

Lobbying across the USA: from state vetoes to federal venues

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Abstract Drawing on the veto player and multilevel lobbying literatures, the article analyzes the impact of policymaking vetoes on cross-territorial lobbying patterns. This comparative study of the American states finds that the incidence of federal lobbying by state interest groups and corporations is higher from states with divided government. Federal lobbying is higher also from states with unified Democratic Party control. The findings of a two-level statistical analysis of Lobbying Disclosure Act data from 2005 to 2015 suggest that subnational actors partially redirect their lobbying effort to the federal level when state policymaking channels are blocked. The empirical analysis builds on a multilevel interactive game and is supported further by a case study of lobbying patterns that followed the 2010 elections, when the Republican Party gained control of many state legislative chambers. Future research on lobbying in multilevel polities must simultaneously consider the relative powers of government levels and the partisan control of those levels.

Keywords Lobbying · Multilevel lobbying · Venue shopping · Interest groups · Veto players · Divided government

Introduction

This article analyzes the impact of policymaking vetoes on lobbying in multilevel political systems. More precisely, it asks: Do organized interests modify their lobbying strategies when their home government is either divided or under the control of a political adversary? Do they venue shop for more sympathetic policymakers at other levels of government? These questions are pertinent in all multilevel polities, but are especially relevant in federal states and the EU. Here we

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investigate the territorial lobbying patterns of interest groups in the US states. The analysis finds that policymaking vetoes at the state level can push lobbying to the federal level.

We begin by reviewing the literature on multilevel and cross-territorial lobbying. The EU literature is mature and progressing across many dimensions. By comparison, scholarship on North American cases is in its infancy, as it continues to study federal and subnational groups separately, as if they exist in self-contained levels of analysis. The second section, building on the veto point/player literature, develops a theoretical framework for analyzing cross-territorial lobbying patterns. It develops hypotheses that predict an increase in multilevel lobbying when policymaking venues at the home level are blocked by divided government or, for most business interests, by the ‘wrong’ government. A two-level, double two-person game illustrates how policymaking vetoes shape the lobbying strategies of organized interests in multilevel polities. Resource constraints and the reduced likelihood of achieving policy goals under state governments that are divided or controlled by political opponents lead to predictions that groups will intensify their lobbying in Washington. These hypotheses are confirmed in a cross-sectional time series analysis of Lobbying Disclosure Act data and in a case study of lobbying following the pivotal 2010 elections.

Lobbying in multilevel polities: a literature review

The literature on multilevel lobbying and vertical venue shopping is now over 20 years old.¹ Rooted in early work on pluralism and federalism (Grodzins 1966; Truman 1951), and building on a multilevel governance framework, ‘characterized by co-decision making across several nested tiers of government, ill-defined and shifting spheres of competence...’ (Marks 1993, p. 407), it posits that interest groups are unconstrained by the territorial lines that mark both government authority and their own organizational mandates and they will engage in multilevel and cross-territorial lobbying (Constantelos 1996).

Empirical research on transnational lobbying patterns began in Europe, in the early 1990s, as scholars charted the proliferation of lobbies and lobbying at the EU level (Greenwood et al. 1992; Mazey and Richardson 1993), including the rapid growth in the formal representation of regional governments in Brussels (Keating 1993; Marks et al. 1996; Mazey and Mitchell 1993). These studies found state and non-state actors using one or more subnational, national, and supranational channels in their efforts to create and shape policy (Beyers 2002; Coen 1997; Constantelos 1996; Eising 2004; Greenwood et al. 1992; Guiraudon 2000; Mazey and Richardson 1993; McAteer and Mitchell 1996; McLaughlin et al. 1993; Tatham 2010).

While the EU has generated a prodigious amount of research, multilevel lobbying in the USA has received scant attention. Nownes’ (2014) recent survey of state and

¹ These concepts are closely related. Multilevel lobbying is a term that can be used when multiple territorial levels of government are targeted.



local interest group research finds much progress on selected topics, but also ‘glaring gaps’ in the literature. Not mentioned as one of the gaps, though it should have been, is the lack of research on the cross-territorial activities of interest groups. US scholarship usually examines national and subnational systems separately, despite the considerable empirical work in Europe demonstrating that lobbying patterns at one government level are not independent of factors at other levels. Thus, the practice of vertically segmenting interest group research is artificial and likely to generate limited and misleading understandings of interest group motivations and actions. Although recognition of the multilevel activities of US interest groups is longstanding (Thomas and Hrebenar 1996), only a few North American lobbying studies actually feature multilevel designs (Baumgartner et al. 2009b; Constantelos 2010; Holyoke et al. 2012; McQuide 2010; Pralle 2003, 2006).²

The US and other federal states are different from the EU in many important ways, particularly in regard to sovereignty, political identity, and the lack of an interstate dimension. These differences surely affect opportunity structures and interest group strategies. But even if federal states and the EU are not strictly comparable, political decentralization in federal systems, in the same manner as multilevel governance in Europe, increases the number of policymaking venues available to actors who are trying to influence policy. Thus, the multilevel lobbying models developed for the EU have full relevance in federal systems. This section reviews the pertinent empirical findings from both sides of the Atlantic.

