

# **BEYOND LEFT AND RIGHT: HOW REDISTRICTING CHANGES THE SHAPE OF OUR DEMOCRACY**

Akhil Rajan

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Advisor: Josh Kalla

Department of Political Science, Yale University

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## Introduction

In 1788, before it had even begun in earnest, the great American experiment with self-government seemed on the rocks. After spending twelve years between the Declaration of Independence in 1776 and the nation's first congressional elections carefully debating the merits of various electoral structures, Patrick Henry's Anti-Federalist majority in Virginia had brought America's founders face-to-face with an unforeseen danger for their nascent democracy: gerrymandering.

An ardent Anti-Federalist, Henry seemed determined to squash "Father of the Constitution" James Madison into an unwinnable district, in order to deny him a seat in the first session of the newly-formed national legislature. The reaction from contemporaries was immediate. Many of the most influential political figures in Virginia wrote to Madison to express their concern and indignation:

George Lee Tuberville [wrote] "the object of the majority of to day has been to prevent [your] Election in the House of Representatives." Edward Carrington informed Madison that [...] "the Anti's have levelled every effort at you." Burgess Ball of Spotsylvania wrote, "It is here believ'd that a Majority of [the Assembly] under the control of [Patrick Henry] are disposed to do every thing they can to disappoint. [...] The Counties annexed to yours are arranged so, as to render your Election, I fear, extremely doubtful." Tobias Lear notified John Langdon that Henry was "taking care to arrange matters so as to have the county, of which Mr. Madison is an inhabitant, thrown into a district of which a majority were supposed to be unfriendly to the government, and by that means exclude him from the representative body in Congress" (Cooper and Dougherty 2018).

Though the term “gerrymandering” only came into parlance in 1813, after the eponymous then-Massachusetts Governor and later Vice President Elbridge Gerry drew a particularly egregious, salamander-shaped set of districts, allegations of malfeasance in the design of electoral districts date back quite literally to the founding of the nation. And it was Patrick Henry—otherwise most famous for supposedly uttering the phrase “give me liberty or give me death”—who was responsible for America’s very first set of gerrymandered districts.<sup>1</sup> As Elizabeth Kolbert notes in *The New Yorker*, “Henry’s maneuver represents the first instance of congressional gerrymandering, which is impressive considering that Congress did not yet exist.”

But were the congressional districts that Henry drew actually examples of gerrymandering? Recent scholarship argues no: “contrary to the accepted wisdom, ingenious and artificial combinations were not used to design Madison’s district” (Hunter 2011). Instead, Madison’s challenge was that his county of residence was surrounded by ardent opponents of the Constitution. The district itself was demarcated solely by “natural geographic features” and ordinary municipal boundaries, both signs of a facially-neutral redistricting process (Hunter 2011). Not to mention, in part buoyed by backlash to Henry’s purported antics, Madison ended up winning the election anyway (Griffith 1907).

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<sup>1</sup> Though, it is worth noting, much like his supposed gerrymandering, this quote may also be a misattribution.

**Figure I: Map of Virginia Congressional Districts, 1788, Adopted from Hunter (2011)**



By 2021 standards, Virginia’s 5<sup>th</sup> Congressional District might be hailed as a model district. The combination of compactness, preservation of county borders, and contiguity meets the criteria mandated by many states, and would satisfy most of the tests involving district-based simulations utilized by political scientists. In fact, today, the latest literature on redistricting suggests that our own modern electoral maps may look eerily similar to Henry’s: though partisan gerrymandering does exist, the bulk of the bias against Democrats in electoral districts is “unintentional” and driven by the geographic concentration of liberal voters (Chen and Rodden 2013; Rodden 2020). In contrast to the popular focus on warped districts that snake their way



across states, the scholarly consensus suggests that the more consequential phenomenon we are dealing with today could be more accurately termed “henrymandering” rather than gerrymandering. And yet, despite sharing the same facial neutrality as many modern plans and despite the eventual election of Madison, the nation’s most notable founders were evidently unsettled by the incident in Virginia.

What did they know then that scholars miss now? The founders understood electoral districts to be normative subjects with immense power over the shape of American democracy. They recognized that a “good” district was not merely one that conformed to particular rules or that achieved a particular electoral outcome, but one that advanced a particular aim of democracy. In *Federalist* #56, for example, Madison himself argues over how to assemble electoral districts in the correct way to advance the agendas of “peculiar local interests.” The notion of “safe seats”—like the one James Madison found himself in in Virginia, or like the vast majority of congressional districts today—was inherently troubling to some of the founders because they saw the risks posed to democratic accountability.

Today, as partisan outcomes in the House of Representatives drift progressively further from the underlying votes cast in the accompanying elections, the bulk of scholarly attention on redistricting has focused on gerrymandering and partisan outcomes. Increasingly sophisticated attempts utilize machine learning and simulation to study the impact of redistricting schemes on which party gains control of Congress. But with this important turn in the literature, the non-partisan substantive and descriptive consequences of redistricting on representation—the ones the founders seemed particularly concerned by—have been obscured. In this project, I will examine the dramatic consequences of divergent districting schemes on democratic outcomes

beyond partisanship. My aim is to offer a fuller account of redistricting and representation; one that will also re-center the importance of normative frameworks in these debates.

Dating back to Pitkin (1967), scholars have long recognized that representation transpires on several planes, above and beyond the mere partisan match between a constituent and their legislator. For the purposes of this essay, I will focus on the two forms most frequently referenced in the literature on representation within political theory: substantive and descriptive representation.

The extant literature on redistricting is almost laser-focused on substantive representation, which describes the accordance between a constituent's policy preferences and those enacted by their representatives. However, previous scholarship generally approaches the topic through the narrow lens of partisanship. As I will argue in Chapter 1, a mere partisan alignment between constituents and legislators does not necessarily imply a high quality of representation. Instead, we must also consider the degree to which constituents' *priorities* are represented by that legislator to get a fuller account of substantive representation. Using an original data set that combines election results, campaign finance records, and text analysis of campaign websites for all 2018 general election candidates, as well as demographic information from the Census, I argue that even co-partisan legislators overall do an extremely poor job of representing constituents' interests, though that quality of representation does vary with regard to the homogeneity of their seat. In particular, I find that safer seats are slightly more likely to elect representatives who will buck the national party in favor of their constituents' interests. Thus, redistricting has important implications for what I term "ordinal responsiveness"—the tendency of a legislator to champion the issues on which constituents feel the most strongly.

In Chapter 2, I broaden my focus from individual legislators to Congress as a whole. I argue that safe seats' tendency toward representation of individual districts over broader political coalitions renders them partially responsible for the increased levels of gridlock and extremism in Congress. Here, I rely on a variety of observational data sets to argue that safe seat redistricting increases pressures toward extremism, through three key mechanisms which I analyze: more extreme voters, more policy-attuned donors, and more important primary elections. Then, using a natural experiment based on the 2010 redistricting cycle, I show that candidates who were exogenously redistricted into safer seats became more ideologically extreme than their counterparts who were not.

Taken together, Chapters 1 and 2 bring to light a crucial trade-off facing redistricters: while safe seats may encourage individual legislators to represent their own constituents well, that may come at the cost of inaction and gridlock at the level of the legislature. Thus, as I will expand upon, it is impossible to make a positive or objective argument that any one system of redistricting maximizes constituents' substantive representation as is common in the literature. Instead, each of these contentions require a normative core that establishes clear priorities and value criteria to ground that claim.

Then, I will turn my attention to the question of descriptive representation. Often subsumed by conversations about substantive representation, in its most basic form, descriptive representation refers to the degree to which a constituent is demographically represented in a legislature. In Chapter 3, I address the question of majority-minority districts, the most prolific form of non-partisan demographic gerrymandering in the United States. With the enactment of Section II of the Voting Rights Act, states have been required to draw the maximum possible number of "minority opportunity districts" (i.e., a district in which a majority of the voting age

population is composed of people of color). These majority-minority districts attracted intense scholarly attention in the 1990s, as they were widely seen as responsible for bringing to an end Democrats' 40 year grip over the Speaker's gavel in the House of Representatives. Using observational data, many scholars have posited that there exists a trade-off between substantive and descriptive representation: while majority-minority districts greatly increased minority representation in Congress, this literature argues that the districts sharply diminished minorities' substantive representation (as measured through the number of Democrats elected to Congress). Using new data and cutting edge simulation techniques, I revive this debate and appraise the impact of these majority-minority districts on substantive representation. Based on analysis of a case study, a regression discontinuity design, and 5,000 Markov chain Monte Carlo (MCMC) simulations of redistricting plans, I find no evidence that majority-minority districts either decrease the number of Democrats elected to Congress or increase a state delegation's conservatism. In fact, my simulation-based analysis suggests that today Democrats *increase* their representation in Congress as the number of majority-minority districts increases.

