

Citizen Demand and Legislative Responsiveness Under Kenya's Constituency Development Fund

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Abstract

What determines how politicians signal responsiveness or fulfill their campaign promises? Existing works assume that politicians choose the most successful means of winning votes – either through targeted patronage/clientelism or programmatic policies. However, the empirical record shows high levels of persistence of the nature of the relationship between voters and politicians. Both politicians and voters are not always able to unilaterally change what campaign promises are achievable, and therefore deemed credible. Using evidence from the Constituency Development Fund in Kenya, this paper shows that the nature of the relationship between voters and politicians is historically constructed and governed by a combination of state capacity and established expectations about what a “good” politician does. In doing so, it increases our understanding of the origins and persistence of clientelism in low-income states.

Keywords: Constituency Service, Legislative Politics, Constituency Development Fund, Kenya

1 Introduction

What determines how politicians signal responsiveness to constituents and fulfill their campaign promises? In electoral democracies, voters invariably expect politicians to be responsive to their demands and to fulfill their campaign promises (Miller and Stokes, 1963; Mayhew, 1974; Fenno, 1978; Barkan, 1979). However, despite these shared incentives, significant variation exists in the nature of the electoral relationship between voters and politicians across different countries. This is especially true with regard to legislative politics. In some contexts, legislators strive to be responsive via indirect means – by enacting programmatic policies and influencing the behavior of the executive branch through oversight and the budget process (Ferejohn, 1974; Cox and McCubbins, 1993). In others, legislators signal responsiveness not through legislation and oversight, but primarily via direct constituency service and targeted benefits to constituents (Wantchekon, 2003; Stokes, 2005; Gadjanova, 2017).

Most existing works assume that politicians have discretion over the nature of their electoral relationship with voters.¹ In this rendition, some politicians, in the quest to maximize their electoral support, choose to signal responsiveness by enacting broad-based programmatic policies, while others prefer targeted clientelistic benefits. Yet in most polities, the nature of the relationship between voters and their representatives is often determined by factors beyond the control of individual politicians. In other words, political markets (especially what can be “traded”) are often sticky. For instance, the ability to enact programmatic policies requires high levels of both fiscal and bureaucratic capacity.² And since campaign promises must be credible to have the desired effect, the option of campaigning on the basis of programmatic policymaking is, therefore, not always available to politicians in states

¹See, for example, Hicken (2011) and Golden and Min (2012) for reviews of the literatures on clientelism and distributive politics, respectively. Stokes et al. (2013) explore, in detail, the logics of nonprogrammatic distributive politics.

²See, for example, Hicks and Misra (1993) on the growth of the welfare state in high-income democracies. Weak bureaucracies distort political markets. For example, Williams (2017) documents the prevalence of incomplete projects in Ghana, while Dasgupta and Kapur (forthcoming) on the phenomenon of bureaucratic overload in India. The lack of bureaucratic capacity to meet citizen demands may result in endemic voter discontent, and high rates of electoral turnover in legislative elections (Molina, 2001; Opalo, 2019).

lacking fiscal and bureaucratic capacity. Instead, targeted clientelistic promises are likely to be more credible in these contexts. Therefore, despite universal motivations to signal effort and responsiveness to constituents, how politicians go about doing this is often conditioned by resource constraints, bureaucratic capacity, and voters' expectations.

This paper argues that historical norms governing voters' expectations structure the nature of the electoral relationship between voters and politicians. Norms define both voters' demands on politicians and expected attributable means of meeting those demands. Given the incentives for credit-claiming, legislators signal responsiveness in ways that are legible to voters – i.e. by exerting effort in conformity with voters' expectations. Legislators that deviate from expected ways of signaling effort are likely to be perceived as “bad” types, and punished at the ballot. State fiscal capacity, bureaucratic efficiency, the nature of the party system, and the institutional strength of the legislature determine the feasible set of incumbents' signals of responsiveness within the bounds of voters' expectations. Legislators in contexts marked by strong legislatures and relatively higher fiscal and bureaucratic capacity are more likely to signal responsiveness through programmatic policies, while their counterparts serving in weak legislatures and whose states lack fiscal and bureaucratic capacity are more likely to rely on clientelism and patronage as a means of signaling effort to constituents. Finally, while politicians may want to invest in increasing state capacity in order to meet voters' demands, such changes take time and may not always happen under conditions of their own choosing.

Evidence from a national representative survey in Kenya and legislators' use of the Constituency Development Fund (CDF) support this argument. Respondents in the survey are more likely to put emphasis on legislators' constituency service rather than their formal constitutional functions when making their vote choice. I also find that respondents' sectoral priorities of projects match actual projects implemented under the CDF. In other words, politicians' choice of project investment match voters' stated demands. Qualitative evidence shows that project choice under CDF, which was introduced in 2003, mirrors historical patterns over decades of Kenya's clientelistic Harambee (community self-help) system. Indeed,

legislators introduced CDF, in part, to provide resources for meeting voters' demands for development projects as had been the case for decades under the Harambee Movement. Overall, the evidence suggests Kenyan legislators' clientelistic practices under the Harambee Movement and its replacement with the CDF were in reaction to both norms of voter demands and the inability of the state bureaucracy to provide public goods and services. Importantly, the legible signals of legislators' responsiveness were historically constructed and have since remained remarkably stable.

These findings highlight the importance of constituent demands and structural conditions as drivers of politicians' behavior in their quest to signal responsiveness. Established norms about voters' expectations define the bounds of legible and credible signals of responsiveness. At the same time, politicians capabilities and resources (determined by state capacity, executive-legislative relations, and links with voters, e.g. through parties) determine both the promises that politicians can make and how they can fulfill them. Therefore, politicians' ability to design and implement programmatic policies or invest in targeted clientelistic benefits and patronage may not always be at their discretion. Voters' expectations and the available capabilities and resources matter.

This paper's *citizen demands and capabilities* framework increases our understanding of both the variation in the nature of relationships between voters and politicians and their persistence. In doing so, it contributes to different strands of literature in comparative politics, including works on constituency influence and incumbent responsiveness (Miller and Stokes, 1963; Mayhew, 1974; Fenno, 1978; Barkan, 1979), state capacity and effectiveness of policy implementation (Williams, 2017; Dasgupta and Kapur, forthcoming), the politics of service provision and citizen demands (Kruks-Wisner, 2018; Tromborg and Schwindt-Bayer, 2018; Calvo and Murillo, 2004), and clientelism, patronage, and distributive politics (Wantchekon, 2003; Hicken, 2011; Stokes et al., 2013; Golden and Min, 2012; Bussell, 2019). More broadly, the findings herein highlight the need to take citizen preferences as important drivers of politicians' behavior. Stated differently, voters are seldom passive participants in

electoral strategies designed by politicians. Instead, both sets of actors typically operate within slow-moving structural conditions that define voters' demands and credible means of responsiveness from politicians.