Multilevel polities offer strategic options to political actors that are unavailable in highly centralized states. Having multiple governmental tiers with shifting and overlapping powers invites groups to ‘venue shop’ for the most promising outcome. Baumgartner and Jones (1993) show that policymaking venues can change and *can be changed*. Consequently, interest groups make frequent strategic decisions about their lobbying priorities and efforts. In multilevel polities, a key question is which policymaking level to target. This decision may appear to be simple and straightforward, for interest group structures are reflective of state policymaking powers (Coleman and Grant 1989; Pross 1993). A major purpose of national associations is to influence national policy. Subnational associations most frequently lobby subnational and local governments. In Europe, transnational groups formed to lobby EU institutions. Yet, interest groups do engage in multilevel lobbying, at times in multilevel coalitions (Ydersbond 2014). Not infrequently, subnational groups will lobby central governments and EU institutions and national associations will lobby subnational governments (Constantelos 1996, 2010). Money, time, and political capital are limited, however, which necessitates a careful allocation of resources by advocates.

Much research has been devoted to understanding how interest groups invest their scarce resources and, in particular, to identifying the factors associated with the selection of both vertical and horizontal lobbying targets. Important correlates of lobbying strategy include: the type and level of association (Eising 2004), resource

² Boehmke et al. (2013) analyze ‘multiple venue lobbying’ at the federal and state (Minnesota) levels; however, these analyses are done separately, in a comparative manner, without looking at cross-territorial lobbying patterns.



endowments (Bennett 1997; Dür and Mateo 2012; Eising 2007; Klüver 2010), economic sector (Bennett 1997; Dür and Mateo 2014), issue salience (Beyers and Kerremans 2012), decision-making stage (Eising 2007), length of EU membership (Hafner-Fink et al. 2016), relative powers of state institutions (Eising 2007), and the territorial distribution of policymaking powers (Constantelos 1996; Dür and Mateo 2014; Eising 2004; Klüver 2010). In an analysis of the perceived success of lobbying, Binderkrantz and Rasmussen (2015) find that leading explanatory variables, like resources and domestic embeddedness, have an uneven impact at the national and EU levels. Resources are more important at the EU level, and embeddedness is more important at the domestic level.

Venue shopping is interpreted mainly from a rational actor perspective, employing an assumption that the venue(s) targeted by interest groups will increase the likelihood of obtaining a policymaking reward (Dür and Mateo 2014). However, incomplete information and internal organizational motivations may generate lobbying strategies that are or appear to be suboptimal (Pralle 2003). Lobbyists may even ‘go through the motions’ of lobbying unpromising venues to ward off potential criticism from their clients (Holyoke 2011). Also, venues may develop inadvertently instead of through deliberate shopping (Pralle 2006).

Policymaking vetoes and multilevel lobbying

An explanatory factor that has much potential for shaping the venue shopping calculus is the presence or absence of policymaking vetoes. Actual and threatened vetoes influence the behavior of political actors, and they shape political outcomes (Immergut 1990; Tsebelis 2000). Policymaking vetoes can be political institutional, political partisan, or a combination of the two. Both political institutional design (e.g., presidential vs. parliamentary) and the partisan composition of government affect interest group organization and strategies (Baumgartner et al. 2009a; Holyoke 2003; Mahoney and Baumgartner 2008; Montpetit 2005). Two types of policymaking vetoes are examined here: (1) divided government in presidential systems, which is equivalent to having a mutual veto by a legislature and executive, and (2) the partisan veto imposed when a political opponent is in full control of a government. Either circumstance can be analyzed at a single territorial level. The analysis becomes more complex and more interesting in multilevel polities. Multilevel systems offer not only more access points for interest group lobbying, they present more policymaking veto points too.

Empirical studies tend to focus on the ‘pull’ factors that attract lobbyists; for example, venues that offer specific or greater resources or regulatory powers, or venues that are sympathetic to a group’s preferences. The very same factors can repel lobbyists from other venues. Beyers and Kerremans (2012) ask an important question: Do partisan factors—opposition parties, for example—at the domestic level ‘push’ interest groups to the European and interstate levels? Factors that push and pull are not independent of each other. Institutional factors at one level may have an effect at that level, and also at other levels. Thus, a pull factor at the federal level not only increases lobbying intensity at the federal level; because of the



financial constraint, it is also associated with a decrease in lobbying at the subnational level (Constantelos 2010).

There are, of course, limits to venue shopping. Groups facing a gridlocked or unsympathetic government may have few choices, because the policymaking powers they need may be reserved to specific levels of government by national constitutions. In the EU and in federal states with overlapping powers, the availability of legal instruments and financial resources at every government level generates strategic options that are unavailable in unitary states. For example, economic development policymaking in the USA takes place at the federal, state, county, and local levels. Corporations and business associations lobby for and against laws, regulations, taxes, and public expenditures at all of these levels.

Divided government

Presidential systems present more policymaking veto points than parliamentary systems, especially when the legislature is bicameral (Tsebelis and Money 1997). It is common in presidential systems for the executive and legislative branches to be controlled by opposing political parties. Although unified government does not guarantee successful legislating (Herzberg 1996; Rieselbach 1996), there is great potential for policymaking gridlock when government is divided (Fiorina 1992). Many, though not all, empirical studies find that divided government has a negative impact on legislative output and innovative policies (Binder 1999; Coleman 1999; Edwards et al. 1997; Howell et al. 2000; Kelly 1993; Rogers 2005). Others find a smaller impact (Mayhew 2005) or point to different causes of gridlock (Krehbiel 1998). For example, several studies find a correlation between interest group population growth and gridlock (Bowling and Ferguson 2001; Gray and Lowery 1995; Holyoke 2011), though Berry (2002) finds no evidence of this.