Finally, in Chapter 4, I explore an important but yet-unstudied implication of redistricting on descriptive representation: its effect on the number of women in Congress and the partisan gender gap. While the Voting Rights Act ushered in a flurry of research on racial redistricting in the 1980s, the concept of "gender redistricting" has not been rigorously studied in the literature. This is principally because there is no legislated equivalent of "majority-minority" districts. However, the truth of the matter is that the vast majority of districts are "majority-women" districts, and yet women's representation in Congress still lags behind that of men. Interestingly, this dramatic underrepresentation is driven by a large and growing partisan gap in the number of women elected to Congress. Using campaign finance records assembled through Adam Bonica's

(2019) Database on Ideology, Money, and Elections and separate measures of electoral competition, I am able to construct a data base of every primary candidate filed with the FEC since the year 2000. I use a combination of techniques to illustrate that women candidates are particularly disadvantaged by safe Republican seats—stemming from a low success rate in primaries—and particularly well-suited for safe Democratic seats. In addition, descriptive results indicate that competitive seats offer the most equitable chances for men and women to succeed in the primary and general elections, and the most expeditious way to close the partisan gender gap in representation.

While the four studies I offer operate as standalone essays, contribute to different literatures, and employ different methodologies, I offer them as a singular package because together they speak to an important intersectional conclusion. Across these four chapters, a common theme emerges: beyond raw partisan impacts, redistricters face a critical set of normative trade-offs in how they view representation. With the creation of safe seats, redistricters invite a legislature driven by heterogeneity. While the representative chain between an individual and their legislator may be strong, both the distance within and between parties will be large, leading to high levels of congressional dysfunction. Simultaneously, while the descriptive ranks of women and candidates of color will swell in certain seats, they will be effectively shut out of all but the safest of Democratic seats. In contrast, redistricting towards competition incentivizes a nationalized politics—one in which individual voters see little connection between their interests and those of their legislators, but where electoral incentives promote legislative action. Competitive seats also lessen descriptive divisions between the parties, as both women and minorities see greater chances for election as Republicans, though potentially at the cost of overall descriptive representation. Though my study is primarily

empirical—making use of MCMC, regression discontinuity, and natural experiments, as well as several regression models and other descriptive tools—the end result is to argue that redistricting must be a fundamentally normative undertaking: in contrast to strictly partisan accounts, a fuller accounting of the impact of redistricting suggests a stronger role for political theory in weighing competing aims. This finding does not diminish the central importance of eliminating partisan imbalances in redistricting, but suggests that the needed structural policy reforms to redistricting processes must also internalize these less-understood—and perhaps unintentional—impacts on non-partisan democratic and policy outcomes as well.

## **Background**

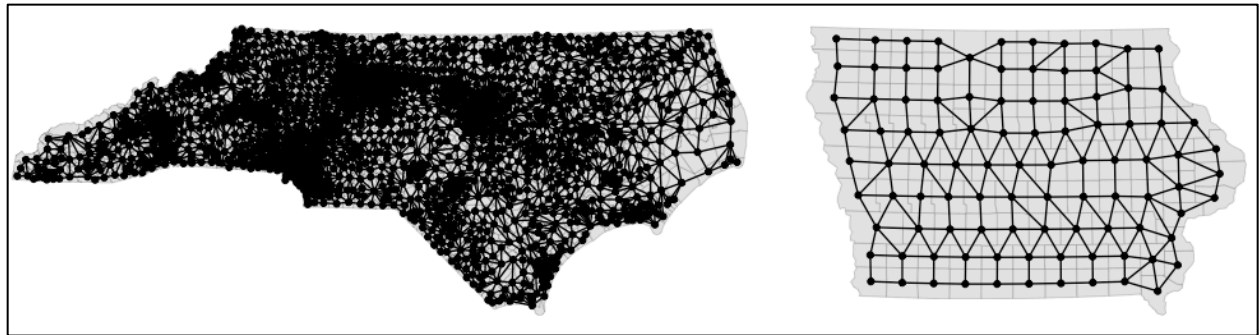
Before we examine the empirical consequences of different redistricting schemes, it is worthwhile to establish two basic understandings. First, an overview of the current landscape for redistricting—in terms of research, plans, and politics—and second, an understanding of the potential for redistricting. I will argue that, contrary to recent trends in the literature that emphasize the degree of “unintentional” gerrymandering to partisan asymmetries in redistricting, human decisions have a key role to play. To make this argument, I will employ a sequential Monte Carlo algorithm in combination with two illustrative case studies—Iowa and North Carolina—that underscore both the divergent sets of practices in modern redistricting and the wide scope of potential changes to reform current redistricting policy.

## **What Do We Mean by “Gerrymandering”?**

Perhaps the most important and yet unanswered question in the literature on redistricting is over what constitutes gerrymandering. As I alluded to in the opening of this piece, the term gerrymandering is contentious. In recent years, experts have promulgated a series of algorithmic tests to identify gerrymandering, most notably including the Efficiency Gap, Mean-Median differences, and Partisan Bias. All have been subject to intense methodological criticism (Stephanopolous and McGhee 2018). Partially in response to this failure to create a singular universal metric for redistricting, the literature has increasingly move toward utilizing simulated plans as a tool to identify gerrymandering. With the advent of sophisticated computational and statistical software, including supercomputing, the practice of comparing simulated congressional maps to real-world enacted plans has gained popularity (Tam Cho and Cain 2020). However, while these tools are useful analytic short-hands (and indeed ones I will at times rely upon in this essay), they assume away important normative questions.

Simulated redistricting methods differ in their exact algorithmic bases, but all versions generally begin with a distribution of possible plans from which they sample. This distribution is generally composed using geographic information system (GIS) to assemble adjacency matrices of precincts that can be exchanged between districts without violating contiguity axioms.

**Figure I: Precinct Adjacency Maps of North Carolina and Iowa**



*Note: Data and package “redist” courtesy of Kosuke Imai’s ALARM Project*

As Figure II illustrates, however, creating a full set of possible redistricting plans proves challenging and, in most cases, computationally impossible given the number of possible permutations. As a result, divergence in algorithms largely originates from the way they estimate and sample from their target distributions (Tam Cho and Liu 2016). But it is important to note the limitations of these methods even when they are successful at achieving their quantitative aims. First, analysis of simulated plans can only tell us how far results differ from their distribution, and does not inherently validate their distribution itself. It is intensely difficult to validate the underlying sample that is utilized by different algorithms, precisely because of the nearly-infinite number of potential plans. Second, it is difficult to quantify the substantive significance of differences between two plans. Consider for example a hypothetical sprawling urban district with hundreds of thousands of constituents that includes a small rural precinct, with less than one hundred voters. The hypothetical urban district also borders another rural



precinct that is equally small. A simulated procedure would view an exchange between those two rural precincts as equally meaningful as a change in the urban core of the district. That is to say, it is unclear what the importance of any one observation is in the data set of simulated plans. Finally, and most importantly, even setting aside these previous two concerns, these algorithms cannot make any normative claims. They can return a result indicating that an enacted plan is an outlier in the sample of the distribution, but they cannot themselves explain whether that discrepancy is morally positive or negative. Many times, a state's goal or even law may require it to select plans that would not occur by "nature," such as in the case of majority-minority districts or competition mandates. So, while these algorithms are useful analytic tools, they too cannot untangle the fundamentally-normative aspects of redistricting. Therefore, throughout the rest of this piece, I will endeavor to write about redistricting as a series of choice with important consequences and trade-offs, rather than using the binary, ill-defined, and politically-charged language of "gerrymandering."

### **How Does Redistricting Happen?**

A central argument in recent political science concerns how much bias in electoral districts originates from redistricters, and how much originates in the geography they inherit. A useful starting point, then, might be to consider which state legislatures draw their own lines, and which defer to some form of independent commission. As Table II shows, only twelve states have outsourced their redistricting practices to bodies outside of the state legislature (including two who did not engage in congressional redistricting in the most recent cycle). The vast majority of states assemble districts through their state legislatures and exercise some degree of political control over their redistricting procedures, though some states like Iowa adopt slightly divergent practices. The "Iowa Model" of legislative redistricting involves a non-partisan group

of career employees who draw maps, which are in turn voted on by the entire state legislature. But, aside from this handful of states that have been forced to create independent commissions—many by ballot or citizens’ initiative—most state legislatures retain power to set up their procedure for redistricting.

**Table II: Independent Commissions Created by State**

State	Method of Creation	Year Created
Arizona	Citizens’ Initiative	2000
Colorado	Citizens’ Initiative	2018
California	Citizens’ Initiative	2010
Hawaii	Legislative Referral	1992
Idaho <sup>1</sup>	Legislative Referral	1994
Michigan	Citizens’ Initiative	2018
Missouri	Citizens’ Initiative	2018
Montana <sup>1</sup>	Legislative Referral	1984
New Jersey	Legislative Referral	1995
Utah	Citizens’ Initiative	2018
Virginia	Legislative Referral	2020
Washington	Legislative Referral	1983

<sup>1</sup>Indicates state only currently possesses one congressional district

Source: NCSL, Brennan Center

A recent and important trend in the redistricting literature has been to suggest that partisan asymmetries in the relationship between seats and votes are the result of natural processes, and that legislatures are generally constrained by geography in assembling maps. In other words, the concentration and sorting of Democrats into cities mandates a Republican advantage in any governing institutions that rely on geography. Chen and Rodden (2013) term this phenomenon “unintentional gerrymandering,” wherein humans or computers attempting to draw the most compact maps using facially neutral criteria would replicate the biases seen in enacted plans. In his acclaimed book, *Why Cities Lose*, Rodden builds on this argument to suggest that Democrats are predestined toward electoral dilution because of their reliance on dense urban populations (2019).

However, both of these arguments begin with the premise that there is something natural or finite about a district. While the proponents of this theory offer well-reasoned and compelling evidence, a focus on what happens under compactness obscures the agency of political actors who propose, analyze and approve redistricting plans. To make this point, I will quickly highlight the experiences of two states, Iowa and North Carolina.

