Incentive Effect of Legislative Recall Elections

by

William Zhu

Department of Political Science
Duke University

Date:_____

Approved:

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Georg Vanberg, Supervisor

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Scott de Marchi

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Christopher Johnston

Thesis submitted in partial fulfillment of
the requirements for the degree of
Master of Arts in the Department of
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ABSTRACT

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Abstract

Recall election is designed to enhance politicians' accountability to their constituents, but empirical testing of recall's success at achieving this goal are few, especially when parties are in the picture. In this paper, I postulate that, when the governing party attempts to pass extreme policies early in the legislative term to prevent them from hurting their members' chance of reelection, thus resulting in an electoral cycle of legislation. Introduction of credible threat of recall will in turn incentivize the governing party either to refrain from passing extreme policies or to allow its members to cultivate a stronger personal vote to preserve the cycle and the extreme policies it enables. I adopt the difference-in-differences design to estimate the causal effect of a recall reform on the ruling party legislators' personal vote-seeking behavior, more specifically their defections from the party line at roll calls. Unfortunately, this thesis fails to identify the incentive effect given that the parallel trend assumption is violated, warranting explorations of remedial measures and alternative designs in the future.

Dedication

To Rafael Wingester Ribeiro de Oliveira,

it has been such fun!

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1. Introduction

Inducing a politician to act according to aggregate constituency preferences can be difficult when it conflicts with those of the politician's party. Electoral pressure may nudge incumbents toward the preferences of the electorate (Miller and Stokes 1963), but it is a blunt instrument after all and does not always prevent elected officials from implementing policies contrary to the view of their constituents (Kirkland and Harden 2018). Therefore, time and time again, the voting public have been trying take things into their own hand by resorting to institutions of direct democracy. Recall, by allowing constituents to trigger an election where voters decide whether to remove incumbents from their office immediately, stands out as an institution of direct democracy that may well cost the incumbents' reelection. One may expect that if recall device is available to constituents, an incumbent, seeking reelection and thus wishing to survive a recall or avoid one altogether, will be more likely to side with the constituency instead of the party whenever the party and the constituency disagree on issues and policies, thus enhancing politicians' accountability to constituents.

However, the current literature on recall has yet to borne out this expectation. Recalls in general are rather infrequent to begin with, limiting the scholarly interest in recall and, as a result, the volume of the literature on recall. The same infrequency also makes it difficult to argue that recall *actively* constrains the behavior of politicians most of the time when it remains *inactivated* for a long time. Furthermore, the vast majority of

the literature focuses on how constituents initiate and vote in recall elections and few mention of how recall mechanisms affect politicians' behavior.[12] Those who do attempt to understand their effect on incumbents report mixed results, ranging from evidence for limited accountability (Okamoto and Serdült 2020), to no evidence for accountability (Welp 2016), or worse, evidence for decline in accountability (Haman 2021).

In addition, some of these studies rest on theoretical assumptions the utility of which are yet to be confirmed, preventing us from convincingly asserting whether recall improves accountability. Given that recall elections are seldom held, researchers often seek to explain the frequency and success rates of recall. They sometimes take the further step of appropriating the frequency of recall as the metrics for inferring the extent to which elected officials are held accountable (Haman 2021; Okamoto and Serdült 2020; Qvortrup 2011). Such attempt, though understandable given the rarity of recall elections and the accompanying limitation on data, seems to assume that the more often recall mechanisms get triggered, the more effectively it holds elected officials

[1] 1Recalls as an institution in the US receives little treatment save Cronin's (1989) *Direct Democracy*, despite an inordinately large literature focusing on one instance of recall: the 2003 recall of California Governor Gray Davis. A number of aspects of this particular recall, such as voter turnout (Arbour and Hayes 2005), voter choice (Alvarez and Kiewiet 2009; Shaw, McKenzie, and Underwood 2005), candidate choice (McGhee and Baldassare 2009), partisan coordination and mobilization, (Masket 2016), and voter polarization along racial, and ethnic lines (Segura and Fraga 2008). Understandably, the 2003 California gubernatorial recall engenders little scholarly discussion of how it affects incumbents, due to not only the immediate removal of the incumbent Governor Davis and the installment of new California Governor Arnold Schwarzenegger but also how unlikely such a recall attempt would ever succeed again in this solidly Democratic state, which is further corroborated by the recent failed attempt to recall California Governor Newsom Gavin.

[2] 2For a thorough review of the practice and literature of recalls outside the United States, see Welp and Whitehead (2020b).

accountable, which is in direct conflict with the theory of recall acting as a safety valve that allows voters to feel that an unpopular incumbent can be removed in between elections (Serdült 2015; Welp and Whitehead 2020a) or as a way for electoral losers to retaliate (Welp 2016), implying that frequent use of recall is a sign that elections are failing voters and thus not necessarily an indicator that recall itself is improving accountability. Even though it may be possible to reconcile these competing theories by categorizing recall attempts and specifying the scope condition of each theory, doing so would not only negate the usefulness of frequency of all different types of recall attempts and success. but also invite skepticism as to whether the categorization scheme is proper. It appears that the prevailing attention to recall frequency might just create more questions than answers.

In lieu of attempting to understand the frequency of recalls and its relationship with accountability, Gordon and Yntiso (2021) take a different approach where they systematically examine incentive effects of recall elections on incumbents. In fact, Gordon and Yntiso's approach is the first of its kind in the literature of recall election to successfully identify the threat of recall as the cause of change in behavior of elected officials, the sentencing severity of elected judges to be more specific. At the same time, Gordon and Yntiso (2021) also recognize that the scope condition of the incentive effect has yet to be determined and thus remains a gap in the recall literature, especially given that elected judges in California are different from most other elected politicians in many

ways. They compete in a legally nonpartisan conditions, seeking to be above the fray of politics and are at best somewhat sensitive to what their constituents want; whereas most politicians have clear partisan affiliations and their behavior must account for the preferences of both their constituents and their parties. Thus, it is difficult to infer from the result reported by Gordon and Yntiso (2021) as to whether these crosswinds of pressures combined with the threat of recall produces any net behavioral change. In a nutshell, our understanding of whether recall enhances politicians' accountability to their constituents is still far from complete.