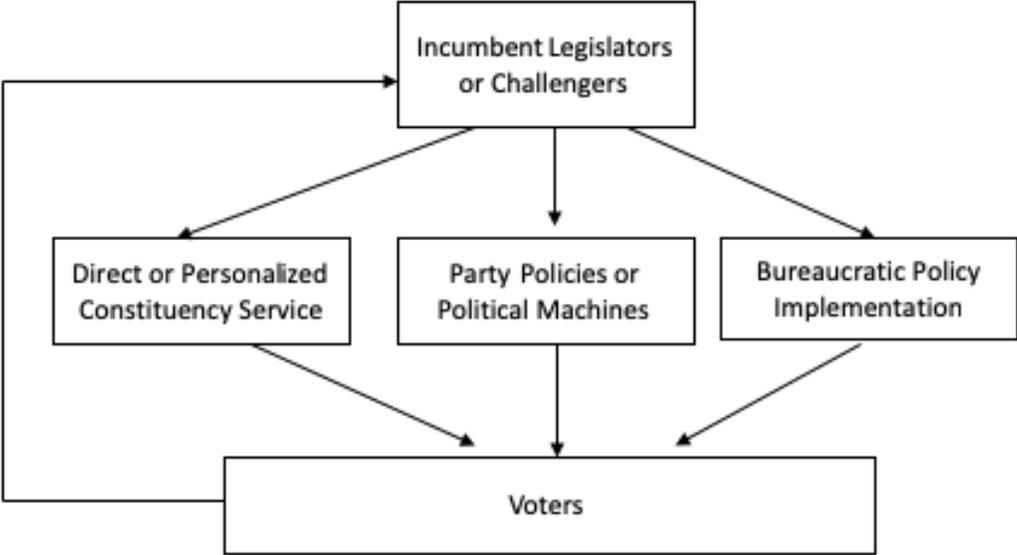
2 Conceptual Framework

Politicians win elections on the basis of promises and proven performance. And in order to have the desired effect, promises must be credible (Aragonés, Palfrey and Postlewaite, 2007) and performance legible – i.e. easily observable and attributable (Mani and Mukand, 2007). The credibility of campaign promises is driven by a combination of citizens' demands and politicians' capabilities. Past experience with incumbents, established norms about “what politicians do while in office,” citizens' objective needs, the nature of party systems, and states' fiscal and bureaucratic capacity are likely to shape the bounds of both campaign promises and what politicians can actually do once in office. These background conditions are seldom easily manipulatable by politicians. For instance, Callander (2011) demonstrates that the political environment constraints politicians' policy choices, even outside the bounds of institutions. In the same vein, Cordova and Layton (2016) find that high levels of inequality may inhibit local governments' ability to cultivate legitimacy through performance alone. In other words, to understand politicians' strategies for signaling responsiveness, one must first appreciate voters' demands as expressed within the accepted bounds of the electoral market place.

In the specific case of legislators, a number of opportunities may be available for signaling responsiveness to voters (see Figure 1). First, they can use their influence on the executive branch to provide public goods and services to their constituents – through the budgeting process, influence over executive bureaucratic agencies, and general oversight. Second, legislators can use their respective party machines as platforms for performing responsiveness. Party organizations may provide durable linkages between politicians and voters, thereby enabling

credible inter-temporal commitments. Finally, legislators can address their constituents' demands directly. However, legislators' ability to bend the bureaucracy and executive agencies to their will is dependent on the institutional strength of the legislature and state (fiscal and bureaucratic) capacity. Weak legislatures and lacking fiscal and bureaucratic capacities are unlikely to afford legislators the ability to signal responsiveness through influence on the executive. Similarly, weak parties lacking a grassroots reach may foreclose on legislators' ability to use party machines for political ends.

Figure 1: The Politics of Meeting Voters' Demands



Notes: The figure illustrates potential means of structuring the relationship between politicians and voters. The choice of channel is dependent on the fiscal and bureaucratic capacity of the state and established expectations among voters. Countries lacking fiscal and bureaucratic capacity are likely to experience a preponderance of personalized and targeted clientelistic benefits.

Through experience, voters understand the structural constraints on legislators' capabilities and use that information to form views on the credibility of campaign promises. Voters' demands are, in part, developed through a historical process that generates a political culture and associated expectations of politicians. Once established, these demands define the bounds of credible promises that politicians can make. As such, patterns of constituency

service and general constituency-specific investments tend to be sticky. In an effort to ensure they are perceived as a “good” type, legislators are wont to conform to voters expectations.

In states with sufficient fiscal and bureaucratic capacity and meaningful legislative influence on executive agencies, legislators can credibly promise to implement programmatic policies and provide constituency service by compelling executive agencies into action. Conversely, when states lack capacity and legislators cannot influence executive action, they are more likely to engage in direct engagements with their constituents in the form of targeted constituency service. The organizational capacity of political parties may also influence the relationship between voters and politicians. Strong parties provide the capabilities for delivering targeted benefits and machine politics. In the absence of institutionalized legislatures, state fiscal and bureaucratic capacity, or strong parties, legislators signal responsiveness through personal clientelistic targeting. While politicians may deploy all three available means of relating to voters at once, the preponderance of particular channels is often dictated by background conditions that are not easily manipulatable by either politicians or voters.

The empirical evidence shows the difficulty faced by politicians in their quest to signal responsiveness. This is especially true in countries where targeted clientelism and patronage are important features of the relationship between voters and politicians. In these mostly low-income countries, high levels of incumbency disadvantage are the norm in both executive and legislative elections (Uppal, 2009; Klasnja and Titunik, 2017; Opalo, 2019; Lee, 2020). By contrast, incumbency advantage is an established feature of electoral politics in high-income countries where programmatic policies predominate (Erikson, 1971; Ariga, 2010; Wilkins, 2012). The latter countries also tend to have higher levels of fiscal and bureaucratic capacity (Page and Jenkins, 2005; Scheve and Stasavage, 2016) and citizen expectations (reinforced by experience) that incentivize incumbents to signal competence through programmatic policies and bureaucratic influence and oversight (Huber, Shipan and Pfahler, 2001; Campbell, 2003; Mettler, 2005; Morgan, 2013; MacDonald and McGrath, 2016).

The apparent contradiction of the prevalence of personalist or clientelistic politics in con-

texts with high electoral turnover raises important questions about their efficacy in signaling responsiveness. *A priori*, it might seem that targeted clientelism would provide opportunities for politicians to build a dependable personal vote among constituents. However, as [Molina \(2001\)](#) observes, politics in low-income states is often marked by “endemic voter discontent” (p. 428). This is because voters’ demands often go unmet due to weak fiscal and organizational capacity.³ The observed inefficiency of clientelistic and/or patronage politics raises questions about politicians’ preferred mode of structuring their relationships with voters. Why does clientelism persist? And what determines how politicians signal responsiveness to voters? The answers to these questions lie in the historical construction of patterns of relationships between voters and politicians. Notably, these patterns may not always be efficient in winning votes for incumbent. This is why clientelistic politics persists in countries that are otherwise marked by incumbency disadvantage.

