy agenda. This sets up a perfect setting in which to examine what presidents can do, within the confines of the legislature's policymaking process, to get their bills passed.

THE DATA

In this study, I focus on executive-initiated bills from three congresses: 1994–1998, 1998–2002, and 2002–2006. During these congresses, presidents Figueres, Rodríguez,

and Pacheco sponsored a total of 702 bills, of which 296 (42 percent) became law during their tenures. This figure varies widely across the three presidents, however, with Figueres sponsoring 221 bills and passing 98 (45 percent), Rodríguez sponsoring 303 and passing 164 (54 percent), and Pacheco sponsoring 178 but passing only 34 (19 percent) of his bills. The underlying research question driving this study is: what explains the likelihood that any given bill sponsored by the president will become law? Therefore, the dependent variable is a dichotomous measure of whether the executive-sponsored bill became law before the end of the four-year congress.³

The key independent variable of interest is agenda control. As mentioned previously, Costa Rican presidents have agenda-control power over the policymaking process via their ability to convoke extraordinary legislative sessions and specify which bills the assembly should focus on during the special session. The president can specify previously introduced bills or new bills and the bills can be initiated by the executive branch or deputies. There are two extraordinary sessions each year—August 1–31 and December 1–April 30. I code bills as to whether (1) or not (0) they were targeted by the president for attention during an extraordinary session. Those that gained this special treatment should be more likely to become law.

I create several independent variables to measure the remaining hypotheses described above. Partisan support in the legislature is the percentage of seats in the assembly held by the president's party. This varies from 49.1 percent in the 1994–1998 congress to 47.4 percent in the 1998–2002 congress to 33.3 percent in the 2002–2006 congress. Two variables assess timing of bill sponsorship. First, I measure the number of days into the congressional term that the executive initiates a bill such that the more days into the term, the less likely it is to pass. Second, Costa Rican presidents may be hindered by the inability to run for reelection when trying to get their legislation passed. Once the next presidential candidate has been nominated, legislators may switch their loyalties away from the incumbent president to the new presidential candidate. Thus, the incumbent may no longer be able to push bills through to become law. To measure this, I create a dichotomous variable for whether the bill was sponsored before (1) or after (0) the new candidate's nomination. Nominations for new presidential candidates occur

around June of the year prior to the election. For example, the incumbent party, PUSC, nominated its presidential candidate for the 2002 election on June 10, 2001.

Presidential approval ratings measure public support for the president. Using data from CID-Gallup, I create a variable measuring the percentage of the public who approved of the president when the bill was introduced. CID-Gallup conducts surveys at least every quarter during the period under study.⁴ Approval ratings vary widely across the presidencies from a low of 6 percent approval for President Figueres in 1996 to a high of 64 percent for President Rodríguez in 2002. I expect that bills introduced when the president is popular will be more likely to become law than those sponsored when the president is less popular because legislators see potential benefits for themselves by riding on the coattails of a popular president.

Finally, five categorical variables distinguish bills that may be more likely to pass because they are of a particular type—budget bills, international treaties, intra-state resource transfers, honors, and regular domestic legislation. The three legislative sessions under study included 40 budget bills, 322 international treaties, 26 resource transfer bills, 4 bills granting honors to individual citizens, and 310 domestic reform bills. In the statistical models below, the excluded category is regular domestic legislation.

AGENDA CONTROL AND BILL PASSAGE

Table 1 reveals the findings of a multivariate logit analysis that predicts the success of executive-initiated bills. The results reveal significant support for almost all of the hypotheses. First and foremost, agenda-control power does increase the likelihood that the president's bills will pass. Because the logit coefficients do not yield intuitive substantive interpretations, I present predicted probabilities for the variable of interest holding the other variables at their means (continuous variables) or modes (dichotomous variables).⁵ The first row of Table 2 shows the predicted probability that the president's bills become law with and without agenda control. The percentage of the president's bills that the model predicts to pass is 23 percent if the bill was not placed on the legislative agenda during an extraordinary session and 49 percent if the bill was placed on the agenda during an extraordinary session.⁶ This is a substantively large increase showing

that agenda-control power is not only a statistically significant indicator of how successful a president will be getting his policy agenda passed but a substantively significant one, as well.