In summary, it is too early to say that recall always promotes accountability given that the literature of recall is still developing. In this paper, I shall attempt to furnish a modest theory of legislative recall where legislators are selected by single-member districts (SMDs) through the first-past-the-post (FPTP) electoral system. The theory is also contingent on the governing party's desire to implement extreme policies without harming their prospect of reelection by engineering a political legislation cycle where extreme policies are implemented earlier in the legislative term. The theory predicts that when the threat of recall becomes credible, it causes the party to provide constituents with more policy concession and/or allow the legislators representing marginal seats to cultivate a stronger personal vote. I have attempted to use evidence from Taiwan's Legislature Yuan which produced a series of political reforms that create two tiers of legislators who were effectively immune from recall before the new

legislation that, for reasons unrelated to the composition of each tier of legislators, made only one tier of legislators vulnerable to credible threat of recall, thus allowing us to use difference-in-difference method to determine whether the incentive effects of the introduction of new recall mechanisms causes the incumbent legislators to cultivate a stronger personal vote, more specifically through position taking by defecting from the party line at roll calls. Unfortunately, the research design is defective as the parallel trend assumption is violated, which cannot allow us to identify any incentive effect due to the credible threat of recall. Nonetheless, this thesis provides a good template for any future studies that might leverage the same recall reform and the credible threat it engenders to study recall's incentive effect in legislative arena.

2. Theory

In this thesis, I assume that legislators are elected from SMDs by the rules FPTP. Under this system, voter receive representation in a legislature through their constituency's legislators, often known as dyadic representation (Ansolabehere and Jones 2011; Miller and Stokes 1963; Weissberg 1978) or personal representation (Colomer 2011) depends on the extent to which a legislator's behaviors' impact on the constituency produces electoral consequence. Then, to understand how accountable an incumbent legislator is to the constituents, one should examine the extent to which an incumbent's electoral support depends on the incumbent's behaviors. In this thesis, I also assume that each candidate in a legislative election is a member of one of the two major parties. Then when constituents cast a vote for any one of them, one part of the voter choice is based on the candidate's personal traits, and the other part depends on the performance of the candidate's party. One may thus say that there is both a *personal vote* and a *party vote* for the candidate.

2.1 Personal Vote and Party Vote

Cain, Ferejohn and Fiorina (1987, 9) define the personal vote as the "portion of a candidate's electoral support which originates in his or her personal qualities, qualifications, activities, and record." The significance of the personal vote has long been recognized, though the employment of this term is not so universal as it manifests itself through a different name or an analogous concept (personal reputation Carey and Shugart 1995; home style Fenno 1978; electoral connection Mayhew 1974; local vote Pattie, Johnston, and Fieldhouse 1995). To clarify their definition of the personal vote, Cain, Ferejohn and Fiorina (1987, 9) further emphasize the personal vote does not include "support for the candidate based on his or her partisan affiliation, fixed voter characteristics such as class, religion, and ethnicity, reactions to national conditions such as the state of the economy and performance evaluations centered on the head of the governing party" which will serve as my working definition of "party vote" are distinct types of support. From the above definitions, it should be easy to see that a politician can be only accountable to the constituency insofar as the variation of personal vote with regard to the politician's performance could make or break the prospect of reelection. It follows that to make politicians more accountable to their constituents, they need to work hard to cultivate a personal vote.

Naturally, this causes us to wonder whether cultivating a strong personal vote conflicts with the party vote. Cain, Ferejohn, and Fiorina's (1987) definition of personal vote and party vote do hint at a conflict between those two different kinds of support which, as Carsey, Winburn, and Berry (2017) dispute, need not always be a real one. More specifically, Carsey, Winburn, and Berry (2017) argue that, though a candidate cultivating a personal vote based on policy orientation would almost inevitably conflict with seeking a party vote based on party platform, it is theoretically possible to seek electoral support through non-policy work like providing constituency service without undermining the incumbent's pursuit of party vote. Whether such proposition is true, Carsey, Winburn, and Berry (2017) argue, should only be determined empirically.

Though I do believe that such conflict is real, even in non-policy areas, it seems prudent to recognize this validity of this critique by explicitly dividing both party vote and personal vote into a policy component and a catch-all nonpolicy component and then focus on their conflict in policy component for the time being.

2.2 Institutional Incentives for Seeking Personal Vote

From the discussion above, it follows that providing incumbents with incentives to cultivate a stronger personal vote generally makes them more accountable to their constituents policy-wise and less likely to toe the party line, resulting in a higher policy congruence between incumbents and their constituency's aggregate preference. Given that recall elections are essentially up or down votes on the incumbents and thus greatly resemble elections held under the FPTP electoral system, which is known for incentivizing incumbents to cultivate a strong personal vote (Carey and Shugart 1995), one should expect recall elections to improve incumbents' dyadic accountability to their constituents. Unfortunately, such prediction is unable to stand on its own as the party may well discipline its members to prevent a defection induced by a recall election or a threat thereof. This is especially likely for the governing party in the legislature which regularly uses the majority it commands to set the agenda through discipline often bought with side payment for individual members (Cox and McCubbins 2005).