3 Elections and Constituent Demands in Kenya

I examine the empirical implications of the theoretical framework outlined above in the context of the relationship between legislators and their constituents in Kenya. Like several other low-income electoral democracies ([Tsubura, 2013](#)), Kenya adopted a Constituency Development Fund (CDF) in 2003 to facilitate legislators’ targeted constituency service. While received wisdom depicts Kenya’s CDF as a clientelistic scheme designed by legislators, this paper argues that it is a product of a specific historical experience that defined the legislator-constituent relationship in Kenya.⁴ This relationship, epitomized by the Harambee (Kiswahili for “let’s pull together”) Movement ([Mbithi and Rasmusson, 1977](#)), cast legislators as agents of development whose job was to acquire resources for local public goods and

³Some works (c.f. [Nichter \(2008\)](#)) question the utility of targeted clientelistic benefits and patronage in actually winning votes.

⁴See [Paper \(2010\)](#) for a comparative examination of the fiscal implications of constituency development funds.

services, as well as targeted personal benefits (Barkan, 1979). As such, the CDF should be understood as a formalization of a previously more personalist form of signaling effort on the part of legislators. Importantly, both the Harambee Movement and the CDF were borne out of gaps in the Kenyan state’s fiscal and bureaucratic capacity (Bradshaw, 1993) and the inability of legislators to direct executive action to the benefit of their constituents due to the relative weakness of the legislature (Opalo, 2020b).

In addition to the Harambee Movement, the importance of candidate-centric politics in Kenya has historically been reinforced by the weakness of political parties (Widner, 1992; Mwangi, 2008). Since the reintroduction of multiparty politics in 1992, Kenyan political parties have largely functioned as special purpose vehicles designed for building elite alliances (Lynch, 2014). As result, political parties lacked organizational reach into Kenyan society or associated with important civil society organizations like trade unions. The historical organizational weakness of political parties foreclosed on the possibility of machine politics as a means of mobilizing voters and signaling responsiveness. Therefore, whether or not individual politicians may have preferred machine politics to targeted contributions was immaterial. The structural conditions within the political system put a premium on candidate-centric forms of signaling competence and responsiveness to voters.

3.1 The Harambee Movement

The precursor to the CDF was the Harambee Movement. Following independence, the Kenyan government encouraged communities to autonomously raise funds and initiate development projects, some of which would eventually get government support. This was an explicit strategy of the government to reduce its fiscal burden. Already strapped of resources, the government found it convenient to levy indirect taxation through “voluntary” contributions of money and time towards the construction of essential public goods and services such as roads, schools, hospitals, and water wells (Barkan and Chege, 1989). As documented

by Ngau (1987), the Harambee Movement built on the ethos of community self-help that was already common in the pre-colonial era and which “served educational purposes, defined one’s own group identity, and fostered moral values through group ethnics” (p. 524).⁵

Inevitably, Harambees quickly became “the stuff of grassroots politics in Kenya” (Barkan and Chege, 1989, p. 1). Local politicians, especially candidates in legislative elections, found specific projects to be useful avenues for displaying their ability to deliver “development” to their constituents (Opalo, 2019). The ensuing competition for recognition as Harambee patrons pitted politicians against each other at fundraisers. From the outset legislators complained about the burden of Harambees. In 1970 one observed: “I thought that Harambee was going to be additional to what the Government provides. It seems now that it is a substitute and I think this is a wrong concept.”⁶ Almost three decades later, legislators had the same problem. In 1999 one complained that “once you become an MP you go bankrupt [...] Everything is done through Harambee! And every Harambee is on the MP!”⁷

These examples illustrate that targeted clientelism – through Harambees – was not an optimal electoral strategy for Kenyan legislators. Yet they could not change course to a more favorable means of signaling responsiveness of constituents. A standard Harambee cycle would involve the identification of a project (either by the community or a local leader), local community meetings to determine levels of community contributions, and a period of solicitation from the local community for funds (Mbithi and Rasmusson, 1977; Winans and Haugerud, 1977; Ngau, 1987). In most instances, a local government official (e.g. Chief, District Officer or District Commissioner) would coordinate the collection of community contributions for the identified project.⁸ Finally, the exercise would culminate in a public fundraising in which a respected politician would serve as the guest of honor. Standard practice involved the public announcement of the contributions of notable individuals – a

⁵See also Mbithi (1974). Development

⁶Republic of Kenya, Official Record of the National Assembly, June 26, 1970, Col. 1800

⁷Republic of Kenya, Official Record of the National Assembly, November 17, 1999, Vol. 2452 (translated from Kiswahili by author.)

⁸Republic of Kenya, Official Record of the National Assembly, March 13, 2003, Col. 451

fact that provided politicians with the opportunity to try and outdoor each other. This feature of the Harambee also enabled politicians to signal the strength of their national networks by inviting wealthy patrons from elsewhere as guests of honor or relaying their “message” in absentia.

The Harambee Movement was not simply a manifestation of clientelism and patronage politics. While longitudinal data is unavailable, a 1974 survey found that only 7% of Harambee initiators were politicians (Ngau, 1987, p. 528). Focusing on six district in Coast and Western provinces, Mbithi and Rasmusson (1977) find that 11% and 5% of Harambee project initiators, respectively, were politicians. In other words, the movement was primarily driven by local demand for rapid economic development that largely went unmet due to stake fiscal and bureaucratic gaps. Fully aware of the challenge that lay ahead, at independence Kenya’s founding president called for “a development strategy based on the spirit of self-help (Harambee)” (Mwiria, 1990, p. 351) Building on pre-existing widespread acceptance of communal self-help, the Harambee Movement quickly became the cornerstone of Kenya’s grassroots developmental philosophy.

The mushrooming of projects, about a third of which were abandoned before completion, forced the government to incorporate the Movement into the Ministry of Economic Planning and Development (Ngau, 1987). From 1964 to 1984, about 37,300 Harambee projects were completed, about 12% of the gross capital formation in Kenya. Between 1963-1976, 40% of the capital development in rural areas could be attributable to Harambees (Berman, Cottrell and Ghai, 2009). At its peak, the Harambee Movement contributed upwards of 30% of development expenditures in Kenya. Between 1965 and 1984, on average, 90.1% of contributions came from private individuals, 5.7% from government assistance, and 4.2% from other sources (private firms, foreigners, and non-governmental organizations).⁹ In some instances contributions were compulsory (Mbithi and Rasmusson, 1977).

In no sector was the Harambee Movement more important than in education. A stag-

⁹See Ngau (1987), p. 528

gering 58% of all Harambee projects between 1964-1984 fell within the education sector.¹⁰ Between 1967-1972, 38% of total spending in education came from Harambees (Mbithi and Rasmusson, 1977). And by 1989, 60.2% of secondary schools were Harambee schools (Bradshaw, 1993). Despite government allocation of upwards of 20% of the budget to education, citizen demands far outstripped the states fiscal and bureaucratic capacity.¹¹ Among local governments, the share of expenditures allocated to education was even higher – with a peak of 60% recorded in 1965 (Bradshaw and Fuller, 1996) Harambees therefore provided a viable means of implicitly raising more taxes in order to meet citizen demands.