This article looks at interest groups and gridlock from the opposite direction, asking if divided government affects the direction and scale of lobbying. Divided government has the potential to increase lobbying because interest groups and corporations may need to intensify their contacts with both governing and opposition parties. The literature suggests another possibility—that groups will lobby less often, because achieving policymaking goals may seem unrealistic in a gridlocked legislature. Scarce resources could be directed to other venues or levels that offer more promising outcomes. Vertical venue shopping to bypass gridlock is a strategy used also by government advocates (Constantelos 2014). These considerations lead us to develop the first of two general hypotheses. They are later refined and stated more precisely for the empirical analysis.

H1 (*general*) Organized interests in politically divided polities will be more likely than organized interests in politically unified polities to lobby at multiple governmental levels, other things being equal.



The ‘wrong’ government

Partisanship and ideological congruence are factors that may lead interest groups to favor one governmental level over another. A long line of research reveals that interest groups favor friendly legislators (Bauer et al. 1963; Hojnacki and Kimball 1998; Mahoney 2008; but see also Austen-Smith and Wright 1994, for a contradictory finding). The majority of these studies focus on lobbyists’ contacts with individual legislators. A related question is whether ‘friendliness’ influences lobbying strategies for entire venues, but there is relatively little research on this topic. Holyoke (2003) finds that lobbyists avoid venues where their opponents are strong. According to McQuide (2010), interest groups are more likely to lobby the executive branch during Democratic administrations. Gais et al. (1984) suggest that a partisan change in an administration will affect the level of cooperation between a group and the government.

Moving from single territorial levels to multilevel polities, we find that the vertical venue shopping strategies of political actors are largely unexamined. In one of the few studies, Tatham (2010) finds that representatives of substate governments, in their contacts with the EU, are more likely to bypass (rather than cooperate with) the central government if the substate is governed by the main opposition party. The paucity of research leads us to theorize about the lobbying strategies of interest groups in multilevel polities, particularly when political opponents govern entire territorial levels. Naturally, and much less than divided government, the partisan veto affects the interest group population unevenly. We begin with the assumption that unified governments advantage some interest groups and disadvantage others. Thus, we should expect lobbying strategies in multilevel polities to depend partly on which political parties govern each level. Four effects that repel (push) or attract (pull) interest groups across territorial levels are possible.

Home level:

1. A friendly unified government leads groups to ‘stay home’ (push absent).
2. An unfriendly unified government at the home level sends groups to other levels (push present).

Destination level:

3. A friendly unified government at the destination attracts groups (pull present).
4. An unfriendly unified government at the destination induces groups to stay home (pull absent).

The focus of this article is on the second effect—the impact of having a partisan policymaking veto at the home level. This is formalized as the second general hypothesis:

H2 (*general*) When an unfriendly unified government controls their home level, organized interests will engage in cross-territorial lobbying more frequently, other things being equal.



The impact of partisanship on lobbying can be observed after an opposition party wins an election. At that moment, do interest groups reallocate their lobbying effort, moving toward (getting pulled) or away from (getting pushed) certain territorial levels of government? In a survey of Canadian and US trade associations, Constantelos (2010) found that after federal and subnational elections, one-third of the groups adjusted their lobbying strategies precisely because the new governments were either more, or less, sympathetic than the preceding governments to the groups' policy preferences. This phenomenon of 'partisan shopping' has its limits, however. That two-thirds of the associations did not modify their post-election lobbying pattern is logical and it is a finding that is consistent with Beyers and Kerremans' observation in four European cases that 'governing parties are much more attractive for interest groups than opposition parties' (2012, p. 18). Their comprehensive analysis concludes this way: 'In sum, governing parties gain attention from both like-minded and opposing groups, while opposition parties are more exclusively addressed by like-minded groups' (p. 18).

In the US context, the Holyoke et al. analysis of charter school policy confirms that advocates shop for friendly interlocutors; however, those with greater resources will contact additional venues, even ones with incongruent policy preferences. When a venue is actively working on an issue, there is little choice but engagement. As the authors put it, '...whether venue officials are friendly, hostile, or indifferent, lobbyists must go where the action is in the federal system' (Holyoke et al. 2012, p. 16).

Interactive multilevel lobbying

The interactions between groups and governments often are examined at the macro, societal level, with the emphasis placed on overarching patterns of interest group intermediation, such as pluralism and neocorporatism. Deserving more attention are the micro-interactions between politicians and groups. Legislators depend on interest groups for information, financial contributions, and political support, while groups desire policies and public resources. Though preferring independence, many lawmakers and interest groups are mutually dependent and they have interactions that resemble a prisoner's dilemma.