To bypass this difficulty, I argue that the governing party, which is the majority party in the legislature, may have an incentive to help its members cultivate a stronger personal vote because doing so helps protect the extreme policies in the governing party's legislative agenda from the assault of recall election. The governing party, for a variety of reasons may want to pass policies that are deemed too extreme by voters in

marginal constituencies. Sometimes, it must be passed due to external constraints such as rulings of the constitution court that require amendment of existing laws or pressure from foreign countries; it may also be a necessity due to financial circumstances, such as austerity policies required to combat debt crises. In addition, it may well be possible that the policies are passed for ideological reasons, such as the bathroom bill in North Carolina state legislature which was deeply unpopular in many swing districts. For all those reasons, the governing party may want to implement extreme policies without losing their majority status in the next election. When recall is not an option, the governing party can choose to engineer an electoral cycle of legislation in a mechanism akin to the that of political business cycle. However, when recall becomes feasible, voters can threaten to deprive the governing party of majority status if it passes an extreme policy by firing the legislators sitting in marginal seats right after the policy is passed. The governing party, seeking to perpetuate the electoral cycle of legislation due to the continued need to pass extreme policies even when recall is feasible, is incentivized to allow its legislators, especially those representing marginal constituencies, to cultivate a stronger personal vote in order to survive a real or potential recall, leading to a net increase of the legislators' accountability to their constituencies.

2.3 Electoral Cycle of Legislation

The literature of policy timing that revolves around the electoral calendar traces its root back to the model of political business cycle first formalized by Nordhaus (1975) who sought to explain economic conditions with political institutions. Much as it offers a simple and compelling mechanism the level of empirical support for the political business cycle in its original conception is rather mixed and the theoretical assumptions and has received its fair share of criticism and inspired lively debates about when and in what form political business cycle exists.[3] These debates have contributed to the development of a more nuanced understanding of a conditional electoral cycle of both policy instruments and economic conditions (Alt and Rose 2009). Given that not all studies in the literature examine cyclical patterns of economic conditions, it would be inappropriate to consider all of them as part of the political business cycle literature. However, for lack of a better term, this literature will hereinafter be referred to as PBC literature where PBC, though usually an abbreviation of political business cycle or political budget cycle, is meaningless here except as a label.

There are two developments in the PBC literature that are especially pertinent to this study. One offshoot of this literature trains its aim on electoral cycle of legislation,

[3] See Dubois (2016) and Alt and Rose (2009). They provide good summaries of the empirical support for political business cycle and theoretical development of political business cycle and other studies that focus on electoral cycle of policy instruments directly or indirectly inspired by Nordhaus(1975).

which refers to the cyclical pattern of bill passage in general (Brechler and Geršl 2014; Lagona, Maruotti, and Padovano n.d.; Lagona and Padovano 2008; Wittman 1995) instead of focusing on one particular type of policy instruments such as fiscal policies, budgeting among other policies with a strong focuses on the volume of legislative activity at different points in time throughout the legislative term. Another branch of the PBC literature investigates how modifying the electoral calendar yields changes to the cyclical pattern of the policy or economic outcomes. One of the many ways electoral calendar could be modified to affect the cycle, is the length of a politician's term, as Nordhaus (1975) points out that shortening the length of the incumbent's term undermine the incumbent's ability to engineer a political business cycle. Accordingly other studies find that lengthening the term makes it less costly to do so (Amacher and Boyes 1978; MacRae 1977). Other studies point out that if the next election takes place at a random point in time before the full term is up, political business cycle would be severely dampened and distorted (Ginsburgh and Michel 1983; Lindbeck 1976). This study of recall contributes to these two branches of the PBC literature as it not only seeks to expand the theory of electoral cycle of legislation but also examines recall's impact on electoral calendar which effectively gives voter a greater say in when and which legislators need to stand for recall elections.

But first, I will outline how the electoral cycle of legislation work when recall is not feasible. As is conventionally assumed in most studies in the PBC tradition since

Nordhaus (1975), voters are retrospective. and attribute blames and praise of policy outcomes to the governing party which oversees policy implementation. Voters then electorally reward and punish governing party legislators based on these policies as well. Given that this paper also assumes that legislators are elected from SMDs under the rules of FPTP and that the governing party is very unlikely to lose safe seats but very likely to lose swing seats in marginal constituencies, its main goal is to help reelect their members standing in the marginal constituency elections, to preserve its majority in the legislature. Furthermore, even without delving deeply into what makes a policy extreme or moderate, it should be uncontroversial to assume that voters in marginal constituencies strictly prefer moderate policies to extreme ones in aggregate. Knowing that voters retain a recency bias, that is, they discount the utility of policy congruence more heavily when they were passed earlier (Healy and Lenz 2014; Strobl et al. 2021), the governing party in the legislature can pass extreme policies early in the legislative term, and dole out moderate policies in the run up to the next election to win the retain their seats in marginal constituencies needed to maintain a workable majority for governing party's bills in the legislature. Hence, I make the following hypothesis.

Hypothesis 0.0: When the threat of recall is not credible, the bills passed by the governing party earlier in the legislative term are on average more extreme than those passed later in the legislative term, especially the last year of the legislative term.

Furthermore, since this electoral cycle of legislation theory is predicated on the governing party's ability and need to pass extreme policies and to win elections in marginal constituencies in order to maintain a majority for government bills, such behavior is conditional on the size of the governing party size in the legislature, the number of marginal constituencies represented by the members of the governing party. Strobl et al. (2021) argue along similar lines that the government is less likely to pass austerity policy early in the legislative term both when the governing party has a large majority, which makes it easier to appease voters, leading me to make an analogous hypothesis.

Hypothesis 0.1: When the threat of recall is not credible, the closer the size of the governing party is to the minimum-winning majority, the more likely its extreme bills will be passed early in the legislature term.

One word of caution may be required to note that Hypothesis 0.1 does not predict that the governing party will pass the most extreme policy when it controls a minimum-winning majority. It simply predicts that the governing party will most likely to opportunistically time their policy implementation which intends to maximize the distance between policies introduced before and after the election day, which helps the governing party to exploit the recency bias to the fullest extent.

So far, the electoral cycle of legislation outlined above does not bode well for moderate voters. It suggests that, given sufficient amount of time, the governing party

can bounce back from any dip in its popularity come election day, by passing policies that appease voters in the marginal constituencies. Consequently, legislators, especially those belonging to the governing party, are effectively unaccountable for their policies passed early in their legislative term.