As Mwiria (1990) documents, “by the late 1960s the Harambee school movement had assumed a distinctively political character as local politicians keen to ingratiate themselves with their constituents, began to play a principal role in the establishment of new schools and support of existing ones" (p. 350). For example, Simeon Nyachae, a senior civil servant who later joined politics and served as a legislator, contributed more than Kshs. 6,000,000 (\$378,000) in 1986 spread across 202 different primary schools (Leonard, 1991, p. 233). This political culture persisted into the multiparty era in the early 1990s. Indeed, the rise in electoral competitiveness following the reintroduction of multiparty politics in 1992 served to increase pressure on politicians to donate at ever more Harambees (Mwangi, 2008). In the 1980s, only 7% of Harambee contributions took place during election years. In the 1990s, contributions ahead of the competitive 1997 election made up 60% of all Harambees in the decade. At the same time, almost two thirds of the projects were in the education sector (Transparency International, 2001).

Legislators were fully aware of the burdens of Harambees. For example, in 1986 one of them complained: “Why can’t we, Mr. Temporary Deputy Speaker, help our constituents through the ministry [of education]? Parents are taking part in too many Harambees. They are building classrooms through Harambees. They are buying books through Harambees.

¹⁰The health sector was a distant second at 10% (Berman, Cottrell and Ghai, 2009)

¹¹The World Bank (1989): The Financial Implications of Programmatic Changes in Kenya’s Education System, 1990-2000

They are implementing all manner of projects through Harambees.”¹² A decade later, legislators were still urging the government to implement a coherent funding policy for the education sector. One legislator asked: “Even where Harambee is conducted for a particular school, I have got more than 20 schools in Kikuyu Constituency, and I understand the president wants to come and conduct Harambee for Kirangari Secondary School, and he is welcome.... But what about the other 19 secondary schools that we have in Kikuyu constituency? [...] I am trying to demonstrate that there is no way in which a harambee can replace a funding policy for education.”¹³ These complaints exposed legislators’ frustration with the burden of Harambees on constituents (and their own pockets) as well their inability to satisfy their constituents’ demands by channeling resources through the executive branch and its implementing agencies.

3.2 Formalizing Harambees: Constituency Development Funds

The increase in electoral competition raised the demand (and cost) of Harambees. Legislators’ inability to utilize executive agencies to meet their constituents’ demands and party weakness left politicians no option to provide direct benefits to voters. It is under these conditions that Kenyan legislators decided to formalize the Harambee Movement by creating the Constituency Development Fund in 2003. Legislators’ primary objective in establishing the CDF was to avail resources for development projects in their respective constituencies. Previously, legislators mainly funded their Harambee contributions from personal sources, contributions from political patrons, and corruption.

Legislators clearly understood the power of the electoral implications of the Harambee Movement and its influence on voters’ expectations. In parliament, one member observed that “[t]here is a lot of blackmail and social pressure exerted, especially, on hon. Members of

¹²Republic of Kenya, Official Record of the National Assembly, April 30, 1986, Col. 464 (Translated from Kiswahili by author.

¹³Republic of Kenya, Official Record of the National Assembly, October 31, 1996, Col. 2454

Parliament. This is because every hon. Member knows that when the elections are about to be held, every Harambee is compulsory [...] this mentality that Harambee boosts development is outdated and it is high time we became more innovative [and] thought of about having endowment funds and organizing our charities in a more sustainable basis rather than these endless, oppressive, exploitative fund raising meetings every weekend.”¹⁴

The CDF set aside 2.5% of government ordinary revenue to be shared among legislators. 75% of the allocated funds are divided equally among Kenya’s constituencies, with the remainder allocated on the basis of poverty. Each year, constituencies can submit a minimum of 5 and maximum of 25 projects.¹⁵ Each constituency would create a Constituency Development Committee (CDC) headed by the legislator and charged with identifying projects. The CDF exemplified legislators’ attempts to use their power over their newfound institutional power over the budget to signal responsiveness and effort towards constituency service.

Crucially, legislators ensured that they were in charge of CDCs, one of them arguing that “[t]here is no person in that constituency who has a greater stake in its development than the Hon. Member.”¹⁶ And even following a successful court challenge to the legality of the CDF as an executive function within the legislature, legislators rewrote the law to create the National Government Constituency Development Fund (NG-CDF). While the NG-CDF is legally within the executive branch, legislators still enjoy substantial control over the affairs of Constituency Committees that select and manage projects. All members of these committees are nominated by the NG-CDF Board, and presented to the legislature for approval before appointment. Through direct oversight of the NG-CDF Board, the power of confirmation of members of NG-CDF Constituency Committees, and service of on the NG-CDF Constituency Committees, legislators have a means of guaranteeing control over the

¹⁴Republic of Kenya, Official Record of the National Assembly, March 13, 2003, Cols 451-452

¹⁵Republic of Kenya, [Constituencies Development Fund Act \(2003\)](#); the [National Government Constituency Development Fund Act \(2015\)](#) made the CDF compliant with the principle of separation of powers.

¹⁶Republic of Kenya, National Assembly Official Report, November 27, 2003: Col. 4082

choice of projects in their constituencies.¹⁷

Kenya's NG-CDF illustrates a number of important features of electoral politics in Kenya. First, it is a legacy of the Harambee Movement, which for decades had established norms governing the relationship between politicians and voters. It should therefore be viewed as an attempt by Kenyan legislators to formalize a previously informally institutionalized means of signaling responsiveness to voters. Second, the NG-CDF also shows that the ability of elected officials to influence executive agencies has a bearing on what types of relationship emerges between politicians and voters. Following the successful challenge of the legality of the CDF, the Kenyan legislature created the NG-CDF in a manner that gave legislators significant control and influence in the activities of both the NG-CDF Board and the NG-CDF Constituency Committees. This is, in many ways, akin to standard legislative influence on bureaucracies that is observed in countries where legislators signal responsiveness through programmatic policies as well as influence and oversight over executive agencies.

More broadly, the creation of the NG-CDF is indicative of how historical norms and expectations structure the nature of the electoral relationship between voters and politicians. Following decades of the Harambee Movement, Kenyans had come to expect politicians to engage in direct investments in public goods via direct contributions. Increased electoral competition following the re-introduction of multiparty electoral politics significantly increased the cost of Harambees for (incumbent) politicians. Around the same time, emerging discourse on "good governance" highlighted the fact demands on politicians to contribute at Harambees were partially fueling corruption ([Transparency International, 2001](#)). As a result, Kenyan legislators began to think of a practical solution to the problem of corruption while also maintaining established channels of signaling effort and responsiveness through contributions to visible and attributable development projects. It is within this context that

¹⁷Members of the NG-CDF Constituency Committees include the legislator, two councillors, one District Officer, two representatives of religious organizations, four constituency representatives (two men and two women), a youth representative, a representative of non-governmental organizations, three other members, and a representative of the NG-CDF Board. Constituency Committee members cannot exceed 15.