Political institutional design strongly shapes interest group strategies. In multilevel polities, the legal competences and relative powers of central and subnational governments are particularly important factors for explaining vertical venue shopping patterns. However, the partisan control of these levels is important too, as are a variety of factors related to the interest groups themselves, such as resources and expertise. For interest groups, multilevel lobbying strategies are similar to investment games, where the portfolios are optimized, balancing risk and reward. A key difference, however, is that the game is dynamic, as interest groups play simultaneously with one or more parties that lead the subnational, national and supranational levels. How much effort to expend at each level of government is a decision that needs careful consideration and frequent reconsideration, particularly when control of government changes hands. Research demonstrates that political incumbency is the key factor associated with venue selection (Beyers and

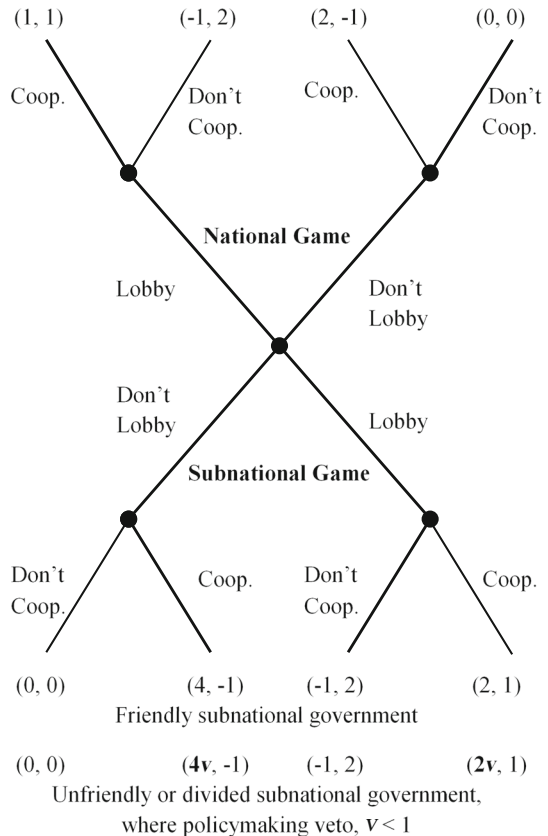


Kerremans 2012; Holyoke et al. 2012), though its impact may be weaker where overlapping territorial powers incentivize vertical venue shopping.

The interactive nature of multilevel lobbying can be modeled as a two-level prisoner’s dilemma, with lobbyists playing simultaneously a double two-player game (which is different from a three-player game). Interest group strategies are dependent on both political institutional factors and political partisan factors. The selection of lobbying targets in this multilevel game depends on the preferences of political actors at more than one level. Illustrated in Fig. 1 is a game with a single interest group and legislators at two levels. (Games with executive agencies will differ in structure and payoffs.) The game is depicted as a double, mirror-imaged, tree diagram to emphasize the spatial nature of traveling to different territorial levels.

The extensive form of the game assumes a sequencing of moves. Prior research shows that legislators may initiate the interaction with groups and corporations (Baumgartner et al. 2009a). In the example illustrated below, interest groups make the first move, potentially in two directions simultaneously (i.e., multilevel lobbying), adjusting their effort according to the overall territorial distribution of power and the anticipated payoffs to political interlocutors, who in turn may choose

Fig. 1 Tree diagram of multilevel prisoner’s dilemma game without and with a partisan veto. The subnational government has more important policymaking powers for the lobbyist, who begins at the center and makes the first move(s)



to cooperate or not cooperate. Payoffs for politicians are identical at the two levels and similar to those found in normal PD games. Payoffs for lobbyists, however, are potentially higher at the level where greater policymaking power and resources are found—normally the central government in both federal states and the EU. US state governments, however, are more important than the federal government to a majority of interest groups that are based at the state level (Constantelos 2010); payoffs to cooperating lobbyists are therefore higher at the state level.

Having a friendly government control the more important level makes for an easy decision. Backward induction leads a lobbyist to move in the direction of the higher expected return—the subnational level. Suboptimal outcomes are avoided when lobbyists establish strong relationships with legislators through repeated interactions. Obtaining and maintaining access to policymakers is a fundamental tactical objective of lobbyists (Rosenthal 1993).

Having an unfriendly player in control of the subnational government, central government, or both, changes the calculus and makes for a more interesting analysis. Lobbying strategy is shaped by budget constraints and the expected return on lobbying investment. Groups face greater risk and a reduced expected return on lobbying investment when a policymaking veto exists at one or both levels. When divided government or a partisan veto exists at one level, we can expect groups to shift some of their lobbying to policymaking venues at the other government level.³ The game features a second, alternative, set of payoffs (located on the lower line) for subnational lobbyists after a ‘veto penalty’ of an unspecified value less than 1 is introduced at the more important subnational level. This reduces the expected payoff of subnational lobbying, and it should increase the rate of central government lobbying relative to subnational lobbying.

Assuming a resource constraint and a declining marginal return to lobbying a single government level, strategy is calculated as the effort to maximize the overall expected return on lobbying investment (E):

$$\text{Maximize } E = rv_n L_n(x_n) + v_s L_s(x_s), \text{ subject to the constraint } R \geq x_n + x_s$$

where E = total expected return on the lobbying investment, r = ratio of national to subnational government power, v = presence of policymaking veto at national (n) or subnational (s) level, no veto, $v = 1$, veto, $v < 1$, which reduces the marginal expected return on lobbying, $L(x) =$ lobbying function—the expected return of lobbying as a function of x , the resources invested in lobbying at the national (n) or subnational (s) level, R = resources available for lobbying.

This logic leads us to predict that central government lobbying will increase when policymaking vetoes exist at the subnational level, an expectation tested in the empirical analysis that follows.

³ Lobbyists will also consider making other strategic adjustments, including intensifying their outside lobbying efforts.