2.4 Dampening the Cycle with Recall

This is precisely where the recall comes in to enhance legislators' accountability to their constituents throughout the legislative term. Voters no longer have to wait until the election day to punish the governing party in the legislature for bad policy outcome. Instead, they can do that right after the governing party passes extreme bills or, better yet, threaten to punish the governing party if it passes the bills. This time around, the recency bias works in favor of voters, seeking to hold legislators accountable in the middle of their term, as voters now make their choice at the recall election right when the memory of the extreme policy's implementation is fresh, constituting a threat the credibility of which decreases in the legislator's margin of victory. Consequently, voters, especially those in the marginal constituency, are in a better position to demand the governing party to pass bills that are closer to their aggregate preferences or at least offer more non-policy side payments including pork and constituency service, by wielding the threat of recall leading to this first hypothesis about recall's incentive effect. This leads to the following hypothesis.

Hypothesis 1.0: When the threat of recall becomes credible, the maximum distance between government bills and the preferences of the marginal constituencies in the policy space will be lower *and/or* the governing party legislators elected from the marginal constituencies will engage in more personal vote-seeking behavior.

In addition, if recall can be triggered at any time, it makes less sense for the governing party to pass extreme policies in the hope that voters can forgive them for passing moderate policies that are more congruent with their preferences. Instead, the governing party now expects the threat of recall of its members representing marginal constituencies to materialize very soon if extreme policies are to be passed at any time, which somewhat defeats the purpose of engineering an electoral cycle of legislation in the first place - to pass extreme policies without losing marginal seats. This leads to the next hypothesis about legislative recall:

Hypothesis 1.1: When the threat of recall becomes credible, the distance between the governing party's bills passed earlier in the legislative term and those passed later in the legislative term, especially the last year of the legislative term, in the policy space decreases.

In addition, since the threat of recall is more credible in marginal constituencies, its effect on the governing party's policies will also be the most pronounced when the governing party has the strongest need for marginal seats. Per Strobl et al. (2021), the need for marginal seats is the strongest when the government has the minimum-winning majority. As a result, recall's ability to undermine the political business cycle is at its strongest when the government has the minimum-winning majority. This leads to the supplementary hypotheses below.

Hypothesis 1.0.0: Holding the size of the governing party in the legislature constant, the credible threat of recall causes the government bill to be more congruent with the preferences of the marginal constituencies *and*/*or* the governing party legislators elected from the marginal constituencies to engage in more personal vote-seeking behavior.

Hypothesis 1.1.0: When the threat of recall becomes credible, the closer the size of the governing party is to the minimum-winning majority, the lesser the distance is between government bills passed earlier in the legislative term and those passed later in the legislative term, especially the last year of the legislative term, in the policy space.

Of course, recall may not completely eliminate electoral cycle of legislation, even if the foregoing hypotheses do hold. It bears repeating that a governing party often has to implement unpopular policies for various reasons, and elections may still be capable of generating a window of opportunities for passing extreme policies, even when recall is in the picture. Voters' positive feeling toward the chief executive at the beginning of the executive term (Beckmann and Godfrey 2007; Bond, Fleisher, and Wood 2003; Castro Cornejo et al. 2022; Dewan and Myatt 2012; Elgie et al. 2014) may well spill over into the legislative arena if it coincide with the beginning of the legislative term, thus allowing the governing party in the legislature to continue to pass some extreme policies in the legislature during that period without losing many of its governing party legislators at

recall or general elections. Therefore, it is entirely possible that recall may simply dampens the existing electoral cycle of legislation, without eliminating it.

If the electoral cycle of legislation remains, would recall generate other incentive effect that distorts the cycle by encouraging the governing party to intentionally pass more extreme policies toward the middle of the term? Naturally, negotiation within the governing party and that between the governing party and the opposition may prevent bill passage to take place as soon as possible, but that should remain the goal if the governing party operates on the assumption that voter has recency bias. Would recall introduce a new ideal timing for passing extreme policies?

While this question deserves more detailed treatment in the future, my intuition suggests the answer is most likely no. The above argument based on the existence of honeymoon period, indicates that providing for recall throughout the legislative term would not prevent the governing party from considering it ideal to implement extreme policies during the honeymoon period at the beginning of the term as soon as possible. Any institutional arrangements that prevent voters from recalling the incumbents at the beginning of their term would only serve to reinforce this tendency. Suppose voters are forbidden from recalling incumbents during some idiosyncratic time period in the middle of their term, say the second year of a four-year term, then it may make sense to predict that extreme bills would be more like to be passed in the second year of a four-year term. The last type of institutional arrangement, though, is difficult to justify and

still more difficult to implement. Even if recall is permissible throughout the legislative term. it still makes sense to pass extreme policies as soon as possible after the election is over. Ultimately, the ideal electoral cycle of legislation desired by the governing party should see the passage of extreme policies right after the election day and the passage of moderate policies right before the election day.

Nevertheless, while the ideal timing for passing extreme and moderate policies is most likely to remain the same even when recall becomes feasible, the actual timing for passing extreme policies in the legislature, may actually be distorted as a result of particularities of recall institutional arrangements. In the hypothesis about legislative recall, the governing party with a minimum winning has the greatest incentive to pass the extreme policies as soon as possible. Will it actually be able to do so? This question offers a good opportunity to revisit whether recall induces the party to permit its members to pursue a stronger personal vote. Though there may be a number of ways to explain away the protracted bargaining process, consideration of personal vote presents some of the simplest explanation. When the government with a minimum winning majority seeks to pass an extreme bill which conflicts with the constituency preferences, any legislator would have an incentive to kill the bill unless the party doles out enough side payment for supporting the extreme bill, leading to an extremely long bargaining process that delays the passage of the bill. As the size of the governing party moves away from, one should also predict that the bargaining process becomes less

cumbersome as the governing party does not need every member's support and the time it takes to roll out the extreme bill shortens as a result.