TABLE 1	
LOGIT ANALYSIS PREDICTING PRESIDENTIAL BILL PASSAGE	
	Bill Passage
Agenda Control	1.18 ** (.27)
Partisan Support in the Legislature	.15 ** (.03)
Number of Days into Term Bill Sponsored	-.001 ** (.0003)
After Nomination of Next Presidential Candidate	-.69 * (.33)
Presidential Popularity	.02 * (.01)
Budget Bills	4.09 ** (.74)
International Treaties	.42 * (.18)
Government Resource Transfers	.33 (.45)
Honor Bills	.31 (1.17)
Constant	-8.28 ** (1.61)
N	792
Pseudo-R ²	.20
Log pseudolikelihood	-381.62

Logit coefficients with robust standard errors in parentheses.

* p≤.05, ** p<.01

TABLE 2

PREDICTED PROBABILITIES OF BILL PASSAGE
(with confidence intervals in parentheses)

	Minimum Value	Mean Value	Maximum Value
Agenda-control Power	.23 (.14-.34)	--	.49 (.41-.57)
Partisan Support	.04 (.01-.08)	.23 (.14-.35)	.28 (.18-.41)
Number of Days into Term	.39 (.25-.54)	.23 (.14-.35)	.13 (.06-.24)
After New Nomination	.23 (.14-.35)	--	.14 (.07-.24)
Presidential Popularity	.17 (.09-.28)	.23 (.14-.35)	.40 (.19-.64)
Budget Bills	.23 (.14-.35)	--	.93 (.81-.99)
International Treaties	.23 (.14-.35)	--	.32 (.21-.44)

Note: Predicted probabilities calculated using Clarify with STATA. All other variables are set to their mean if they are continuous or their mode if they are dichotomous. A “mean value” is not included for the dichotomous variables because the mean is never observed.

Partisan support in the legislature also increases the probability that the president’s bills will become law. When the president’s party holds only 33.3 percent of the assembly seats, the predicted probability that the assembly will pass the president’s bills is a mere 0.04 (Table 2). When the president’s party holds almost half of the assembly seats (49.1 percent), the predicted probability that his or her bills become law increases to 0.28. This analysis is limited to some extent because the dataset includes only three legislative sessions and partisan support varies only from 33.3 percent to 49.1 percent. None of the periods under study had unified government where the president’s ability to pass his or her legislation could increase dramatically. However, this analysis still shows that higher levels of support, where the president has to do less coalition-building to gather support for his agenda, make it easier for the president to turn his policy agenda into law.

Timing of bill introduction is also a key determinant of presidential policymaking success. Bills sponsored later in the legislative session have a significantly lower likelihood of becoming law, even after accounting for the boost they receive by being placed on the agenda in extraordinary sessions. The model predicts that almost forty percent of executive-initiated bills that are sponsored at the very beginning of the session become law compared to only 13 percent of those sponsored at the end of the session. Similarly, bills sponsored prior to the nomination of the incumbent party's next presidential candidate have a 0.23 probability of passing compared to 0.14 after the nomination (see Table 2). Importantly, this prediction accounts for the disadvantage faced by bills sponsored later in the term.⁷

Popular presidents are more likely to get their bills passed than unpopular presidents. When presidential approval is at its lowest (6 percent), the model predicts that only 17 percent of the president's bills will become law. As approval increases, the predicted probability of bill passage increases as well. When approval is at its highest (64 percent under President Rodríguez), the model predicts that 40 percent of the president's bills will pass. The confidence interval becomes quite wide at this point, decreasing our confidence in the size of this coefficient, which mirrors the borderline significant coefficient in the logit model. However, the trend of higher probability of passage when approval is higher is clear. Legislators do rally around a popular president and support his or her policy agenda.

Finally, the types of bills sponsored by the president can affect their likelihood of passage. Budget bills are very likely to become law. The model predicts that 93 percent of budget bills become law when all other variables are held at their means and modes. In contrast, only 23 percent of regular domestic legislation that the president sponsors (the excluded category in the model) becomes law. International treaties are also more likely to be passed but the probability is much lower than for budget bills. The model predicts that 32 percent of international treaties become law under average conditions. No discernible effect emerges for internal resource transfers or honor bills, but this is not surprising given the small numbers of these bills that are introduced into the assembly.