Research design

The project employs a two-part quantitative analytic design to evaluate the impact of policymaking vetoes on multilevel lobbying patterns. More precisely, it examines whether variations in partisan control of state government affect the frequency of state interest group lobbying in Washington. Here we move from a micro-level theoretical foundation focusing on groups to an aggregate empirical analysis that uses the US state as the unit of analysis. The District of Columbia, as the seat of the federal government and the home of national interest associations and the major lobbying firms, is excluded from the analysis. Many other associations and lobbyists are located just across the Potomac River, in Northern Virginia. Therefore, Virginia is excluded too, because it is an extreme outlier that biases the empirical findings in favor of the hypotheses presented in this analysis.⁴

Dependent variable: federal government lobbying by state interest groups

Baumgartner and Leech (1998) identify a wide array of interest group tactics that fit within most definitions of lobbying. In the present study, the dependent variable, *Lobbying*, has a relatively narrow operational definition. It is a direct contact of a US senator, representative or federal government official by corporations, associations, and clients of contract lobbyists from each state. Lobbying activity data come from the US Congress Lobbying Disclosure Act (LDA) database.⁵ Federal legislation from 1995 required lobbyists to disclose their lobbying activities in semiannual reports. With the Honest Leadership and Open Government Act of 2007, lobbying disclosure reports were required every quarter, beginning in 2008. LDA data for 6 years are used, from midyear reports in 2005 and 2007 and second quarter reports in 2009, 2011, 2013, and 2015. Including 6 years of data offers the benefit of incorporating variation in the partisan composition of governments in the states and the federal level. However, to determine the independent effect of divided government at the federal level requires a long historical timeframe and a much larger number of cases than available here. This article, as an initial step, examines the possible existence of a push effect, coming from a divided or unfriendly government at the state level only.

Values of the lobbying variable are the total number of disclosures filed from each state during the reporting period. The reports are filed by all types of lobbyists, including businesses, trade and professional associations, public institutions, and issue groups. All are called ‘clients,’ whether or not a lobbying firm is employed. Congress uses the client’s address to generate reports by state, not the address of the lobbying firm, if one was used. National associations with headquarters outside of Washington, DC, are included, although they comprise only a small share of the total number of state lobbyists. Duplicate filings from the same client, which often

⁴ Maryland borders Washington, DC, and is the home of many lobbyists too; however, it has been retained in the sample. The number of lobbying disclosures from Maryland, adjusted for the interest group population, is less than one-third of Virginia’s.

⁵ Available at <http://soprweb.senate.gov/index.cfm?event=selectfields>.



are amended reports, are excluded from the counts. Termination reports and disclosures that reported ‘no lobbying activity’ for the reporting period also are excluded from the lobbying counts. Corporations, businesses, and trade associations account for nearly two-thirds of the lobbying clients during the 2007–2009 period (Brasher 2014). Although identifying the client type for each lobbyist is beyond the scope of this study, there is reason to believe from prior research that the largest number of state-based clients is corporations and trade associations (Hunter et al. 1991).

The amount of money spent on lobbying and also the number of federal government lobbyists increased steadily into the first decade of the 2000s. The number of lobbyists peaked in 2007, at nearly 15,000. Thereafter, there is a steady decline (see Table 1). The decline, if real, has a variety of possible causes, including the termination of congressional earmarks (Bryner 2014), the fiscal constraints accompanying the Great Recession and the growth of alternative instruments for gaining support from legislators, especially after the 2010 *Citizens United* Supreme Court decision.⁶

Apart from the national factors, there are also factors at the state level that affect interest groups’ decisions to lobby. The overall number of disclosure reports filed by state groups and corporations decreased by 10.8% from 2005 to 2015 (state mean: – 9.2%), with considerable variation across the fifty states (s.d.: 22.7%). There was an increase in the number of disclosures from twelve states, while the other thirty-eight states decreased or remained unchanged. The six-year average number of disclosure reports, pooled by state, is 182, with Vermont having the fewest (12) and California the most (1150). A two-level statistical analysis will explore this variation across time and space.

Independent variable: partisan control of state government

The independent variable, partisan control of state government, is operationalized as three dummy variables, unified Democratic state, unified Republican state, and divided state, taking the value of 1 if the condition is present and 0 if it is not. A state is coded as ‘divided’ if either legislative house is not controlled by the governor’s party.⁷ The data on the composition of state governments come from the National Conference of State Legislatures, which maintains a database of ‘State and Legislative Partisan Composition’ and the National Governors Association.⁸

Two specific hypotheses derive from the earlier theoretical discussion. The first one concerns divided government and the mutual veto it creates:

⁶ See Auble (2013), who suspects that lobbying activity was more concealed after stricter lobbying reporting requirements were passed with the Honest Leadership and Open Government Act of 2007.

⁷ There is sufficient reason to believe that Nebraska’s unicameral legislature, though formally nonpartisan, is Republican dominated [see [https://ballotpedia.org/Nebraska_State_Senate_\(Unicameral\)](https://ballotpedia.org/Nebraska_State_Senate_(Unicameral))].

⁸ Available at <http://www.ncsl.org/research/about-state-legislatures/partisan-composition.aspx> and <https://www.nga.org/cms/FormerGovBios>.