Here, I suggest one way a particular recall institutional arrangement may affect the actual timing of the bill passage. Remember that when recall is assumed to be feasible throughout the legislative term, there is no reason particular reason to pass an extreme bill at any time other than the beginning of the legislative term since voters can always recall legislators right after they pass it. That assumption is violated in some jurisdictions, including Taiwan, where there exists legal prohibition against recalling incumbents until a period of time[4] after the term began. While this type of legal protection against early recall has the potential to preserve the political legislation cyle, it also means that there is a clear disincentive against passing extreme bills after a certain point in time during the legislature. As a result, it is possible to observe a sharp drop in the policy extremeness after that point in time. Such drop is especially likely to be observed when the size of the governing party in the legislature is close to minimum-winning majority where means the governing party members' incentives to haggle and to avoid recall are both at its strongest. However, as such a sharp drop need not result from the credible threat of recall which does prescribe a singular way for the governing party to manage the extremeness of its policies throughout the term, it is simply given here as possible indicator that recall's incentive effect is at work.

[4] In Taiwan's case, it is one year.

3. Recall Reform in Taiwan as a Quasi-Experiment

To test the theory, I turn to evidence from Taiwan's Legislative Yuan, which is the unicameral legislative branch of the government of Taiwan. Although recall has always been a constitutional right in Taiwan, it was effectively impossible save for some rare success at local levels. Right after the first democratic election of the Legislative Yuan, citizens attempted to exercise their right to recall to remove four legislators of Kuomintang party (KMT), which oversaw both a one-party regime and its transition to democracy, for supporting construction of a new nuclear plant. In response, the KMT immediately passed new rules which not only thwarted the ongoing recall campaign's success but also doomed all other recall campaigns until the 2016 Taiwanese general election saw the Democratic Progressive Party (DPP), the other major party of Taiwan, control both the executive branch ***and*** a majority in the Legislative Yuan for the first time ever. Later that year, the DPP instituted new recall reforms, making recall truly feasible for the first time since Taiwan's democratization.

3.1 Establishment of Recall Threat Credibility as the Treatment

Nonetheless, instituting the recall reform does not by itself constitute a credible threat of recall. In fact, there is some indication that the DPP did not envision itself as the receiving end of the recall. Historically, legislative recall attempts had only targeted members of the KMT which commanded a majority in the Legislative Yuan for the longest time. The KMT's reputation for sustaining their members' electoral success more through their local political machines and less through their elected officeholders' policy responsiveness may have led the DPP to believe that recall reform would harm the KMT more than itself. In fact, the first successful recall under the 2016 rules had to wait until 2020 recall of Kaohsiung Mayor Daniel Han, which was also the first successful mayoral recall ever in Taiwan. Mayor Han's controversial populist style, combined with his unsuccessful bid for president as the KMT candidate in the 2020 general election in the middle of his mayoral term, finally attracted enough petitions and votes above the threshold of success. His recall also triggered a number of "revenge recalls" against prominent elected officials who supported the mayoral recall, resulting in the first successful recall of a member of Legislative Yuan whose general election campaign was supported by the DPP. Only since then did some DPP members of Legislative Yuan begin proposing to revise the 2016 recall rules. They have yet to succeed even though their party retained its majority in the 2020 general election. All of this suggests that the

DPP, despite passing the recall reform in 2016, only began to deem the threat of recall credible after 2020. Given that the DPP did not envision itself to be on the receiving end of the recall when it instituted the recall reform, it can be said that the emergence of the credible threat of recall since 2020 can be considered an exogenous event, even though the reform that led to it was in some way endogenous.

Finally, a quasi-experiment would not be complete unless there is at least one control group where the subjects are not treated. It just so happens that Taiwan's Legislative Yuan adopts a mixed-member electoral system of the Taiwan's Legislative Yuan where about two-thirds of its members are elected from single-member districts (SMDs) under the rules of first-past-the-post (FPTP) form a nominal tier and about one-third of its members from a national at-large district under the closed-list proportional representation (PR) rules form a party tier, [5] no provision for recalling a legislator elected from a party list has ever been implemented, even after the 2016 reform, possibly because it defeats the purpose of instituting a closed list where parties decide who sit in the legislature. This means the nominal tier of legislators can be considered the treatment group and the party tier of legislators the control group. Furthermore, as the credible threat did not materialize until after the 2020 general election, no selection bias

[5] In addition, there are reserved seats in the Legislative Yuan for indigenous representatives elected under the rules of single nontransferable vote (SNTV). Given that indigenous representatives occupy only six out of 113 seats in total in the Legislative Yuan and operate under markedly different incentive structures due to their distinct constituencies and electoral systems, their legislative behavior won't be treated at length here.

affects whether the candidate decides to contest the election on a national party list or in a local constituency.

3.2 Application of the Theory to Taiwan's Legislative Yuan

To identify the impact on recall on legislative behavior, it remains to develop a clear hypothesis based on the foregoing theory of legislative recall, which are made on the basis that they are elected from SMDs under the FPTP rules whereas Taiwan's Legislative Yuan, as we have just mentioned, adopts a mixture of both the FPTP rules and the closed list PR. While it has been an established stylized fact that legislator pure FPTP electoral system engenders strong incentives for seeking personal votes and pure closed list PR electoral system entail little incentive for doing so (Carey and Shugart 1995), students of mixed-member electoral system have long debated about the nature of its incentive structure. The "best of the both world" hypothesis suggests that legislators from different tiers draw their support from different kinds of voters and thus behave differently (Shugart and Wattenberg 2003). Legislators in the nominal tier would seek more personal vote in their local constituency whereas those in the party tier would not as their reelection depends on their reselection on the party list by the party leaders. However, a competing "contamination" hypothesis suggests that "the existence of one tier prevents legislators from the other tier from behaving as if they were elected in a 'pure" system made up of their tier alone" (Crisp 2007). One possible cause is that a legislative party consisting of members from both nominal and party tiers be constrained by party discipline to behave similarly, especially in roll call votes

(Stratmann and Baur 2002). Evidence from Taiwan's Legislative Yuan seems to support the "best of the world" hypothesis (Batto 2012; Jang 2016; Liao 2022) though not consistently (Rich 2014), leading one to believe with some degree of confidence that the recall should still cause the legislators in the nominal tier of the Legislative Yuan to seek more personal vote while it has no impact on the legislators in the party tier of the Legislative Yuan as they are legally immune to recall attempts, leading to the hypothesis below.