CONCLUSION

These findings from the case of Costa Rica reveal that the president can influence the success of his bills with agenda-control power. By placing bills on the agenda in extraordinary sessions, the president can force the legislature to examine his bills and increase their chances of passage before the end of the legislature's and president's term in office. The legislature is restricted to studying those bills that the president places on the agenda and cannot simply ignore all of them, giving great advantages to the bills that the president declares to be legislative priorities. Further, agenda-control power gives the president the opportunity to signal to legislators which bills are of the highest priority. Legislators, who can benefit from aligning with the president to get things done, follow these signals and are more likely to pass bills that the president has designated as priorities. Thus, agenda-control power is an important political tool in the president's toolbox.

In addition to the role that agenda control plays in passing the president's policy agenda, executive-initiated bills have other advantages and disadvantages. Greater copartisan support in the legislature and higher presidential popularity increase the likelihood that the president will pass his policy agenda while the timing of bill sponsorship can help and hurt policy passage. Bills sponsored early in the legislative session are much more likely to become law, but those initiated after the nomination of the incumbent party's presidential candidate solidify the president's role as a lame duck and make it very difficult for the president to turn his policy program into law. Thus, numerous factors can facilitate or hinder passage of the president's policy agenda.

The results from Costa Rica are suggestive but certainly not conclusive. The focus on one country and one type of agenda-control power limits the degree to which we can generalize about presidential use of this legislative power in other countries.⁸ However, the findings do provide empirical evidence to support the theory that agenda control is an important legislative power that has previously been overlooked in research on presidential powers and policymaking. Especially in settings where presidents have few other policymaking powers, this study suggests that the ability to set the legislative agenda gives presidents an important advantage in getting their policy agendas passed.

Presidents often face an array of obstacles working with the legislature to pass policy—lack of partisan support in the legislature, shifting allegiances for lame duck presidents, and low approval ratings, for example—but agenda-control power can help presidents overcome these obstacles to implement the policy platforms on which they were elected. It allows them to do this without subverting the legislature by passing executive decrees or repeatedly squaring off against legislators by vetoing or threatening to veto legislation. Given these advantages, the ability to set the legislative agenda deserves more attention in the literature on presidential powers and their political consequences.

This study also suggests that presidents can play more of a role in the legislative policymaking process of Latin American democracies than is often suggested. The characterization of Latin American countries as “delegative democracies” with overly powerful presidents that run roughshod over the legislature no longer holds (O’Donnell 1994). Gaining a better understanding of how executive-legislative relations play out inside the legislative policymaking arena is something that has only recently begun to receive needed attention. It can provide important insights into how political representation takes place in the presidential democracies of Latin America.

ENDNOTES

¹ These arguments do not take into account the nature of informal negotiations with legislators to build issue coalitions around bills, which clearly would be important to explaining bill passage. Unfortunately, the nuances of these negotiations tend to occur behind the scenes, making it difficult to measure them empirically and use them to explain the success of some bills over others. Instead, this theory sets out some conditions that could increase the likelihood that those negotiations would result in bill passage.

² Partisan support could refer just to members of the president's party *or* to members of the president's coalition if the president has included other parties in his or her cabinet.

³ Bills can be passed in future legislative sessions without being reintroduced by the president. However, once the legislative session ends, the dynamics change significantly—partisan support is no longer the same, the new president will have different relations with the legislature, etc. Thus, the theory outlined above only applies to bills that are sponsored and become law within the four-year congress that corresponds to any given president's term.

⁴ When presidents sponsor bills before the first approval ratings of his or her presidency are published, I backdate the first approval ratings to the start of the presidency. This is a conservative estimate as approval tends to decline over time from the start of the president's term. This coding involves only a couple of months and a very small number of bills.

⁵ I generate predicted probabilities using CLARIFY (King, Tomz, and Wittenberg 2000; Tomz, Wittenberg, and King 2001).

⁶ This estimate is for regular domestic legislation sponsored in the middle of the session (mean=718 days), prior to the next presidential candidate's nomination, with an averagely popular president (mean=27.8 percent) having 47.4 percent of the legislature from his or her party (i.e., the means and modes of other variables).

⁷ Both the new nomination variable and the number of days variable are statistically significant in the model, but they do correlate highly with one another ($r=.71$) because they are both indicators of timing. Models with one or the other excluded reveal similarly significant effects with much larger substantive effects. The nomination variable's logit estimate increases from -0.69 in the model with both variables to -1.55 in the model omitting the number of days variable. I present the model with both included because it provides a more accurate estimate of the policymaking process since in reality bills face the obstacles of both nomination and the limited legislative session.

⁸ For a comparative study, but one that is largely descriptive, see García Montero (2008).

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