Table 1 Trends in federal government lobbying. *Source:* Center for Responsive Politics (<https://www.opensecrets.org/lobby/>)

Year	Spending (billions)	Registered lobbyists
2005	\$2.44	14,098
2007	\$2.87	14,827
2009	\$3.50	13,730
2011	\$3.32	12,617
2013	\$3.24	12,128
2015	\$3.22	11,535

H1 Organized interests in politically divided states will be relatively more likely than organized interests in politically unified states to lobby the federal government, other things being equal.

Though divided government does not automatically lead political opponents to obstruct each other, policymaking gridlock is common and it reduces the likelihood that organized interests will achieve policy goals. Having a divided state government will therefore increase the incentive for state groups to lobby for laws and funding at the federal level. The incentive to lobby the federal level would be reduced when divided government is present also at the federal level; however, this variation cannot be examined adequately here.⁹

The second hypothesis refines general hypothesis 2, regarding unified governments controlled by political opponents. The hypothesis is based on the knowledge that the majority of interest groups, lobbyists and lobbying clients at the national and state levels are corporations and trade associations (Baumgartner et al. 2009a; Gray and Lowery 2001; Hunter et al. 1991; Schlozman and Tierney 1986) and that these organizations in their campaign contributions favor the Republican Party (Boatright 2011; Brunell 2005; Burris 1987; Grier and Munger 1993).¹⁰ Thus, we

⁹ The Republican Party controlled Congress and the White House in 2005, whereas the Democratic Party controlled both branches in 2009, Barack Obama's first year in office. The other four years, 2007, 2011, 2013, and 2015, featured divided government at the federal level. The impact of having a unified or divided federal government cannot, however, be easily evaluated in this study. The reason for the difficulty is that the Senate's rule requiring 60 votes for cloture of debate undermines the traditional advantages of holding a legislative majority. In 2005, the Republican majority did not control enough votes in the Senate to defeat Democratic filibusters. Similarly, in 2009, the Democrats faced a record number of filibusters, despite holding 57 seats, and having the support of two independent senators. From 2005 to 2015, there was never a time when a political party had a veto-proof control over both branches of government. In this study, therefore, no attempt is made to examine differences between the years of divided federal government and the nominally unified years of 2005 and 2009. No meaningful differences are evident when 2005 and 2009 are informally compared to the other years.

¹⁰ As outright candidate endorsements by interest groups are uncommon (Nownes and Freeman 1998; Schlozman and Tierney 1986), it is difficult to assess group partisanship without the availability of direct responses from large-scale surveys. The Comparative Interest Group Survey in Europe takes a step in this direction (Beyers et al. 2016). Apart from a few attempts to assign ideological scores for groups (McKay 2008) and state interest group systems (Nice 1984), interest group partisanship is gauged indirectly from campaign contributions. For trade association and corporate PACs, a candidate's party may be less important than having a candidate who belongs to the majority party (Rudolph 1999) or who is an incumbent (Biersack and Viray 2005). In campaigns for open seats, trade and corporate PAC contributions favored Republican candidates (Eismeier and Pollock 1986; Herrnson 2013).



expect to find more federal government lobbying coming from states with unified Democratic governments when controlling for other factors:

H2 There will be more federal lobbying coming from states with unified Democratic governments, other things being equal.

Control variables

Census

The most important control variable is the size of the state interest group population. There are many reasons why the number of interest organizations may not predict lobbying frequencies (Lowery and Gray 2004), especially because a large proportion of lobbyists are corporations, not membership groups. Yet, it is highly logical to expect more federal government lobbying from states with a larger number of interest associations. Interest group census data comes from the Regional, State, and Local Organizations section of the GALE *Associations Unlimited* (2008) database. The publisher describes it as ‘...the only comprehensive source for detailed information on nonprofit American membership organizations.’

Distance

The frequency with which interest groups lobby the federal government may be partly explained simply by the physical distance that separates the organizations from Washington, DC. Naturally, technological advancements have made geographic proximity less important than it was in the past. Also, a large share of lobbying is conducted by paid contract lobbyists or corporate lobbyists who are already located in Washington and vicinity. Nevertheless, to be effective, lobbying at times requires personal visits to the nation’s capital. Greater distance or travel costs may have an independent effect on lobbying intensity. This control variable uses the straight-line distance from the state capitals to Washington, DC (source: www.distancefromto.net).

Income

Lobbying is expensive, and it requires financial resources. Many studies, though not all, find that there is a positive correlation between resources and lobbying intensity. Lobbying frequencies should therefore be relatively higher in states with greater economic activity and income, all things being equal. Therefore, a variable is included to control for average state incomes, ‘per capita personal income’ (current dollars) from the U.S. Bureau of Economic Analysis.

Civicness

Lobbying activity may be related to a regional political culture that encourages civic engagement and participation of citizens and private organizations. A *strong* civic



culture, rich in social organizations, may generate a relatively high level of lobbying as a result of the high level of civic engagement. The federal lobbying disclosure database includes, of course, trade associations and corporations that pursue narrowly self-interested political activities. It is possible, therefore, that states with *low* civic culture scores will display relatively higher, not lower, lobbying rates because of the lobbying activities of self-interested organizations and corporations. Thus, we have potentially contradictory effects of civic culture on lobbying intensity. Unfortunately, this relationship has not been examined in the lobbying literature. In light of the considerable research on the importance of civic culture on social, political, and policy outcomes, we include it as a control variable without developing a formal hypothesis. The Civic Life Index from the Corporation for National and Community Service (2007) is used to measure state civiness.