Kenyan legislators converged on the CDF as a way of paying for Harambees from state revenues. Indeed, [Harris and Posner \(2019\)](#) find that project allocations under CDF/NG-CDF did not always target incumbents' supporters (conditional on political geography), and that "different local conditions generate different incentives and opportunities for the strategic allocation of political goods" (p. 137).

The political significance of Harambees was demonstrated by the fact that, after instituting the NG-CDF, legislators also sought to insulate themselves against deep-pocketed challengers by banning Harambees within eight months of elections.¹⁸ However, the enforcement of the law quickly became a problem. According to the head of the Constitutional Implementation Commission at the time, "[a]nother big challenge ... is that people have gotten used to harambees so much that they may find it difficult to abandon them."¹⁹ In other words, despite legal changes to curb political campaign through targeted contributions, public demand persisted – a fact that forced politicians to continue signaling responsiveness through Harambee contributions. In the face of the ban, many "attended" Harambee events through proxies.²⁰

4 Citizen Demands and Politicians' Responses

As outlined above, legislators can signal effort and responsiveness through multiple possible channels. Focusing on their role *qua* legislators, this can be through formal roles or direct constituency service. Formal functions of legislators include representation, legislation, and oversight – many of which focus on the actions of the executive arm of government. At the same time, the demands of electoral politics and the nature of legislative-executive re-

¹⁸Article 26 of [The Elections Act \(2011\)](#) states that "A person who directly or indirectly participates in any manner in any or public fundraising or harambee within eight months preceding a general election or during an election period, in any other case, shall be disqualified from contesting in the election held during that election year or election period."

¹⁹"[The law against harambees may not be enforced,](#)" *Daily Nation* August 9, 2014

²⁰*Ibid.*

lations in Kenya have historically necessitated significant investments direct constituency service. Stated differently, the formal functions of legislators may not always align with the established expectations among voters regarding what it means to be a “good type” legislator. Therefore, legislators are wont to split their time between their formal functions and the electoral demands of the constituents. Importantly, if legislators are responsive to their constituents, their revealed patterns of constituency service should match voters’ demands.

4.1 Data and Empirics

This section presents evidence of Kenyan voters’ expectations of politicians, and how politicians respond. First, using survey data from a representative national survey, I show what voters perceive to be the most important functions of legislators and the determinants of public opinion on legislators’ performance. The survey data are from an IPSOS Omnibus survey conducted in April 2020 via the phone and targeted Kenyans of voting age (18 years and older). Table 1 presents the summary statistics of key variables. The average age of respondents in the survey is 37.8 years. 40% of the respondents are female, with the modal respondent has some secondary education. 32.6% of respondents reside in urban areas. Following (Opalo, 2020a), I use knowledge of the fact that health is a devolved function as a measure of political knowledge (understanding of how the government works). 39.6% of respondents lack incorrectly attribute responsibility over health to the national government.

Like their counterparts in other low income countries, Kenyan legislators operate in a context marked by the preponderance of personalized targeted forms of clientelism and high electoral turnover. 78.7% reported having voted for their respective legislators in the 2017 election. However, only 44% planned to reelect their legislators. 37.2% of respondents had voted for their incumbent legislator, but did not plan to reelect them. These figures are indicative of the relatively high turnover rates in Kenya’s legislature Opalo (2020b). On a scale of 1-5, the average rating of legislators among respondents is 2.9. Finally, 64.3%

Table 1: Summary statistics

Variable	Mean	Std. Dev.	Min.	Max.	N
Age	37.806	12.79	18	98	1995
Female	0.399	0.49	0	1	2049
Education	4.814	2.079	1	11	2031
Urban	0.326	0.469	0	1	2049
Political Knowledge	0.396	0.489	0	1	2049
Voted for Incumbent MP	0.787	0.41	0	1	1996
Would Reelected MP	0.44	0.497	0	1	1937
Soured On Incumbent MP	0.372	0.484	0	1	2049
MP Rating	2.936	1.29	1	5	2049
CDF Improved Conditions	0.643	0.479	0	1	2006

of respondents have a favorable view of CDF – a reflection of the popularity of projects implemented under the program.

Second, I present data on more than 40,000 CDF/NG-CDF projects implemented between 2003 and 2013 to illustrate the patterns of project investments at the constituency level. These data were downloaded from the NG-CDF website.²¹ The objective of this exercise is to provide a simple descriptive account of what projects legislators spend money on. The law permits legislators to submit annual project proposals (5-25 projects). The choice of projects is determined by a committee at the constituency level under the leadership of the legislator. Following approval, the CDF/NG-CDF board would disburse funds to the constituency account for implementation. Overall, it is reasonable to assume that projects reflect the intent of incumbent legislators.

4.2 Voters Demands on Legislators' Investments

What do Kenyan voters expect of their legislators? I begin by answering this question. As argued above, voters expectations – developed through historical experience – are important determinants of how politicians signal responsiveness. The Kenyan constitution grants