### **The Key Question: Safe or Marginal Seats?**

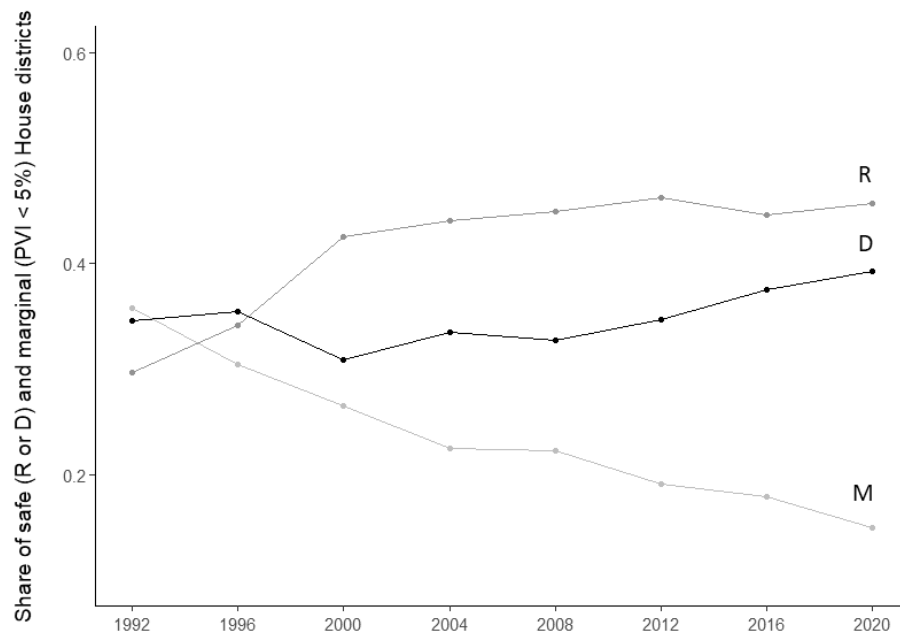
As explained above, redistricters face a number of key considerations in making their decisions. But from a democratic perspective, one dimension emerges as particularly significant in redistricting: electoral competition. One can imagine arranging every electoral district in America on a scale, from most to least competitive.<sup>2</sup> In the least competitive, or “safe,” seats, one party is almost always guaranteed victory in the general election. In the most competitive, or “marginal,” seats, however, both parties must compete to win. As I will explain later in this essay, legislators face starkly different pressures and incentives in safe versus competitive seats, making this demarcation one of the most important cleavages of American politics. As Figure III illustrates, one of the most startling trends of the past thirty years has been the rise of safe seats—particularly in the Republican party—and decline of truly competitive seats. In the literature on gerrymandering, four key concepts explain the propensity for safe seats: packing, in which out-party voters are concentrated in overwhelming and inefficient numbers into districts; cracking, in which large populations of out-party voters are divided across districts to dilute their voting power; incumbent-protection, in which districts are carved to ensure a safe re-election for incumbent candidates; partisan self-sorting, in which co-partisans increasingly conglomerate in the same areas. For the purpose of this paper, I am agnostic to which explanation is responsible for

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<sup>2</sup> In fact, one of the data sources I will draw from, Cook PVI, had done exactly this.

the growth of safe seats, merely that 1. This phenomenon has affected American politics, and 2. It can be either exacerbated or tamped down by conscious choices in redistricting.

**Figure II: Trends in Electoral Competition**



*NOTE: The above figure comes from a co-authored working paper alongside Alex Kustov, Maikol Cerda, Frances Rosenbluth, and Ian Shapiro*

A first order question is whether redistricters have any control over the creation of safe or competitive seats. To be certain, as Rodden (2020) argues, partisan sorting and other mechanisms by which geography has become increasingly correlated with partisanship make safe seats more common. But is there *also* a role for conscious human activity? A case study of two states, Iowa and North Carolina, suggests that the answer is yes.

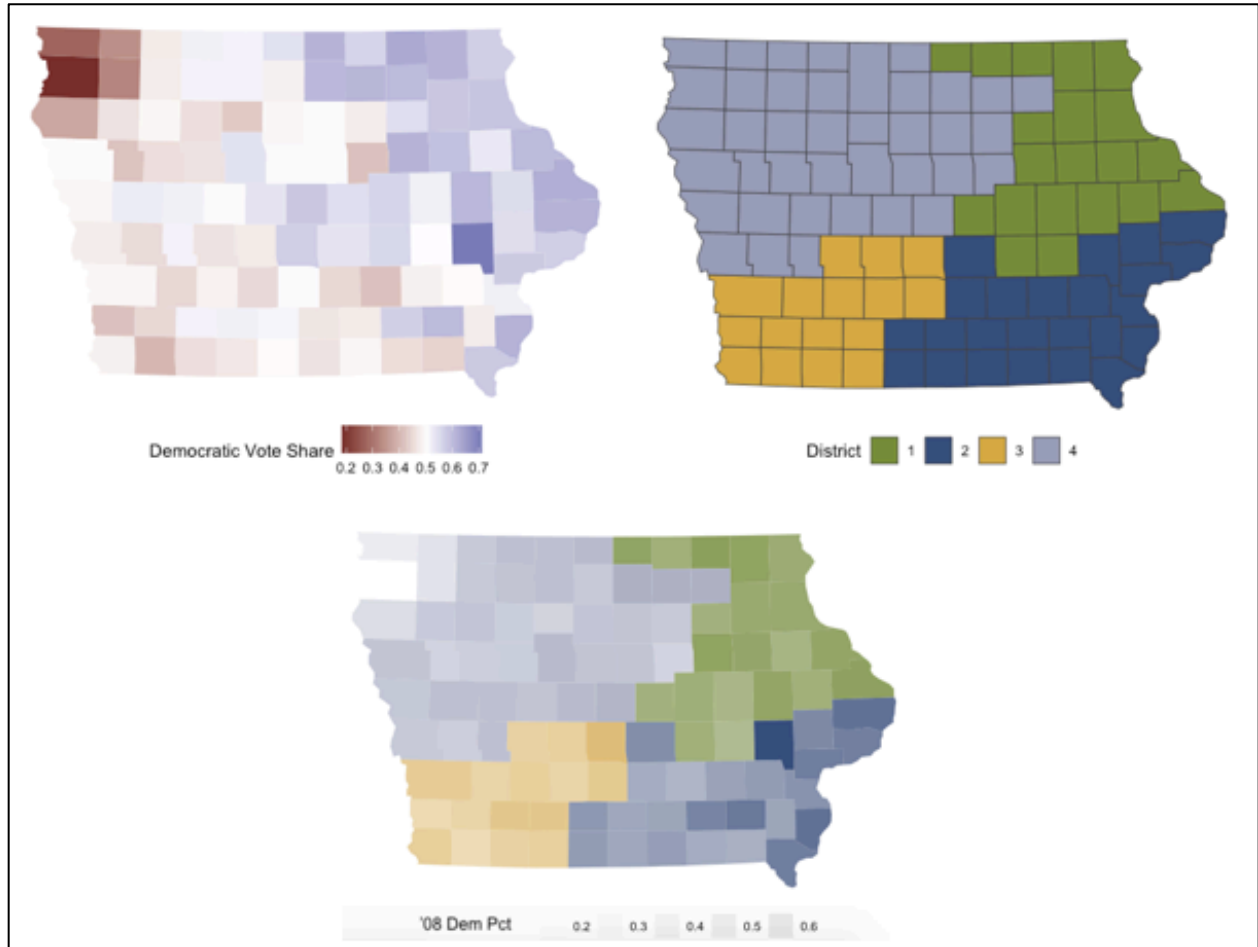
I select the states of Iowa and North Carolina for several reasons. First, both states were exceptionally close at the time of the redistricting cycle that followed the 2010 Census: in the 2012 election, Barack Obama, the incumbent Democratic President, won approximately 52.0% of the vote in Iowa and 48.4% of the vote in the North Carolina. That means that both states

possess a fairly even split in supporters of each party for redistricting purposes, which allows us to measure electoral competition against a fairly simple benchmark. Second, as I will show, both states arrived at starkly different outcomes from their redistricting process. Iowa's unique redistricting procedure (outlined above) is famed for drawing congressional districts that encourage competition. In fact, over the last two congressional elections, elected member of Congress has changed in all four seats.<sup>3</sup> On the other hand, North Carolina has drawn their seats to *minimize* competition. Since North Carolina's initial congressional districts were struck down as examples of an extreme racial gerrymander, I use the 2017 redrawing of North Carolina's congressional districts as a reference point, though my broader point is not sensitive to this distinction. These redrawn lines provide a useful point of comparison because they were *also* struck down by the courts, this time as unconstitutionally-extreme *partisan* gerrymanders. Finally, both states have comprehensive and detailed precinct-level information available to the public for convenient spatial analysis.

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<sup>3</sup> Though, one of these incumbents, Steve King, was eliminated by a primary challenge.