Analysis

Multivariate model

The impact of divided state government and partisan control of state government on federal lobbying intensity is analyzed as a two-level multivariate model, with a repeated statement for years (nested in states) and a first-order autoregressive covariance structure. Using 6 years of data, and after excluding Virginia, there are 294 cases in the sample. As the dependent variable is count data with a skewed distribution, it is modeled as a Poisson distribution, with a log link function. The GENLINUX procedure of the IBM SPSS Statistics program (version 22) is used for the analysis. The fixed effects are presented in Table 2.

The first analysis (Model 1) indicates that the size of the state interest group population (census) is highly positively correlated with federal level lobbying, as expected. Distance from Washington is negatively correlated with lobbying, not surprisingly. State per capita income, contrary to expectation, also is negatively

Table 2 Two-level fixed effects model of federal government lobbying frequency ($n = 294$; states = 49)

Model term	Model 1				Model 2			
	Without state dummy variables AIC – 192.5				With state dummy variables AIC – 244.8			
	Coef.	SE	t	Sig.	Coef.	SE	t	Sig.
Intercept	6.013	0.973	6.178	0.000	10.713	8.461	1.266	0.207
Census	0.000	0.000	10.742	0.000	0.001	0.000	7.629	0.000
Distance	– 0.000	0.000	– 2.222	0.027	0.001	0.000	7.915	0.000
Income	– 0.000	0.000	– 2.936	0.004	– 0.000	0.000	– 4.656	0.000
Civiness	– 0.014	0.009	– 1.511	0.132	– 0.060	0.039	– 1.525	0.128
Divided state	0.043	0.021	2.022	0.044	0.043	0.021	2.034	0.043
Democratic state	0.093	0.025	3.706	0.000	0.092	0.025	3.681	0.000



correlated and statistically significant at the $p < 0.05$ level. It is possible that groups in lower income states believe they have a greater need to obtain favorable policies from the federal government. The only control variable that was not statistically significant is state civicism. This variable should nevertheless be examined in future analyses, for it is possible that it exhibits a curvilinear relationship with lobbying, with higher advocacy found in the most and least civic locations.

The key explanatory variable, policymaking veto, takes the form of two dummy variables, divided government and unified Democratic state control, with unified Republican state control used as the reference value. The analysis finds that both divided state government and Democratic Party control of state governments are positively and statistically significantly correlated with the intensity of federal government lobbying by state-level interest groups and corporations. To investigate the possibility that these outcomes are driven by other state-level factors, a second model that includes 48 state dummy variables is analyzed. In Model 2, the intercept loses its statistical significance and a control variable (distance from Washington) changes signs. More important is that divided government and unified Democratic government retain their positive correlations and statistical significance; the coefficients and standard errors of the key explanatory variables are virtually unchanged when state dummy variables are added. That the model with the state dummy variables provides a better fit is evident in the reduction in the Akaike information criterion (AIC) from -192.5 to -244.8 . It appears that, other things being equal, subnational interests facing policymaking vetoes at the state level will intensify their federal level lobbying activity.

A closer look, from 2009 to 2011

The 2010 election brought sweeping changes to American government at the federal and state levels. In Washington, the Democrats lost control of the House of Representatives, ending unified Democratic Party government after only two years. Democratic losses at the state level were severe. The Republican Party gained twenty legislative chambers from the Democrats and had a net gain of six governorships. The partisan rearrangement of many state governments offers a good opportunity to examine lobbying changes from 2009 to 2011, to discover if there are important effects from the pivotal 2010 election.

The replacement of a unified Democratic government with divided government in Washington, DC, may have had an effect on lobbying in Democratic Party-controlled states and in Republican Party-controlled states. Lobbying declined in both, which raises the possibility that the newly divided federal government is the cause. Lobbying intensity, however, declined more in Republican-controlled states than in Democratic-controlled states. The multivariate analysis indicates that federal government lobbying intensity is positively correlated with Democratic Party control of the state level, when controlling for other factors. To corroborate this finding, an analysis of temporal change in lobbying intensity from 2009 to 2011 should have causal connections and generate empirical findings that are consistent with those found in the multivariate analysis.



To begin the secondary analysis, we recall that the majority of lobbying clients filing Lobbying Disclosure Act reports are businesses and business trade associations. In their campaign finance expenditures during the 112th Congress, these groups favored the Republican Party, which is generally known to be more business-friendly.¹¹ Groups favoring the Republican Party would see new opportunities in states taken by the GOP in 2010. Therefore, *ceteris paribus*, these groups could reduce their federal level expenditures as a proportion of their lobbying budget. Conservative and business groups in Democratic states would have relatively less of an incentive to reallocate their lobbying effort to the state level.

More specifically, we hypothesize that the majority of interest groups in states that flipped from Democratic to Republican control would have the lowest need in 2011 to lobby the newly divided federal government, because an increasing share of beneficial policies could now be achieved in their home states. In other words, the push factor—the state-level partisan veto—has disappeared. Moreover, Democratic-leaning citizen groups that were pulled to the new Obama administration in 2009 would diminish their federal lobbying in 2011 because divided government in Washington reduced the likelihood of achieving legislative successes.