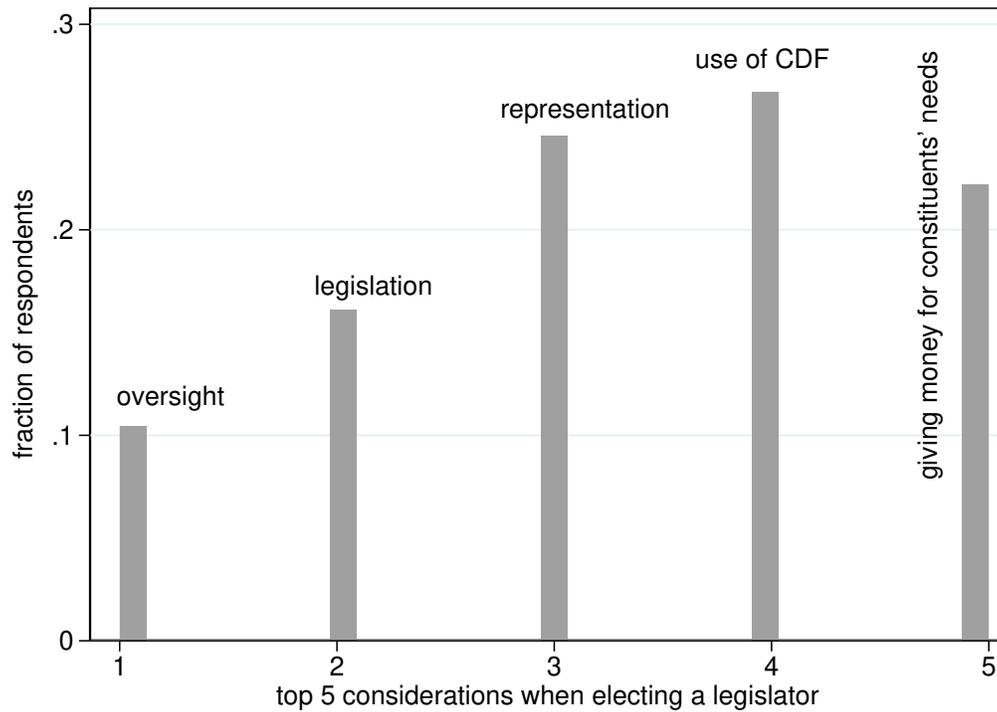
²¹See here: <https://ngcdf.go.ke/>

legislators the powers of oversight, representation, and legislation.²² The formal functions of the legislature create different channels through which citizens may evaluate legislators' performance and responsiveness. In order to signal responsiveness, legislators can provide checks on the executive branch, ensure that the national budget reflects the needs of their constituents, and pass legislation that addresses constituents' concerns. However, legislators' effort allocation across the multiple roles may not always be visible to constituents. Furthermore, passing legislation and increasing transparency seldom qualify as constituency specific signals of responsiveness. As [Mayhew \(1974\)](#) observes, "If a congressman goes before an audience and says, 'I am responsible for passing a bill to curb inflation,' or 'I am responsible for the highway program,' hardly anyone will believe him" (p. 59). Voters often measure their incumbents on the basis of constituent specific signals of effort – this may be a local infrastructure project or other forms of visible and attributable public goods and services. This potential mismatch between legislators' formal institutional functions and electoral realities raises questions about voter expectations of incumbents.

Figure 2 shows the distributions of respondents top priorities when considering voting for legislators. A plurality of respondents in the survey assign top priority to either the utilization of CDF funds for development (26.7%) or the giving of money for constituents' needs (22.2%). With regard to formal constitutional functions, 24.5% assign top priority to representation, 16.1% to legislation, and 10.4% to the oversight functions of legislators. These results suggest that respondents place less weight on the formal institutional functions of legislators relative to constituency-level benefits provided by legislators. This, in turn, structures constituents' demands on politicians running for legislative office. If the two institutional functions on which legislators spend most of their time (representation and oversight) is only a top priority for 26.5% of respondents, then it should not come as a surprise that candidates for legislative seats often spend a lot of time and effort meeting the particularistic demands of constituents through CDF projects and other targeted benefits.

²²Constitution of the Republic of Kenya, Chapter Eight

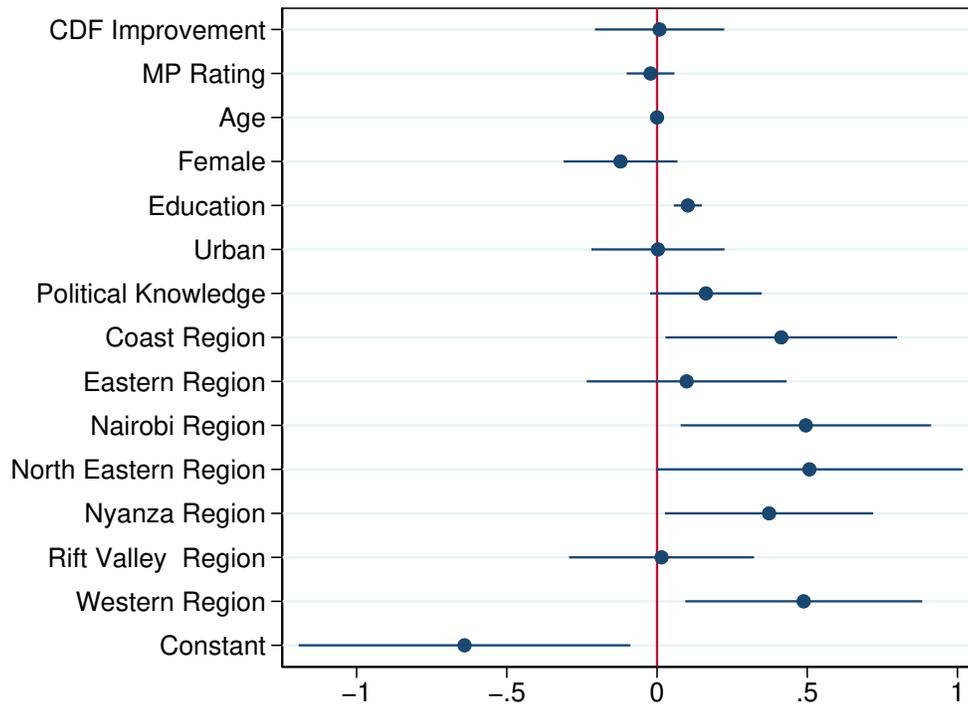
Figure 2: Top Priority in Evaluating Legislators



Notes: Figure indicates the distributions of respondents' stated top considerations when electing a legislator. A majority of respondents chose the use of CDF and targeted constituency-level benefits to be of a higher priority when electing legislators than the formal constitutional functions of oversight, legislation, and representation.

Figure 3 shows the correlates of prioritizing the formal functions of legislators. Among the key individual level variables, only education is positively correlated with self-reported consideration of formal functions of legislators when evaluating candidates in legislative elections. Being female is imprecisely negatively correlated with emphasizing legislators' formal functions, while political knowledge is imprecisely positively correlated with emphasis on formal functions. The positive correlation between higher levels of education and political knowledge and emphasis on formal legislative functions may be due to information effects about how state institutions work. Another explanation might be that individuals with higher education (and presumably income) have a lower demand for targeted constituency service in the form of CDF projects – perhaps because they primarily rely on private schools and

Figure 3: Correlates of Prioritizing Formal Functions



Notes: Figure indicates results from logistic regressions on the correlates of prioritizing formal legislative functions (representation, oversight, and legislation) when evaluating candidates. Education is the only individual-level variable that is statistically correlated with prioritization of legislators' formal functions. There are also statistically significant regional variations in emphasis on formal functions. The referent region is Central Region.

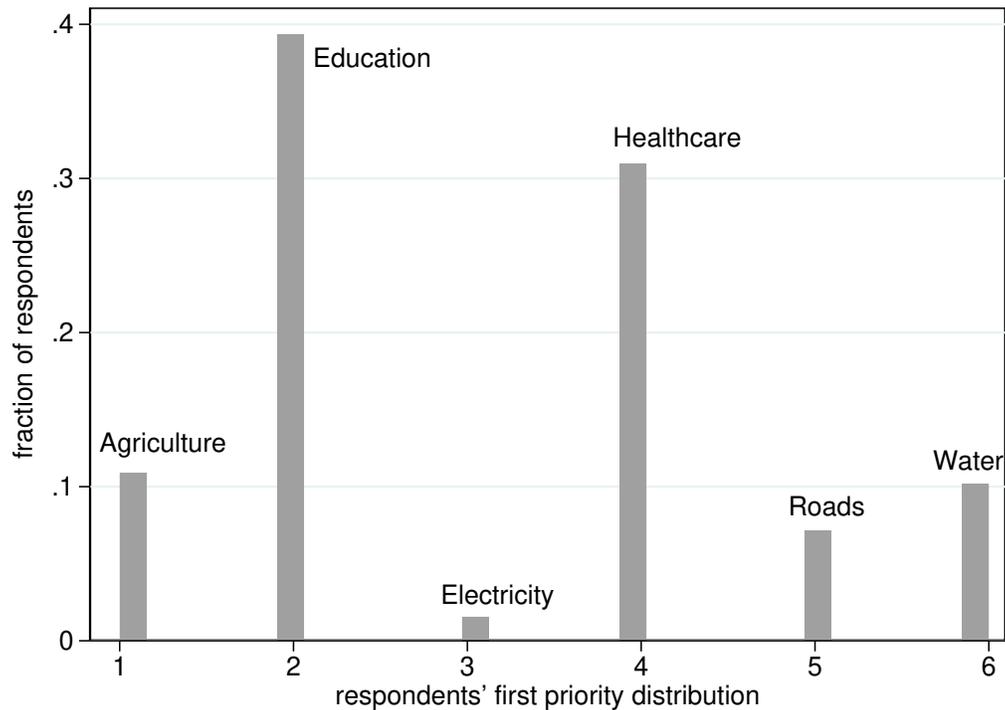
hospitals.²³ Female respondents' apparent de-emphasis of formal functions may be due to the fact that women tend to be disproportionately exposed to government services in the health and education sectors.²⁴ As such, they may have a better appreciation of the importance of investments in these sectors as part of legislators' constituency service.