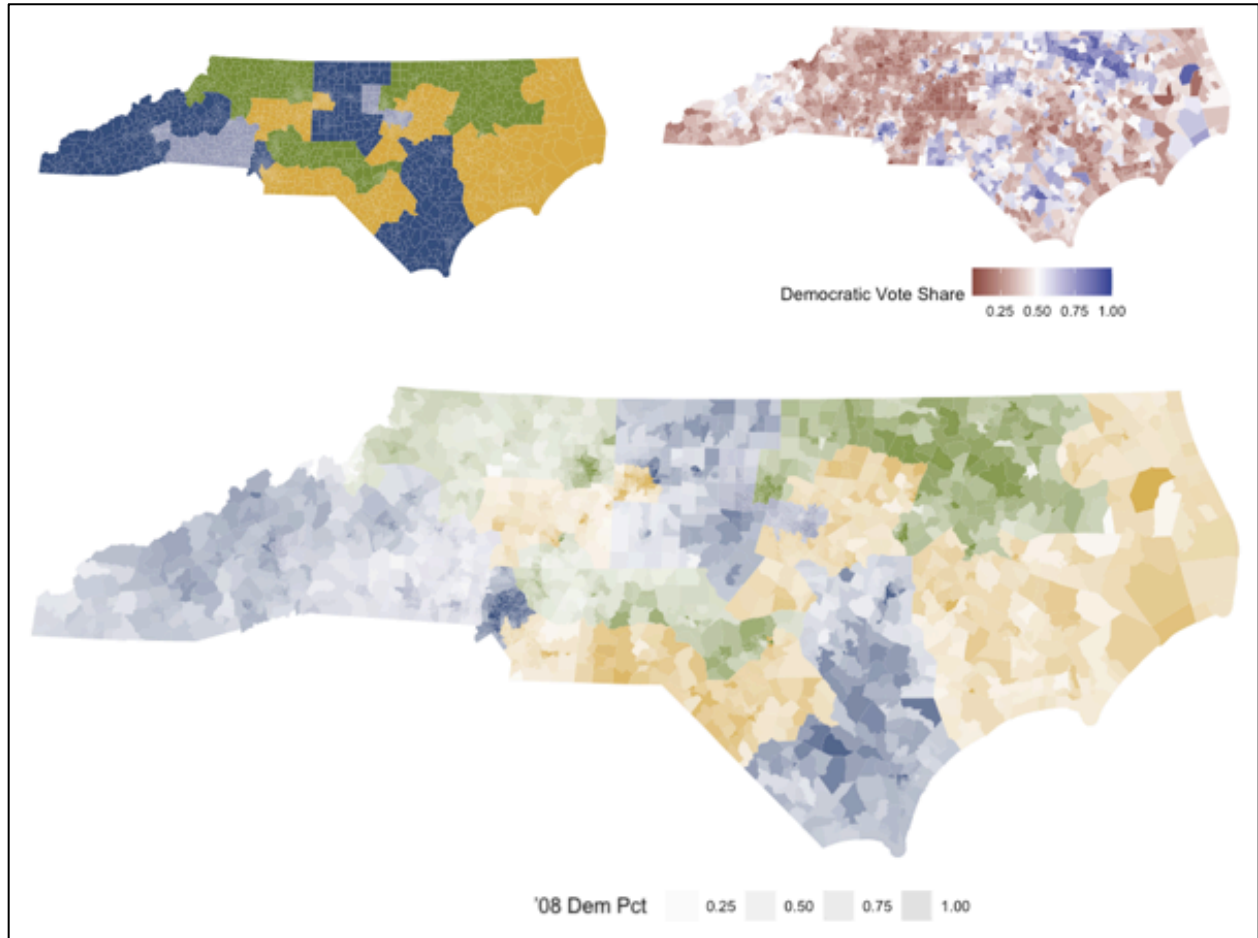
**Figure III: Iowa's Congressional Districts**



*NOTE: Figure III is based on data and package “redist” courtesy of Kosuke Imai’s ALARM Project. Code modified from sample code published by ALARM.*

Beginning with Iowa’s congressional map, it is easy to understand the merits of Rodden’s argument. At first blush, Iowa appears to be a classic story of partisan agglomeration and segregation. Iowa’s eastern border with Illinois and Wisconsin is home to the bulk of the Democratic electorate outside of Des Moines. Conversely, Republican strongholds are conveniently nestled in the western part of the state. It would not be difficult to imagine a version of Iowa’s districts that were entirely comprised of safe seats.

**Figure IV: North Carolina's Congressional Districts (2018)**



*Note: Figure IV is based on data and package “redist” courtesy of Kosuke Imai’s ALARM Project. Code modified from sample code published by ALARM.*

In contrast, as the upper right-hand panel of Figure V shows, North Carolina’s pockets of Democratic support appear more evenly spread through regions of the state than in Iowa. Though regions of the state still clearly trend toward one party or another, these regions are interrupted by pockets of out-party strongholds. And yet, the enacted plan appears to prize districts that concentrate voters of the same party.

However, the analysis presented so far raises a key question: compared to what? Comparing North Carolina and Iowa to one another raises several inferential challenges, most

notably their vastly different demographic profiles. While the voters of Iowa are largely homogeneous, North Carolina faces a far more diverse profile of voters. This means that it is important for our counterfactual to consider alternative district plans in the states themselves.

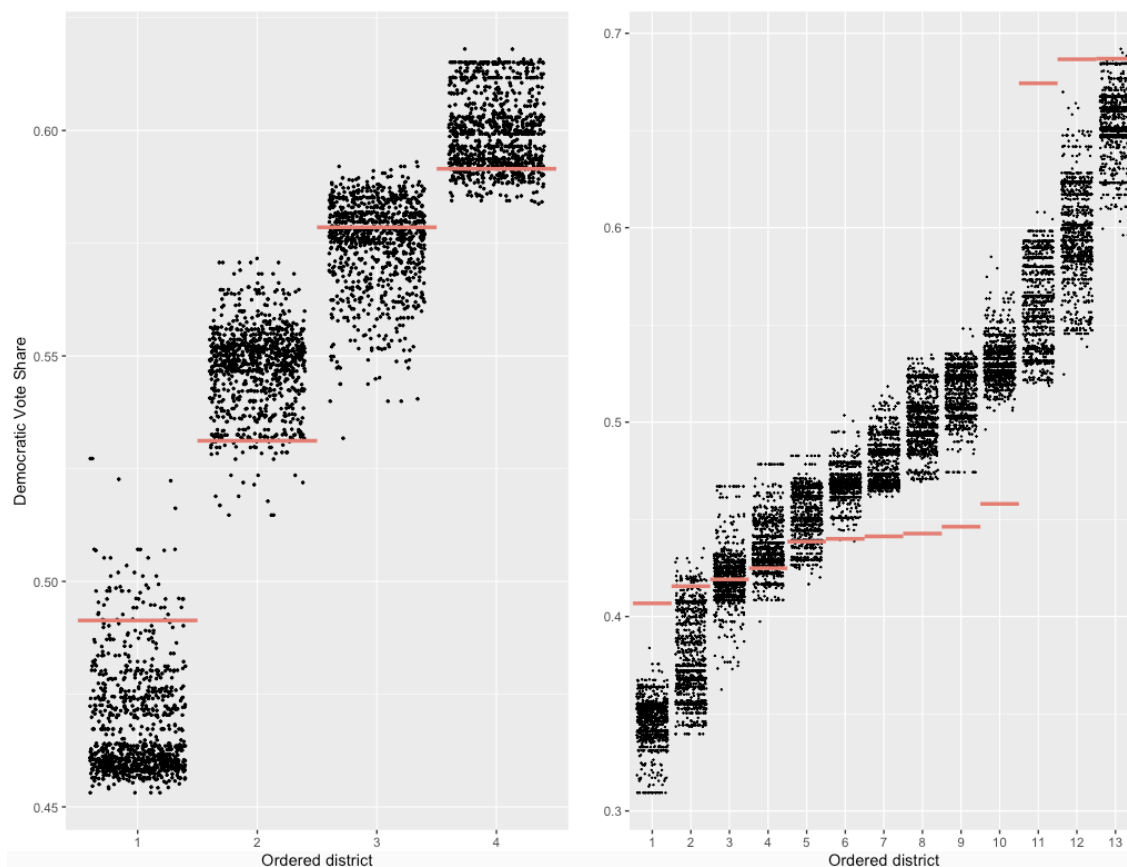
There are several potential methodologies to assemble counterfactual plans, each with distinctive setbacks and advantages. A popular method to simulate real-world plans is to rely on alternative plans considered by a state legislature. But these plans are likely to have the same baked-in biases that the enacted plans have, since they were created and considered by the same legislators who created the enacted plan. As a result, I use a sequential Monte Carlo (SMC) algorithm to assemble a data set of comparable plans. The algorithm itself is operationalized using the package *redist* for R (Kenny et al. 2021) with model parameters specified in accordance with state law and a constraint to respect county boundaries as a proxy for preservation of communities of interest.

As noted above, the question of how to create a sampling distribution has attracted wide debate and dissension in scholarly circles. Until a few years ago, the general practice in the literature had been to use Monte Carlo simulation algorithms to randomly select a precinct to serve as a seed for the district, and then grow that district by adding adjoining precincts until the resulting conglomerate was large enough to meet population requirements. However, it is unclear what these samples produce: as Fiffield et al. (2020) observe, these methods “are unlikely to yield a representative sample of redistricting plans for a target population” because random sampling of precincts mimics neither the procedure of state legislatures, nor any theoretical quantity of interest. In contrast, Markov Chain Monte Carlo (MCMC) algorithms, which have replaced Monte Carlo algorithms as the dominant simulation method for most scholars of redistricting, allowed to generate plans that began with the constraints of equal population and



contiguity, thus better simulating the problems of real-world redistricters (Fiffield et al. 2020). However, MCMC algorithms are useful because they generate *dependent* samples; that makes solving more generalized problems where plans should be independent more difficult and less efficient (McCartan et al. 2020). In contrast, sequential Monte Carlo simulation generates independent samples, while maintaining the customizable and pre-specified target distributions.