Hypothesis 2.0: the credible threat of recall causes governing party legislators in the nominal tier to seek more personal vote but it has no effect on the governing party legislators in the party tier.

Note that Hypothesis 2.0 may not hold when the governing party is willing to make policy concessions to voters in marginal constituencies given the previous hypotheses. Nevertheless, given that policy concessions tend to be expensive, it remains largely plausible.

4. Data Analysis

To put the theory to test, I have intended to employ differences-in-differences design to estimate identify the effect of introduction of credible threat of recall on the personal vote-seeking behavior of legislators of the governing party. Unfortunately, except from Hypothesis 2.0, I have not been able to find a way to test other hypotheses proposed in the theory. Furthermore, the research design is defective as the data, consisting of roll call votes in the 9th and 10th terms of the Legislative Yuan during its 9th (2016-2020) and 10th (2020 – 2024) terms, cannot satisfy the parallel trend assumptions. Given the time constraint, I was not able to remedy the difference-in-differences design properly or consider alternative research designs. In this section, I shall report some descriptions of the data and the statistical procedures I have conducted, in the hope that it may shed light on some characteristics of roll call behavior in Legislative Yuan and some pitfalls to avoid in any future studies of incentive effect of legislative recall, especially in the context of Taiwan.

4.1 Data and Variables

While the Legislative Yuan does not provide any formatted record of its roll calls, since the beginning of its 8th term the Legislative Yuan has continuously published all of its minutes as machine-readable files, which provide a complete record of the roll calls during the meetings. This allows me to compile all the roll call votes of the 9th and 10th terms rather handily.[6] Note though that as the 10th and current term of Legislative Term will not expire until January 31st, 2024, roll call vote data are only available up to the end of the 6th session of the 10th term, which just concluded in January 2023.

In addition, this dataset will be restricted to the voting records of the DPP members in both the nominal tier and the party tier of the Legislative Yuan during the period under study. The reasons are threefold. First, as the theory developed in this thesis, applies only to legislators in the governing party, which is the DPP in the 9th and 10th terms, there is no need to extend our analyses to other parties. Second, and perhaps more importantly, the reason to focus on DPP is in large part due to the concern about violating the parallel trend assumption. Obviously, given that the KMT has previously opposed the recall reform, it makes sense that while the DPP did not deem the recall

[6] While students of the Legislative Yuan have been able to avail themselves to the roll call vote datasets provided by Soochow University, I did not contact them as their website does not indicate that roll call votes from the 9th and 10th terms are among the roll call vote datasets they provide, and the alternative of compiling the roll call votes from the machine-readable minutes of Legislative Yuan is a much more straightforward data collection method.

reform to have created a credible threat of recall, the KMT considered the threat a long time ago when the recall reform was first proposed in 2016. Not considering the voting records of the KMT members of the Legislative Yuan eliminates an important threat to the validity of difference-in-differences where anticipation of anticipation of the eventual success of recall reform leads to self-selection bias among the KMT members.

Among the DPP members of Legislative Yuan, I have also eliminated those who missed all the roll calls of an entire session. By doing so, it excludes the president and the vice president of the Legislative Yuan, who only get to cast a tie-breaking vote when they chair the meetings and practically never participate in roll calls even when they are not the chair while they remain (vice) president of the Legislative Yuan. It also excludes most of those who became members of Legislative Yuan through by-elections. While it would be ideal to construct a panel dataset by restricting the dataset to the voting records of DPP members who are reelected in the 2020 general election in the same tier in which they served during the 9th term, doing so would remove most of the party tier legislators who are rarely reselected by the DPP to stand in the election on its party list. Fortunately, since the treatment is imposed at the tier level, it still permits us to apply to the research design to the dataset, which is simply treated as repeated cross-sections. Applying the restrictions leaves us with 39 DPP legislators in the nominal tier and 12 DPP legislators in the party tier during the 9th term, and 46 DPP legislators in the nominal tier and 12 DPP legislators in the party tier during the 10th term.

The dataset of roll calls in Taiwan's Legislative Yuan also limits the choice of the dependent variable. Although the theory of legislative recall provides a number of predictions on government agenda and policy positions of bills and legislator, which are frequently measured with roll call data, this method suffers from various problems when it is applied in Taiwan. Batto (2012) and Liao (2022) have demonstrated that defection has been exceedingly rare in the Legislative Yuan, due in large part to the strong party discipline in the Legislative Yuan. As such, estimating policy positions of bills and members of the Legislative Yuan is nigh impossible. There is potentially a selection bias when it comes to what issues end up with a roll call as scholars have long noted that selection bias is widespread outside the US when it comes to what proposal goes to a roll call vote and what does not (Ainsley et al. 2020; Carrubba and Gabel 2008; Hix, Noury, and Roland 2018). If this is true, only an issue where a consensus has been reached within a party may be put up for a roll call vote, whereas when no consensus is reached within the party on certain issues, party discipline could prevent this type of internal division from entering the record.

Nevertheless, it does indicate that defection from the party line in the Legislative Yuan is an extremely costly way of taking a position to cultivate personal vote. In the rest of the thesis, I propose a partial test of Hypothesis 2.0 by testing the following hypothesis.

Hypothesis 2.1: the credible threat of recall causes governing party legislators in the nominal tier to defect more often from the party line but it has no effect on the governing party legislators in the party tier.