Next, I explore patterns in respondents' sectoral priorities when it comes to legislative constituency service and whether projects implemented under CDF match the public's priorities. If politicians are indeed driven by voters' priorities, we should expect legislators' effort to mirror constituent demands with regards to sectoral priorities. Figure 4 shows the

²³This would be in line with the finding by Calvo and Murillo (2004) that low-skilled Argentinians exhibit higher demands for patronage.

²⁴See, for example, Opalo (2020a) on disproportionate female exposure to healthcare services in Kenya.

Figure 4: Distribution of Reported Top Priority Sectors

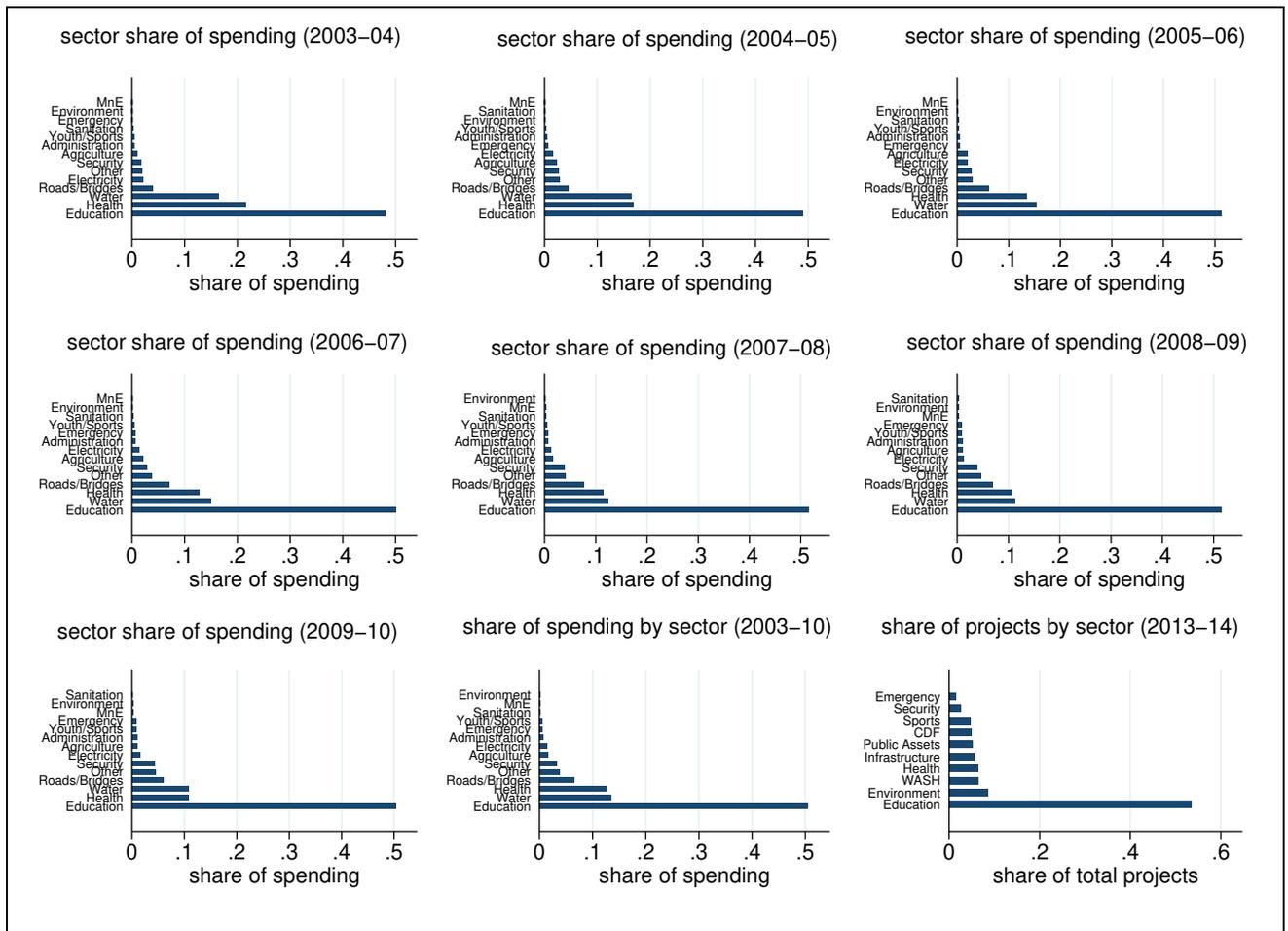


Notes: Graphs indicate CDF expenditures by sector between 2003-2010 and in 2013-14. Notice the consistently high expenditures on education. CDF projects in 2013-14 denote administrative expenditures. Figures in the education sector include both school construction and bursary allocations.

sectoral breakdown of respondents stated priorities. Similar to the case under the Harambee Movement prior to the introduction of the CDF/NG-CDF, education and healthcare are the undisputed top priorities among respondents. Overall, 39.3% indicated that education is their top priority sector, followed by healthcare (30.9%), agriculture (10.9%), water and sanitation (10.2%), roads (7.1%), and electricity (1.6%).

Respondents' stated priorities are largely mirrored by actual investments under CDF. As shown in Figure 5, out of about 40,000 projects implemented between 2003 and 2010, education, water and sanitation, and healthcare, were the top three sectors by expenditure, respectively. Education alone accounted for more than 50% of total spending, much along the lines of what existed under the Harambee Movement since the 1960s. Available figures from the 2013-14 fiscal year corroborate these findings. More than 55% of total projects

Figure 5: Distribution of CDF Expenditures by Sector



Notes: Graphs indicate CDF expenditures by sector between 2003-2010 and in 2013-14. Notice the consistently high expenditures on education. CDF projects in 2013-14 denote administrative expenditures. Figures in the education sector include both school construction and bursary allocations.

are in the education sector, followed by the environment (much of which is tree planting in schools), water and sanitation, and healthcare projects. Overall, the actual distribution of CDF projects largely mirror respondents' revealed priorities. This, and the relative stability of the distribution of sectoral investments by politicians over decades, are indicative of the logics behind constituency service in Kenya. Instead of being ad hoc forms of clientelism and vote buying, these investments followed historically established patterns of voter demands on their elected representatives.