**Figure V: Comparison of Enacted Plans to Simulated Plans in Iowa and North Carolina**



*Note: Figures based on data and package “redist” courtesy of Kosuke Imai’s ALARM Project. Code based on sample code published by ALARM.*

Figure VI displays the result of 1,000 iterations of this algorithm for each state. In total, that amounts to 17,000 different simulated districts. Districts in each simulated plan are ranked from most Republican-leaning to most Democratic-leaning and the graph illustrates clusters of

each ordered district. The results paint a clear picture. On the one-hand the partisan consequences in North Carolina are stark. Only three districts in the enacted plan will vote for Democrats, whereas six of the clusters of simulated plans have means that point to a Republican victory. But there is an equally interesting story when you remove partisanship from the equation. In North Carolina, eleven out of thirteen seats—including several Republican seats—were safer than their simulated counterparts. In contrast, in Iowa, every single seat regardless of party is more competitive than its average simulated counterpart. The experiences of these two states offer a clear answer that competition (or seat safety) *can* be induced. The rest of my thesis departs from this premise: if congressional districts can be made safer or more competitive, what are the normative trade-offs implied by each type of districting scheme.

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## Constituency Over Party? Redistricting and Responsiveness in the 2018 Midterm Election

**ABSTRACT:** *Traditional theories of American democracy hold that candidates' issue agendas should reflect constituents' issue priorities, both normatively and in practice. Using a new data set that combines campaign websites from the 2018 United States Congressional Elections, public opinion data from the 2016 Cooperative Congressional Elections Study (CCES), and data on candidate characteristics, I show that these traditional theories do not withstand empirical tests, as candidates display strikingly low degrees of overall responsiveness to constituents' priorities (what I term ordinal responsiveness). Instead, consistent with theories of issue ownership, I find strong empirical evidence that candidates' partisan affiliations motivate issue agendas far more than district-specific factors. However, I also show that the level of ordinal responsiveness differs between districts, and I argue that district characteristics cause differential incentives for candidate compliance with constituent issue priorities. Based on a comprehensive review of relevant literature, I offer new competing models suggesting that district homogeneity and outside influence should play important roles in moderating ordinal responsiveness. I find some evidence that district homogeneity—especially along the lines of race—promotes greater levels of ordinal responsiveness, but no evidence that the level of outside influence within a district distorts ordinal responsiveness. Political and democratic ramifications on electoral accountability and redistricting are discussed.*

## **Introduction**

Underlying any form of representative government is the notion that representatives, whether as delegates or trustees, will act in the interests of their constituents. Under Pitkin's (1967) conception, there are two necessary dimensions to this formalistic representation: authorization and responsiveness. Authorization can be conceptualized as the legitimacy behind a legislator's election, while responsiveness is commonly thought of as the congruence between a legislator and their constituents (Eulau and Karps 1977). Later analyses have argued over whether the former provides a mechanism for the latter, or the latter is a necessary ingredient for the former, but the core idea remains virtually unchallenged that both are necessary to a functioning and healthy system of representative government (Manin, Przeworski, and Stokes 1999). However, importantly, representation is not a binary. Political Science has long recognized the diversity within varieties of democracy, but the empirical literature on representation has lagged in this front. In this chapter, I will argue for consideration of a new metric measuring responsiveness and show how the design of congressional districts—alongside other electoral institutions like political parties—have important ramifications on Americans' enjoyment of responsiveness from their elected officials.

### ***Are U.S. Elections Responsive?***

While American democracy generally provides free and fair elections – i.e., it scores relatively high marks on measures of authorization – the question of whether politicians operate in manners that are responsive to their constituents has provoked far more debate. One obvious problem occurs on the citizen side: in recent years, political participation has lagged, and political knowledge has remained virtually unchanged despite greater ease of access to political

information (Prior 2005). Given the disproportionate weight of subtle advertising cues and minor scandals on election results,<sup>4</sup> a compelling argument can be made that the citizenry is not holding politicians accountable in ways that would comport with their own ideological leanings (Bartels 2008). Caplan (2007) provocatively advances a theory that voters are so irrational that market forces should subsume much of their role in selecting government. In the same vein, but less controversially, Achen and Bartells (2016) argue that voting is more a function of social identities rather than policy positions, and that where stable constituent ideologies do blossom, they appear more rationalized than rational. The most famous, and perhaps extreme, synthesis of this argument comes from Converse's (1964) finding that lay-person ideology lacks rigor or consistency, to a point where voters are *unable* to select responsive politicians. Or, if they are able, perhaps they simply did not care to. However, more comprehensive recent studies have demonstrated a widely consistent set of beliefs about a series of issues among the American public (Page and Shapiro 1992; Ansolabehere and Jones 2010; Hollibaugh et al. 2013).<sup>5</sup>

Setting aside the much-studied problems of voters not demanding responsiveness from their politicians, it is also important to study the structural electoral barriers that prevent voters from making these "rational" decisions that comport with their interests. Campaigns often obscure or distort their candidates' policy positions, rendering information unavailable even to voters who would otherwise base their votes on it. At its core, the very notion of a democratic republic presents an inherent principal-agent problem, wherein voters operate under limited

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<sup>4</sup> Not to mention freak weather events or even shark attacks, as Achen and Bartells (2016) posit

<sup>5</sup> Though Achen and Bartells (2016) dispute this notion arguing that ideology is merely driven by leaders of one's favored group or party. They argue that elections are largely "capricious collective decisions based on consideration that ought, from the viewpoint of the folk theory, to be largely irrelevant" (Achen and Bartells 2016, p. 16). Rogers (2017) similarly concludes that, overall, constituents fail to hold their legislators accountable in the context of state legislatures.

information to select a representative who has full agency once elected. For politicians, once elected, there is only one hypothetical incentive to represent their constituents: re-election.

In theory, elections ensure that the citizenry — or whatever portion of the citizenry so chooses — possesses the ability to reject the politician, and therefore constrain the amount of in-district backlash a representative can withstand for failing to act in the electorate's interests. In his seminal work, *Congress: The Electoral Connection*, Mayhew (1974) argues that this re-election concern features so prominently in the minds of individual members, and indeed the institutional structure of Congress itself, that it forces members of Congress to echo their constituents ideological leanings. This idea, termed retrospective voting, in which voters cast an up or down vote based on their satisfaction with their degree of representation in Congress, serves as an important theoretical lever for constituents to maintain control over their elected representatives even after the election (Achen and Bartells 2016). But a combination of a nationalized political environment and increasingly strategic campaigns can distort or reframe the underlying criteria voters use to evaluate candidates (Rogowski and Stone 2018). In other words, candidates have the ability to shape their own elections, including in ways that distract constituents from the issues they care about. With this ability of candidates in mind, are individual district elections still responsive to their constituents? The stakes of this question are dramatic. A system of single-member districts, like that of the United States, gains value from the proposition that individual members of Congress serve as emissaries of their districts (Fenno 1978). If these members do not actually respond to their constituents' beliefs or priorities, then one of the core normative justifications in favor of single member districts—and against proportional representation—proves flawed.



I posit that there are two dimensions to responsiveness, with respect to constituent preferences: positioning and priorities. Positioning, as I frame it in this study, refers to the spatial ideological agreement between a member of Congress and their constituents on a certain issue. To date, a wide body of literature has used roll call scores, like DW-NOMINATE, as well as interest group ratings and individual pieces of legislation to identify congressional positional responsiveness to constituents (e.g., Griffin and Newman 2005; Coleman 1999; Grose 2005; for an alternative view see Broockman 2016). However, less discussion has centered on the equally, or perhaps more important, question of priorities, which looks at the issues that members champion.

### ***A Hole in the Literature: Ordinal Responsiveness***

Achen and Bartells find that “group and partisan loyalties, not policy preferences or ideologies, are fundamental in democratic politics” (2016, p. 18). The natural conclusion they reach is that the voter is short-sighted and uninterested in policy. But what if the problem is not that the voter does not care about policy in elections, but that the elections themselves are not conducted on the policy issues that voters care about? This lack of ordinal responsiveness — a disconnect in the relative importance given to an issue by voters and campaigns — might introduce another reason why voters seem to deprioritize policy in electoral decisions. And, if so, this idea of ordinal responsiveness is a central but oft-overlooked component to understanding how to center democracy on policy decisions, and how to foster greater accountability of politicians.

Jones et al. (2009) introduces the central problem of the common practice in the literature of taking representation on positioning as synonymous with overall responsiveness: by

constructing a spatial approach to ideology, the literature relies on a base assumption that the electorate weights all issues equally. In practice, this is rarely true. Thus, studying the accordance between the relative importance of a legislator's issue priorities and those of their constituents is necessary to provide a fuller picture of responsiveness.