To study this hypothesis, two things need to operationalized: party line and defection. Following Batto (2012) and Liao (2022), I deem the party line to exist at a roll call when one-third of the party members vote **and** a majority of the voting party members votes yea or nay, thus excluding abstention as a party line. The operationalization of defection is a bit more tricky. Although it is possible only to consider voting yea or nay when the party line prescribes otherwise, it is very rare to observe such instances of outright defection in legislatures where the party discipline is very strict. Abstention at a roll call can also be considered a defection, if only a milder version. Furthermore, absence from a roll call may be considered a kind of less costly defection, though it is disputed whether all absences should counted as such. Herron (2002) considers all absence as defections whereas Ferrara (2004) only consider absences as defections when legislator is not missing the roll call because of partisan activities or official duties. For the sake of convenience, I follow Liao (2022) by considering all absences as defections as well if it any absence is to be counted as defections. Such a decision is also justified on the account that missing a roll call would under normal circumstances matter more to the party than to the voters and doing so could well mean spending more time with the constituents, even if it does not necessarily follow. I also

follow Liao (2022) by defining three types of defection, where type-I defection includes only voting yea or nay when the party prescirbes otherwise, type-II includes type-I defection and abstention, and type-III includes type-II defections and absence as well. Given that defection only exists when there is a party line, I remove all the roll calls where the DPP does not impose a party line. Finally, all roll calls where a proposal is unanimously approved or defeated save abstentions are removed from consideration as well since they tend to be about issues that enjoy such widespread support that hypothetical defections in those roll calls would not help any legislators cultivate a stronger personal vote at all. This leaves us with 1361 roll calls in the 9th term of Legislative Yuan and 902 roll calls in the first 6 sessions of the 10th term of Legislative Yuan.

Finally, I follow Liao (2022) by aggregating instances of defections of roll calls within each time period and designating the rate of defection, which is defined by the number of times a legislator in a given period divided by the number of roll calls within the given period where a party line can be identified, as the dependent variable instead of instances of defections, which is how Batto (2012) examines the roll call in the Legislative Yuan. I depart from Liao's (2022) approach by aggregating defection rate by session instead of term, each of which consists of 8 half-year sessions. Though aggregating the defections by term may have its appeal, it is currently unsuitable given that the 10th term is not yet complete and aggregating roll call votes by term can be

misleading, especially given the cyclical behavior predicted by the theory which indicates that the defection rate is far from uniform throughout the period, leading to an underestimation or overestimation of what the eventual defection rate of the 10th term would be like.

The discussion of aggregating instances of defection by session also provides a good segue into the operationalization of the independent variable, that is, the treatment, which consists in the introduction of credible threat of recall among the DPP. While the foregoing arguments should convince the reader that the credibility of the threat materialized after 2020 recall of Kaohsiung mayor, the exact time at which the threat materialized is up for debate. Although aggregation of the defections by session mitigates the problem somewhat as it only requires determining the session during which the treatment occurred, various events that occurred months apart from each other since the successful recall of Kaohsiung mayor, which concluded toward the end of the 1st session of the 10th term, could still be said to constitute the treatment. Among these events, the first successful recall of a DPP elected official (toward the end of the 2nd session of the 10th term), though not a member of the Legislative Yuan, and the first successful recall of a member of the Legislative Yuan (toward the beginning of the 4th session of the 10th term), albeit a member of a minor party allied with the DPP instead of the DPP proper, are two alternative events that could be the cause of introduction of credible threat of recall among the DPP members of Legislative Yuan. Because of the

time constraint, more advanced empirical techniques are not explored. Ultimately, it boils down to determining at which session of the 10th term of the Legislative Yuan the treatment is deemed to have occurred, and based on the foregoing discussion, the 2nd, 3rd and 4th sessions of the 10th term are the primary candidates. In this thesis, I shall assume that the treatment occurred at the earliest possible period, which is the 2nd session of the 10th term. Ultimately, this question will become moot as later placebo tests will show that, even assuming that the 2nd session is when the treatment occurred, parallel trend assumption cannot hold. Nevertheless, this issue should be taken into consideration for any future studies of legislative recalls in Taiwan especially when a research design that exploits an exogenous event, such as difference-in-differences and regression discontinuity in time, is to be used.

4.2 Model and Results

The following model is estimated.

$$Y_{it} = \beta_0 + \gamma_i + \lambda_t + \beta_1 D_{it} + \epsilon_{it}$$

where Y_{it} is the rate of defection for DPP legislator indexed i during session indexed t which denotes the chronological order of the 8 sessions of the 9th term and the first 6 sessions of the 10th term for which roll call vote data is available, γ_i and λ_t are tier and time fixed effects respectively, D_{it} an indicator showing whether legislator i perceives credible threat of recall during session indexed t, and ϵ_{it} an error term.

Table 1: Difference-in-differences regressions

Dependent Variable	Type-I Defection	Type-II Defection	Type-III Defection
Model	(1)	(2)	(3)
Treatment	0.0003***	-0.0011***	-0.0090**
	(0.0000)	(0.0000)	(0.0003)
N (Legislator-session observations)	750	750	750

Note: Standard errors clustered by tier in parentheses.
** p < 0.05, *** p < 0.01

Table 1 reports the OLS estimates of the models. Surprisingly, while the treatment effect is significant and this result is robust to how defection from the party line is operationalized, it is somewhat surprising to observe that the treatment has a positive effect on type-I defection yet negative effects on type-II and type-III defections. Although Liao (2022) did note that these different operationalizations of defections could very well be measuring different kinds of behavior, the sign of the effect should be positive for all of them. The result suggests that introduction of credible threat of recall among the DPP members of Legislative Yuan caused them to vote against their party outright more often yet less likely to abstain and even less likely to be absent from the roll calls, even though it seems that abstention and abstention should be deemed more tolerable forms of persona vote-seeking behavior from the view of the party. What is

even noteworthy is that extremely diminutive size of the treatment effect, which indicates that the treatment effect is hardly noticeable even though it is significant.