4.3 Correlates of How Voters Evaluate Incumbents

Having shown that voters' stated expectations of elected legislators and sector priorities match observable CDF projects, this section explores the correlates of voters' evaluations of legislative incumbents. As shown in Table 1, despite almost 78% of respondents stating that they voted for the incumbent legislator in the 2017 elections, by 2020 only 44% intended to reelect their legislators. This is consistent with historically high levels of legislative turnovers in Kenyan elections (Opalo, 2019). I first examine the correlates of respondents' intention to reelect their incumbent – an indicator of levels of satisfaction with incumbents' performance. Second, I restrict the analysis to those that reported having voted for the incumbent in 2017 and explore the correlates of the intention to reelect the incumbent legislator. The underlying assumptions in these analyses will be that voters' intention to reelect incumbents is driven by their observed effort, especially with regard to constituency service.

Table 2 shows the results of logit regressions, with the stated intention of voting for the incumbent legislator. Constituency service in the form of CDF projects is positively correlated with stated reelection of voting for the incumbent legislator, as is the rating of the incumbent. These findings are robust to controlling for respondents' age, sex, level of education, area of residence, and levels of political knowledge (proxied by knowledge of the functional division of labor between national and county governments). Citizen prioritization of formal functions over constituency service is not statistically correlated with the intention to reelect incumbents. These findings suggest that the electoral relationship between Kenyan voters and legislative candidates turns on constituency service as governed by expectations forged through the historical experience with Harambees. Incumbents' investments in visible and attributable development projects in their constituencies are the primary means through which voters evaluate their responsiveness.

Kenyan legislators face an entrenched incumbency disadvantage (Opalo, 2019). For example, in the IPSOS survey only 44% of respondents report that they plan to reelect their

Table 2: Correlates of Supporting Incumbent Legislators' Reelection

DV: Reelected MP	(1)	(2)	(3)	(4)
CDF Improved Conditions	1.083*** (0.135)	1.085*** (0.138)	1.088*** (0.139)	1.096*** (0.139)
MP Rating	0.864*** (0.0538)	0.853*** (0.0546)	0.852*** (0.0546)	0.855*** (0.0547)
Prioritize Formal Functions	0.0171 (0.111)	0.0306 (0.114)	0.0372 (0.114)	0.0415 (0.116)
Age		0.00135 (0.00463)	0.00132 (0.00463)	0.00242 (0.00473)
Female		0.220 (0.119)	0.212 (0.119)	0.227 (0.120)
Education		-0.0515 (0.0286)	-0.0516 (0.0285)	-0.0528 (0.0288)
Urban		0.0781 (0.122)	0.0752 (0.122)	-0.0695 (0.141)
Political Knowledge			-0.137 (0.117)	-0.160 (0.118)
Constant	-3.624*** (0.184)	-3.527*** (0.319)	-3.468*** (0.323)	-3.426*** (0.354)
Regional Controls	N	N	N	Y
<i>N</i>	1902	1846	1846	1846

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Notes: Logit regression estimates of the correlates of supporting the reelection of the incumbent legislator. Positive perceptions of the impacts of CDF projects as well as the overall rating of incumbents (on a scale of 1-5) are negatively correlated with the intention to vote for the incumbent legislator.

incumbents, down from 77.8% who report having voted for them in 2017. To understand the role of targeted constituency service in this pattern, I restrict the sample of analysis to respondents who voted for incumbent legislators, and then analyze the correlates of switching away from the incumbent. Table 3 shows the results on the correlates of souring on the incumbent legislator, having voted for them in 2017. Logit regression estimates show that

Table 3: Correlates of Souring on Incumbent Legislator

DV: Soured on MP	(1)	(2)	(3)	(4)
CDF Improved Conditions	-0.946*** (0.141)	-0.973*** (0.147)	-0.973*** (0.147)	-0.971*** (0.149)
MP Rating	-0.826*** (0.0585)	-0.820*** (0.0592)	-0.820*** (0.0592)	-0.828*** (0.0597)
Prioritize Formal Functions	0.0376 (0.120)	0.0318 (0.124)	0.0316 (0.124)	0.0404 (0.126)
Age		-0.00174 (0.00504)	-0.00174 (0.00504)	-0.00369 (0.00521)
Female		-0.151 (0.128)	-0.151 (0.128)	-0.169 (0.130)
Education		0.0484 (0.0311)	0.0483 (0.0311)	0.0543 (0.0314)
Urban		-0.209 (0.133)	-0.209 (0.133)	0.0283 (0.155)
Political Knowledge			0.00543 (0.127)	0.0299 (0.129)
Constant	3.118*** (0.194)	3.101*** (0.339)	3.100*** (0.342)	3.138*** (0.375)
Regional Controls	N	N	N	Y
<i>N</i>	1546	1497	1497	1497

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Notes: Logit regression estimates of the correlates of souring on the incumbent legislator. Positive perceptions of the impacts of CDF projects as well as the overall rating of incumbents (on a scale of 1-5) are negatively correlated with the likelihood of reporting not intending to vote for the incumbent, conditional on having voted for them in 2017.

perceptions of the impacts of CDF as well as overall ratings of incumbents are negatively correlated with the likelihood of souring on incumbent legislators. This finding is important. The established exchange relationship between voters and politicians follows a clear pattern that goes back decades and which consists of a specific bundle of visible and attributable investments. These investments are, in turn, statistically correlated with public opinion about

responsiveness and performance, and the electoral fortunes of politicians.

5 Conclusion

Research on clientelism and patronage politics has long assumed that, in the quest to maximize popular support, politicians choose the patterns of their relationships with voters. This paper challenges this assumption by showing that the patterns of political relationships between voters are historically determined and driven, in part, by established voter demands and capabilities at the disposal of politicians. Voter demands emerge through experience over time, while the capabilities available to politicians (e.g. legislators) are determined by state (fiscal and bureaucratic) capacity, the ability to influence executive agencies, and the strength of political parties.

To support this argument, this paper presents evidence from both public opinion and project investments under the Constituency Development Fund in Kenya. The data show that voters value legislators' constituency service roles more than their formal functions in the legislature. At the same time, legislators' project choices largely mirror voters' demands as demonstrated in surveys. Finally, perceptions of legislators' performance are driven by voters' evaluations of their management of CDF resources. Qualitative evidence going back to the 1960s show remarkable stability in voters' demands and in patterns of project choice under both the Harambee Movement and the CDF. Overall, the evidence presented herein highlights the importance of understanding how structural conditions beyond the control of either voters or politicians structure the nature of electoral politics.

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The Politics of Constituency Service in Kenya

October 16, 2020

A Public Opinion Survey on Cash Transfers in Kenya

A.1 Survey Questions