If a legislator is to effectively champion their constituents, that must also involve championing their issues. For example, for constituents in rural districts with large farming communities, effective substantive representation might necessarily mean that their member of Congress must prioritize agricultural issues. The problem of ignoring ordinal responsiveness becomes clear when we examine the case of one of these farmers and their legislator. Consider that the legislator agrees with the farmer on issues of gay marriage, abortion, gun control and affirmative action, but not on the issue of tariffs. If we were to only consider positional representation, the farmer would be well-represented, agreeing with their legislator on 80% of issues. But if that same farmer prioritized tariff policy far more than the other issues combined, it is less clear that the farmer is being well-represented.

This idea has troubling implications for campaigns. If the candidates choose not to center the campaign discourse on tariffs, the electorate cannot internalize the issue in their vote, and may vote for a representative who fails to represent them adequately on the issue. Thus, in order to facilitate proper, accountable elections, members of Congress must message constituents on the issues they care most about.

If a disconnect between voter and campaign priorities do occur, they pose dramatic hidden information problems. The hidden information problem is a frequent subject of investigation in the literature on the principal-agent problem, in which the agent has some information that is originally inaccessible to the principal. Once the agent hired, even if the

information becomes known, it is difficult to control the agent following the principal's delegation of power (Moe 1984; Kiewiet and McCubbins 1991; Mitchell 2000). In elections that do not respond to their constituents' issue priorities, candidates are essentially able to hide valuable information that is important to voters in their decision-making. This information only becomes available to voters after a legislator enters Congress and begins to vote on legislation, and therefore after the voter has already elected their representative. And even then, it is unclear that the issue will emerge as salient in the legislator's re-election bid. As a result, it is of exceptional democratic importance that institutional actors attempt to create electoral mechanisms that ensure responsive elections.

The study of ordinal responsiveness takes on additional gravity in light of literature suggesting that most ideological competition takes place not in terms of viewpoints but rather in terms of emphasis. In contrast to the theory of issue salience, which suggests that candidates message on the issues prioritized by their voting publics (Ansolabehere and Iyengar 1994), theories of issue ownership argue that campaigns win voters by engaging on the issues they believe their party has a strategic advantage over (e.g., Petrocik 1996; Belanger and Meguid 2008; Dolezal et al. 2014; Geys 2012). Nie, Verba and Petrocik argue that emphasize this idea that candidates themselves have agency to set the political discourse, rather than solely responding to it: "the political behavior of the electorate is not determined solely by psychological and sociological forces, but also by the issues of the day and by the way in which candidates present those issues" (1976). As a result, as a matter of campaign impact, it should matter more whether these issues accord with public priorities than whether they are positionally congruent. Previous studies of congressional issue priorities have shown an imperfect relationship between public priorities and actual representation. For many issues, there is a

surprisingly weak—or even negative—correlation between the perceived public importance and congressional bill introductions (Jones et al. 2009).

Similarly, limited prior evidence has suggested that campaigns do, in fact, exhibit differing levels of responsiveness (Sides 2007). In Germany, Bevan and Krewel (2015) find an inconsistent relationship between public opinion and a party's positional responsiveness. The little existing literature on ordinal responsiveness points to differing levels across democratic institutions. For example, Hobolt and Klemmenson (2005) find that proportional representation systems foster governments that are more responsive to constituents' priorities than first-past-the-post systems. This tension originates in the trade-off between individual accountability, through districts in first-past-the-post, and increased choice, through multi-party competition in proportional representation systems (Austen-Smith and Banks 1988; Mitchell 2000; Lijphart 1999). In a similar vein, Klüver and Spoon (2014) find that larger parties are usually more responsive than smaller ones. In the American context, Pietryka (2012) finds that in the 2012 congressional elections, in-district public opinion was entirely subordinated by national salience and national issue ownership in setting campaigns' issue agendas. However, Pietryka's analysis does not consider what types of districts provoke more responsive elections. As a result, in this study, I use a similar data set based on the 2018 election to discern what district characteristics promoted elections that were more responsive to in-district issue priorities.

Even within single-member district systems there are several reasons to expect that different types of districts might prompt different levels of responsiveness toward constituent priorities, and it is important that these causal mechanisms be teased out. The literature on positional representation features a long discourse about how different districts exhibit divergent levels of responsiveness. For example, Miller and Stokes (1963) find varying degrees of

accordance between different legislators and their constituents across a host of issues. A wide body of literature, largely centered around the marginality hypothesis – that competitive districts provide more responsive positional representation due to heightened electoral pressures – has also debated the impacts of marginal seats on legislative behavior (e.g. Sullivan and Uslander 1978; Fiorina 1973; Ansolabehere et al. 2001; Griffin 2006). Given this immense theoretical importance, it is surprising that the literature lacks a robust discussion of what types of districts foster effective *ordinal* responsiveness.

Previous work has suggested that issue agendas are impacted by partisan issue ownership, national media environment, or even the broader set of issues owned or centered by the party “family” in multi-party system (Green-Pedersen and Stubager 2010; Green-Pedersen and Mortensen 2014; Pardos-Prado and Sagarzazu 2019). But none of these factors explains the potential for the wide degree of inter-district variation in ordinal responsiveness in single member district systems, like that of the United States. I posit that the different electoral constraints facing candidates in different congressional districts at least partially motivates this differential responsiveness. Put differently, the degree of heterogeneity among a district’s electorate will motivate politicians’ incentives to internalize their voters’ priorities.

## **Theoretical Expectations**

### ***What Factors Might Skew Ordinal Responsiveness?***

Upon first glance, campaigns have strong incentives to match the public’s priorities. Abbe et al. (2009), for example, find significant benefits to candidates that share issue priorities with critical voters, especially independents. As a result in an ideal democratic framework, campaigns seeking to attract the median voter should strive for some form of ordinal

responsiveness. But, as previously stated, Pietryka (2012) finds a large gulf, overall, between in-district priorities and candidate priorities. There are several elements of the American political environment that the existing literature suggests that could skew candidates' issue priorities away from their constituents.

I start with the basic contention that candidates have two goals: advancing their policy agendas and winning the election (Schlesinger 1975). If a candidate is attempting to maximize their utility, they begin with a simple set of personal issue priorities. Unencumbered by any electoral constraints, they would run their campaigns on this set of issues, and an individual issue's salience would be a simple function of its place on a candidate's list of personal priorities. However, as previously explained, the existing literature intimates that electoral outcomes are highly dependent on the issues that candidates select. As a result, a generic candidate, whose only goal is election, would follow the exact priorities scheme as would maximize electoral pay-offs from their constituents (Downs 1957). As a result, a candidate who faces both of these constraints must choose to either run on or neglect a vector of issues  $\mathbf{j}$ . For simplicity's sake, let us consider the decision process for one candidate  $i$  on one issue. The pay-off for making issue  $n$  salient ( $j_n = 1$ ) is  $u_{i,n}$ , where  $u_{i,n} = R_i(E(e_i | j_n = 1)) - R_i(E(e_i | j_n = 0)) + S_i(j_n = 1)$ . Where  $R_i$  and  $S_i$  are the candidate's utilities from winning election and prioritizing the issue respectively, and  $e_i$  is the probability of candidate  $i$  winning the election. We can further endogenize  $E(e_i | j_n = 1) - E(e_i | j_n = 0)$  as some function of the district's issue's ordinal importance, multiplied by the expected electoral pay-off for following the district opinion. This pay-off can be conceptualized as a function of a vector of the heterogeneity of the district ( $\mathbf{v}$  which, as explained above, moderates the incentives to adopt a specific issue), distorted by the outside influence on the district ( $\mathbf{w}$ ) or  $E(e_i | j_n, \mathbf{v}_{i,n}, \mathbf{w}_{i,n})$ . In this case,  $\mathbf{v}$  is a vector of observations

of ideological heterogeneity, racial heterogeneity, income inequality, and political competition, while  $w$  is a measure of outside spending and national party influence.

While we are unable to perfectly account for the personal preferences of a candidate,  $S_i(j_n)$ , I contend that beyond priorities that are correlated with broader partisan factors, these personal preferences are crowded out by electoral concerns. Wittman (1983) argues that winning an election is merely a means to enacting a candidate's policy vision. But on the flip side, I argue that without an electoral win, a candidate's policy platform is meaningless, and the utility gains from enacting a candidate's preferred issue agenda are contingent on that candidate winning the election. Therefore, the electoral constraint,  $E(e_i | j_n = 1) - E(e_i | j_n = 0)$ , should always predominate over the personal constraint,  $S_i(j_n = 1)$ , unless a candidate is assured of victory. However, this calculation is complicated in the presence of uncertainty, which may create scenarios in which a candidate's personal pay-offs may factor into decision-making. Because this facet of candidate behavior—how they perceive uncertainty—is unknowable, I include controls in my analysis to account for personal tastes. In these cases, I make the assumption that candidate preferences are randomly distributed, once simple demographic characteristics are controlled for (denoted as vector  $x$ ). As a result, I operationalize the question as:

$Y_{ordinal\ responsiveness}$

$$\begin{aligned} &= \beta_0 + \beta_j[District\ Heterogeneity]v + \beta_k[Outside\ Influence]w \\ &+ \beta_m[District\ Opinion] + \beta_n[District\ Heterogeneity][District\ Opinion]v \\ &+ \beta_o[Outside\ Influence][District\ Opinion]w + x \end{aligned}$$

From this model, we would expect that the degree of district heterogeneity and outside influence should play significant roles in the degree of ordinal responsiveness. However, the

existing literature can be assembled into two competing models with contradictory expectations on the direction of these impacts.