Conversely, the majority of interest groups in states that flipped from Republican to Democratic control would have the greatest need and propensity in 2011 to lobby the federal government. Having lost a sympathetic government at the state level, pro-business groups would be more likely to lobby the newly Republican House of Representatives in 2011. In other words, the partisan push factor that was previously absent has materialized. (This second example serves an illustrative purpose only, for there was no such case in fact.) We expect federal government lobbying in 2011 to have *decreased* the most (i.e., relatively lower values) in states that were unified Democratic in 2009 and *decreased* the least (i.e., relatively higher values) in states that were unified Republican in 2009 (Table 3a). Similarly, regardless of the form of state partisan control in 2009, we expect federal government lobbying in 2011 to have *decreased* the most (i.e., relatively lower values) in unified Republican states and *decreased* the least (i.e., relatively higher values) in unified Democratic states (Table 3b). In each of these scenarios, we expect divided government to have an intermediate effect on changes in lobbying intensity from the states.

Table 4 provides information on the actual change in the amount of federal government lobbying from 2009 to 2011. For all fifty states, the average change in the number of filings by state was -4.8% . The table shows the effect of each of the nine possible changes in the partisan composition of the state governments on lobbying rates. Displayed in each cell is the average change in the number of lobbying disclosure reports for the corresponding group of states. Apart from two cells that had zero observations, *the mean values for all of the others fell exactly into the hypothesized patterns*. Groups in states that became unified Republican in 2011 lobbied Washington the least, while groups in states that became unified Democratic lobbied Washington the most. The secondary analysis provides corroborating

¹¹ The 112th Congress corresponds with the 2011–2012 election cycle, when Congress was divided. This cycle is more revealing than the preceding one, when the Democrats controlled both branches of government, and favoritism toward incumbents (the Democrats) is clearly evident (Center for Responsive Politics: <http://www.opensecrets.org/industries/mems.php?party=D&cycle=2012>).



Table 3 Hypothesized changes in federal lobbying frequency from 2009 to 2011

Type of state government		2011		
		Rep	Divided	Dem
2009	Rep	A1	A2	A3
	Divided	B1	B2	B3
	Dem	C1	C2	C3

relatively higher

Type of state government		2011		
		Rep	Divided	Dem
2009	Rep	A1	A2	A3
	Divided	B1	B2	B3
	Dem	C1	C2	C3

relatively higher

Expectations: A1 > B1 > C1
 A2 > B2 > C2
 A3 > B3 > C3

A3 > A2 > A1
 B3 > B2 > B1
 C3 > C2 > C1

Table 4 Actual changes in lobbying frequency from 2009 to 2011

Type of state government		2011		
		Rep	Divided	Dem
2009	Rep	-4.5% n=10	-- n=0	-- n=0
	Divided	-5.4% n=9	-5.2% n=10	12.2% n=4
	Dem	-17.8% n=2	-12.0% n=8	-1.9% n=7



evidence that the partisan composition of the state governments affects the likelihood that state groups will lobby the federal level.

Conclusion

This analysis offers new insights into the factors that lead interest groups to engage in multilevel lobbying. Which political party controls subnational government is a factor that must be considered when analyzing cross-territorial lobbying patterns in federal systems. Having a divided government or the ‘wrong’ government at the subnational level has the effect of pushing some interest group lobbying to the central government level. Although the empirical results of this study are intriguing, certain limitations make them inconclusive, which of course calls for further research on the topic.

Confidence in the present analysis depends on the quality of the lobbying data. A Center for Responsive Politics report questions the validity of the Lobbying Disclosure Act data, suggesting that lobbyists have simply found new ways to get around the reporting requirement (Auble 2013). Moreover, it would be desirable to know how many national associations (as opposed to state associations) are included in the lobbying counts from the fifty states. Even more important is the necessity of obtaining information on the partisan preferences of the interest groups. Prior research leads us to assume with some confidence that there are more groups with Republican leanings than Democratic leanings. However, economic structural transformation, technological change, and new directions of government activity are continually reshaping the interest group population (Berry 1999; Schlozman 2010), and with that, so too will group preferences evolve. It should also be noted that there are several questions that cannot be answered without having matching state government lobbying data. For example, it is important to learn if the amount of lobbying at the state level is positively or negatively correlated with the amount of federal lobbying coming from the states.

There are many directions for future research. Additional work should be undertaken to disaggregate the analysis, to examine how policymaking vetoes vary by economic sector and type of issue. It has been observed that lobbying coalitions tend to divide their work, with individual coalition members focusing their efforts on legislators and agencies with whom they have established a close relationship. It would be interesting to learn if lobbying coalitions coordinate their strategies across multiple levels of government. Examining multilevel lobbying in other federal settings is also desirable. The design of this study can be easily adapted for a similar project in the EU. Coalition governments in parliamentary systems face policy-making obstacles that are not unlike those found in divided presidential systems (Laver and Shepsle 1991). Scholars should investigate whether the type of central government (e.g., single party majority, coalition, etc.) or the ideological leanings of governments in multiparty systems have an impact on which territorial level interest groups decide to lobby.



Although the interest group literature seems at times to be exhaustive, this contribution indicates that lobbying patterns in multilevel systems have not yet been fully mapped. To understand where and why lobbying occurs, we must examine not only the policymaking powers of different levels of government but also the partisan composition of governments across the entire territorial space. Political obstacles at one level may be redirecting interest groups to another.

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