The trendlines of the average rates of three different types of defections for each tier is presented in Figure 1. Clearly, Type-III defections are far more frequent than type-II defections, which in turn are far somewhat more frequent than type-I defection, indicating that a strong party discipline is indeed at work. Note here that there the defection rate exhibits cyclical patterns within DPP legislators in both tiers. However, the periods of the cycle for both tiers in all three graphs seems to be smaller than an entire term, which is not foreseen by the theory developed in this thesis.

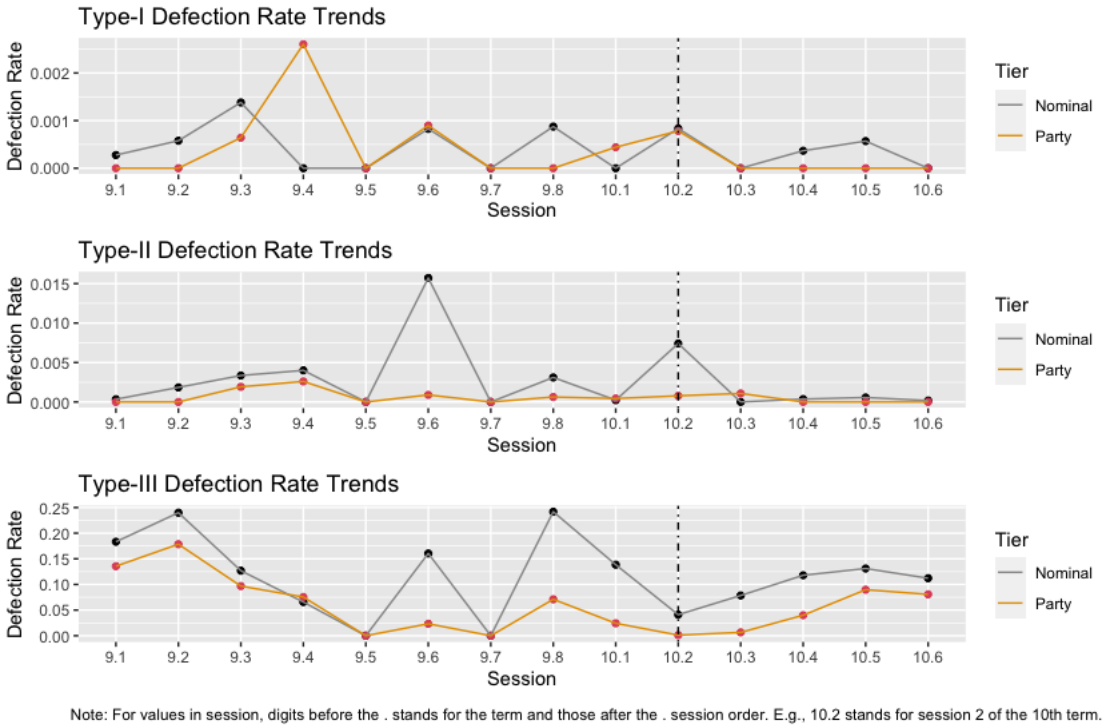

Figure 1: Defection Rate Trends

More importantly, although these cyclical patterns for both tiers appear to be ebbing and flowing in sync for most of the time, the peaks of the cycles for the nominal tier are in general far greater than those of the party tier. This is a cause for concern as it makes the parallel trend implausible. Further placebo tests as shown in Table 2 for all three different types of defection rates confirm this suspicion. Given the time constraint, remedies for the current difference-in-differences research design cannot be pursued further. Therefore, the treatment effect of the credible threat of recall is yet to be identified due to the violation of the research design's parallel trend assumption.

Table 2: Placebo Regression Table

	Placebo Treatment Session							
Defection Type	9.2	9.3	9.4	9.5	9.6	9.7	9.8	10.1
Type-I	0.00***	-0.00***	-0.00***	0.00**	0.00**	0.00**	0.00**	0.00***
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Type-II	0.00***	0.00***	0.00***	0.00**	0.00**	-0.00***	-0.00**	-0.00***
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Type-III	0.02**	0.01**	0.02**	0.05***	0.08***	0.05***	0.10***	0.00***
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
N (Legislator -session)	465	465	465	465	465	465	465	465

Note: For values in session, digits before the period stands for the term and those after the period session order. E.g., 10.1 stands for session 1 of the 10th term.
** $p < 0.05$, *** $p < 0.01$

Conclusion

Despite the defective research design, there may be a silver lining in that parallel trend assumption may still hold for other dataset of other types of legislative behavior. This means that although the research design of difference-in-differences still has a chance of identifying the incentive effect of recall if a different dataset that captures a different kind of legislative behavior is employed. This is not only helpful but necessary given that the theory developed predicted in this thesis indicates that a credible threat of recall may well lead to a **combination** of policy concessions and increase in personal vote-seeking behavior.

One word of caution is in order for any future studies of legislative recall regarding the cyclical pattern of legislative behavior. Given that variation of legislative behavior within each term is not only predicted by the theory but corroborated by roll call evidence in Taiwan, any research design that requires the parallel trend assumptions to hold would do well to investigate the cyclical component carefully and aggregate the data appropriately.

Perhaps most importantly, failing to identify the incentive effect of legislative recall should not undermine this thesis's primary contribution, which lies in the development of a legislative recall theory. For the longest time, recall's effect is always linked to frequency of its deployment and success, which is akin to claiming that the system of criminal justice is effective because it has a large prison population. In this

thesis, I have built a theory of legislative recall not only by continuing along Gordon and Yntiso's (2021) approach to recall which redirects us to the proper focus of the effect of what recall can *credibly threaten* to do, but also integrated the logic of political business cycle into a theory where the party and individual legislators may agree that a credible threat of recall should be responded through policy concessions or cultivating a stronger personal vote. It is my sincere hope that future studies may provide more insight into the theoretical implication of the theory and more rigorous empirical tests thereof.

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