### ***Ideological Homogeneity and Competition***

The competing logics that competition and homogeneity respectively lead to greater levels of ordinal responsiveness rely on two contradictory motivating assumptions on the nature of American elections. One model, which I dub the *entrenched incumbents model*, relies on conceptualizing democracy as something of a marketplace. This argument, famously promoted by Schumpeter (1942), sees competition as the driving force for democracy's efficacy and responsiveness. Politicians must represent their constituents adequately or they will be replaced by a more responsive alternative. But if democracy is a Schumpeterian marketplace (Shapiro 2017), perhaps entrenched incumbents from homogeneous districts are the monopolists. Like monopolists, a lack of competition might drive imperfect delivery of services, namely less responsive representation. In contrast, election-scared candidates in competitive districts might run campaigns that come closer to both their opponents and their constituents, as the campaign that tracks closer to the constituent's positions usually wins (Sullivan and Uslander 1978). A more charitable theory that arrives at the same conclusion sees elected officials from uncompetitive districts as "trustees," imbued with the confidence of the community and ability to stray from constituents' priorities in favor of the politicians' understanding of their interests, whereas competitive districts elect "delegates," who do not have the same degree overarching trust to stray from their constituents (Fiorina 1973; Fox and Shotts 2009). Additionally, districts with limited partisan competition often feature more competitive primaries than general elections, which, in consort with costs associated with "flip-flopping," have the potential to distort



legislators further away from the median voter than in more competitive general elections (Burden 2004). Both sets of arguments generally comport with the Marginality Hypothesis but differ slightly in their reasoning.

Alternatively, what I dub the *guaranteed pay-off* model, argues that candidate issue prioritization is a function of risk. Therefore, in homogeneous districts, the risk of backlash is greatly attenuated, and incumbents are more liberated to speak their minds. As a result, hot-button but nationally-controversial issues lose their controversy, and thereby shed an important obstacle to their entry in the mainstream campaign discourse. Another rationale contends that homogeneous districts foster more responsive elections simply because they send a clearer signal: the difficulty of understanding the thrust of public opinion and priorities increases in the marginality/heterogeneity of the population, and therefore politicians will rely on more stable signals like partisan cues (Kuklinski and Elling 1977; McCrone and Kuklinski 1979; Bailey and Brady 1998; Harden and Carsey 2010). In the same vein, Gerber and Lewis (2004), Buchler (2005), and Bishin et al. (2006) find that a lack of competition or ideological homogeneity actually leads to higher levels of positional responsiveness. It could very well follow that political homogeneity and a lack of competition leads to higher levels of ordinal responsiveness as well.

### ***Racial Homogeneity and Majority-Minority Districts***

Into the 21<sup>st</sup> Century, race has remained one of the most important cleavages in American politics. As a result, race would also serve an important function in the study of ordinal responsiveness if either 1. Politicians behaved in systematically different manners that can only

be explained by their race or 2. Politicians were differentially responsive to the priorities of different races. There is evidence for both points.

For years, theories of representation argued for a distinct separation between substantive and descriptive representation (Pitkin 1967). Substantive representation occurs when one's personal preferences are represented in government, while descriptive representation occurs when one's personal characteristics are represented in government. But following the proliferation of majority-minority districts in the post-1990 census wave of redistricting, a sudden influx of minority legislators led scholars to question the supposed disconnect between the two. For example, Minta and Sinclair-Chapman (2013) posit that it was the descriptive diversity of the House of Representatives that allowed discussions of civil rights and minority issues to persist during waning national attention – a direct measure of these representatives' ordinal responsiveness to a key issue for constituents that had been deprioritized by the national party and media. Substantial evidence has also emerged that, across issues, descriptive representatives tend to provide a higher quality of substantive representation to minorities, in general, and are more positionally responsive to minority constituents (e.g., Bullock 1994; Banducci et al. 2004; Grose 2005; Gay 2007; Juenke and Preuhs 2012; Broockman 2013). Since majority-minority districts serve as the most common and efficient way to increase minority descriptive representation, we would expect that if responsiveness to minority constituents increases in the diversity of Congress, it would also increase in the minority proportion of a congressional district.

Simultaneously, observational and experimental evidence has demonstrated differential responsiveness to constituent concerns by constituent race. Audit studies have shown sharp differences in the tone, quality and rate of response to concerns of minority constituents,

compared to their white counterparts (e.g., Butler and Broockman 2011; White et al. 2015; for a thorough review, see: Costa 2017).<sup>6</sup> While the existence of discrimination is apparent, these audit experiments are unable to differentiate between taste-based discrimination and statistical discrimination (based on perceptions of partisanship). In a more observational context, legislators' positional responsiveness to minority interests differs in a non-linear fashion with the proportion of minority constituents (Bullock and McManus 1981; Hutchings and Valentino 2004; Fine and Avery 2014).<sup>7</sup>

As a result, one might reasonably hypothesize that politicians prioritize white voters' issue priorities over non-white voters' priorities. In addition to direct discrimination, this pattern might be rooted in political opportunism: white voters tend to be over-represented in voter and donor pools, as well as the media. Therefore, campaigns may have a strategic incentive to cater to these audiences because of their comparatively high political power. Moreover, race is a core cleavage of American politics: non-white voters nearly unanimously support the Democratic Party. This partisan capture might render appeals to the group electorally ineffective. Finally, some evidence suggests that non-white voters evaluate policy responsiveness as less important than the acquisition of federal funding, compared to their white counterparts (Griffin and Flavin 2011).

As a result, we would expect that the racial homogeneity of a district should impact ordinal responsiveness, independent of partisanship, either because politicians differential levels

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<sup>6</sup> Though counterexamples do exist. For example, Einstein and Glick (2016) find a greater response rate for Black constituents in the realm of public housing

<sup>7</sup> Importantly, there are differences within minority groups, and the nature of this non-linear relationship is disputed in the literature,

of responsiveness to different racial groups, or because racial heterogeneity directly impacts political behavior.<sup>8</sup>

### ***Wealth and Inequality***

As E.E. Schattschneider famously observed, “The flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent” (1960, 34-35). Support Schattschneider’s contention, Flavin and Franko (2016) find that the issue priorities of poor constituents are often deprioritized in favor of those of wealthier constituents. This idea illuminates a complication behind previous research into positional responsiveness which found a fairly robust relationship between public opinion and the direction legislative action when poor constituents agreed with their wealthier counterparts but not otherwise (Bartels 2002; Gilens 2005; Gilens 2009).<sup>9</sup> Often, the issue priorities of poorer constituents are crowded out of the political and legislative discourse entirely, and therefore even positional agreement with wealthier constituents is necessary but insufficient for legislative action. In addition to demonstrating that, if ordinal priorities are ignored, the literature misses an important conversation about political equality, this body of work suggests that wealthier districts should theoretically produce more responsive elections.

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<sup>8</sup> Druckman et al. (2010) do attempt to investigate the role of district demographics on candidate issue selection and fail to find an effect for any district factors other than competitiveness. But this study, between 2002-2006, occurred in years when robust candidate websites may not have been the norm for non-competitive districts (as evidenced by the fact that the available sample size, over three elections, is less than half of our available sample size for one election). Secondly, the study of demographic characteristics is perhaps less critical compared to the study of demographic homogeneity. And finally, it is important to consider how demographic factors affect ordinal responsiveness, rather than how they affect the issues themselves, especially when controlling for partisanship.

<sup>9</sup> Though Brunner, Ross, and Washington (2013) dispute this finding, arguing that income is merely correlated with partisan identity; Democrats prioritized lower-income constituents, as they were more commonly Democrats, while Republicans prioritized upper-income constituents.

But while the literature is relatively clear on at least the correlation of wealth and responsiveness at the individual level, little is known about the relationship between inequality and responsiveness at the district level. Perhaps higher levels of inequality lead to a more fragmented electorate where candidates prioritize wealthier constituents at the expense of a sizable, less affluent chunk of their district. Lower levels of inequality, in contrast, would subsequently lessen the distortionary impacts of wealth on ordinal responsiveness, because wealth is so evenly spread within the district. However, this scenario assumes no outside intervention. Perhaps a lack of in-district inequality forces candidates to look outside the district for donations and skews their priorities further. While wealthy in-district voters might not have much in common with poorer in-district voters, there is ample theoretical reasoning to believe they are more similar to the overall district than equally wealthy out-district voters.

### ***Money in Politics***

The exact mechanism through which wealth translates into greater responsiveness remains somewhat unclear in the existing literature. One conventional theory holds that campaign finance laws prioritize the voices of the wealthy by allowing them more impact than their vote share would imply through campaign donations. If politicians are not merely competing for votes, but rather also for funds, the political calculus of what issues are worth emphasizing is skewed away from the median voter and toward monied interests, who, in some cases, originate from outside of the district (Adams 2006). These factors, alongside the issue-specific special interest groups, have the potential to dramatically distort the electoral conversation, if candidates are responsive to donors instead of just voters. This belief that donations can trigger policy outcomes or favors is an important and simple rationale for why

donors donate (Coate 2004). But if donations distort politicians' viewpoints so easily, an even more puzzling question arises: why is there so little money in politics? (Tullock 1972; Ansolabehere et al. 2003)

One answer to this puzzle might be to examine the ordinal skew rather than the positional skew. Perhaps interest groups (and wealthy individuals) spend money to prompt their interests to the top of the agenda. While interest groups do not assert sufficient control over politicians, through their money, to directly change legislative positions, they are able to change the relative costs to emphasizing certain issues. One way to change these costs is through donations, or the threat of donations. Another is through direct outside spending, forcing the campaign conversation toward an issue with an infusion of money and media attention toward it. Perhaps the Heavenly Chorus does not sing in a different accent so much as it sings at different volumes: loudly on issues that are prioritized by those with a high ability to spend in the race, and at a softer tone for others.<sup>10</sup>

### ***Political Information***

However, the idea of quasi-corruption by congressional candidates is not the only possible answer as to why wealthier constituents are prioritized. Another less sinister explanation is that these voters tend to possess higher levels of political information (Erikson 2015). Firstly, voters with high-levels of political information are more likely to vote (Kenski and Stroud 2006), thus raising their importance in the eyes of strategic campaigns, and secondly, their increased information gives them the theoretical ability to recognize and (penalize) a candidate for not signaling on the issues that matter within a district.

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<sup>10</sup> It is also important to note that once in office, these pressures do not disappear: decades ago, Schlozman (1984) first found that lobbying is disproportionately skewed toward the interests of the wealthy.

### ***National Influence***

Congressional candidates and elections do not occur in vacuums. Parties, elites, and national conditions exercise an outsized role in congressional elections (Jacobson 1989). Especially given the trend of nationalization in congressional elections, then, it is important for any study of congressional responsiveness to consider the national political environment in addition to the district (Abramowitz and Webster 2016). As Bawn et al. (2012) argue, national parties may be more susceptible to activists and interest groups, and therefore less election-minded than individual candidates. In turn, the simultaneous trend of elite polarization and partisan issue ownership may have a distorting effect on candidate incentives to follow their districts issue priorities (Coffey 2011; Egan 2013; McCarty et al. 2016).

Within the literature on legislator responsiveness, there is a well-documented trend of national partisan issue ownership crowding out local concerns overall (Ansolabehere et al. 2001; Pietryka 2012). But Sides (2006) finds that candidates often “trespass” into issues owned by the other party, and concludes parties have relatively weak holds on campaign issues. The important question of what moderates differential levels of attention to national issue ownership remains unresolved in the literature. One potential factor is the impact of increased national influence on a race. The marginality hypothesis – as some scholars see it – argues that candidates hew close to their districts at the expense of their party when their seats are in jeopardy, a proposition for which there is mixed evidence (Kuklinski 1977; Griffin 2006). Under this view, increased national attention to a district – in the form of national party resources – might demand closer loyalty to the national party and further removal from local concerns. Additionally, candidates

facing a national spotlight might feel the need to conform to the wants of a more national audience, as their donor base and political profile expand.

### ***Personal Tastes:***

Perhaps the most difficult question facing this research agenda is how to account for personal tastes. Since we are unable to judge the sincerity of a candidates proposals, we must find other metrics to estimate the impact of personal tastes or experiences (Sides 2006). While these personal beliefs on the parts of the candidates skew their degree of responsiveness, individual-level ideology is highly correlated with demographic factors, so we are able to attempt to control for these factors.

### ***Avenues for study:***

What electoral factors promote ordinal responsiveness, and through what mechanisms? Scholarship from related fields and questions suggests two categories of factors — district homogeneity and out-district influence — have an impact on ordinal responsiveness. But to date, the literature offers no dispositive conclusions, and barely acknowledges the question. This is a critical gap in the literature, given the important ramifications on the state of our democracy. Studying ordinal responsiveness helps us understand whether Congress’s famous “electoral connection,” uncovered by Mayhew (1974), remains strong, or whether certain district characteristics facilitate the distraction and deception of the American voter. In doing so, it possesses important normative implications for redistricting. Additionally, the differing theoretical expectations embedded by the existing literature suggest that the study of the causes and causal mechanisms of ordinal responsiveness is imperative.



## Data & Research Design

Because the existing literature provides rational bases for a wide range of hypotheses, but little concrete, applicable evidence to support any one theory, I use an exploratory observational study to identify patterns existing in the 2018 United States House Elections. I examine what factors characterize districts with high levels of ordinal responsiveness. In selecting the factors to analyze, I use data from the 2016 CCES to ascertain measures of ideological homogeneity, political information, constituent wealth/inequality and competition for each congressional district. Measures of inequality or homogeneity of a variable are calculated as the standard deviation of that variable. Similarly, political information is extracted from a series of questions about political knowledge on the survey. I then supplement these data sources with FEC filings detailing outside spending and campaign donations, Census data on racial homogeneity (again measured as a standard deviation) and candidate demographic information to predict personal tastes,<sup>11</sup> as well as a measure of national party influence on the race.

For national party influence, I code a dummy variable for whether a candidate was on their national party's congressional campaigns targeted list. For Republicans, national party influence entails membership in either the NRCC patriot program (for incumbents) or the NRCC's offensive targets (for challengers). For Democrats, national party influence entails membership in the DCCC's Frontline Program (for incumbents) or the Red-to-Blue Program (for challengers).

Then, I examine which of these factors are salient to candidates' levels of responsiveness to their constituents' issue priorities using logistic regression. Candidates' issue priorities were

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<sup>11</sup> Unfortunately, this data was only available for Democrats (via FiveThirtyEight). As a result, I use it for supplementary robustness checks which uncover little role for personal characteristics beyond partisan and district factors.

manually coded by a team of coders for inter-coder reliability. My main quantity of interest is whether safe seats or competitive seats produce more ordinally responsive outcomes.

There are several important assumptions that this portion of the study makes. First, since this data comes from a non-randomized observational study, I am cautious about over-interpreting my results. But even in service of more limited aims, there is an implicit assumption that the set of campaign websites is representative of all campaigns. If non-competitive, unresponsive campaigns opt out of creating websites altogether, for examples, then the data would be skewed. However, as the internet takes on a greater role in American politics, virtually all serious candidates — no matter how competitive their election — create campaign websites (for a detailed explanation of the history and trends of this phenomenon, see Pietyrka 2012). With this idea in mind, my sample is the complete set of major party general election candidates in the 2018 midterm congressional elections.

#### ***A Note on Reverse Causality and Confounding Outside Influence:***

Does policy drive public opinion, or does public opinion drive policy? Similarly, could increased competition cause a lack of responsiveness (because the incumbents may face less distorting constraints) or could a lack of responsiveness cause increased competition (because frustrated constituents vote against their partisan leanings). The answer, according a body of literature so vast and deep it would be impossible to cite completely, appears to be both. As a result, when studying political responsiveness, it is important to isolate the variable of interest: the degree to which the candidate responds to the constituents, and not the other way around. As a result, I use 2016 public opinion data to model 2018 candidate behavior. Consider the alternative, where we used 2018 election data to predict the same election year. If we were to

find a high degree of correspondence between an issue's salience on a campaign website and its importance to constituents, it would be impossible to conclude whether campaigns were being influenced by constituent priorities or whether constituent priorities were being influenced by campaigns – likely through some kind of follow-the-leader mechanism or targeted persuasion, as scholars dating back to Berelson et al. (1954) suggest. Of course, there is likely a high year-to-year correlation between the issues campaigns emphasize, so the design does not perfectly mitigate this reverse causality (previous campaigns may have driven current issue salience) but it does get at the specific quantity of responsiveness to existing opinions, regardless of how those opinions were formed.

Another potential problem for this methodology would arise if candidates possess accurate real-time information on constituents' issue priorities, and those priorities were highly variable from one election to another. If so, this metric would not capture responsiveness to constituents, but rather responsiveness to constituents in the past election cycle. However, there is substantial evidence that both voters and campaigns center issue priorities around a “lagged effect” from the previous election, which should mitigate this concern (Adams and Somer-Topcu 2009; Klüver and Spoon 2014).

Another potential problem might arise from the vast industry of campaign consultants. In congressional campaigns, consultants often occupy lucrative and influential positions in determining both overall strategy and, executing media strategy (Farrell et al. 2001; Kolodny and Dulio 2003). However, this influence would only become a problem if we expected these consulting firms to behave in a manner that was radically different from the candidate and the candidate's staff on ideological responsiveness. Martin and Peskowitz (2018) find that consultancies tend to be ideologically homogeneous, and therefore select ideologically similar

candidates. The real confounding factor that could potentially separate campaigns with consultants from the rest of the pack is campaign spending: high-spending campaigns tend to hire more consultants, but also have the resources for more high-quality polls and a more robust strategy. However, there is no reason to believe that candidates who hire consultants would be more or less positionally responsive than candidates who used the same amount of money to hire staffers of their own, who would directly comprise the campaign. As the literature shows consultants do not appear significantly ideologically distinct from the candidates themselves.

## Results

### *Which Issues Do Candidates Emphasize?*

**Table I: Which Issues Do Candidates Highlight on Their Websites?**

	Gun Control	Taxes	Health Care	Immigration	Racial Issues
Incumbent	0.387	0.305	0.503	0.459	0.154
Non-Incumbent	0.492	0.245	0.635	0.542	0.238
Republican	0.462	0.418	0.442	0.559	0.060
Democrat	0.441	0.140	0.702	0.464	0.327
Border State <sup>12</sup>	0.401	0.311	0.527	0.683	0.211
Non-border State	0.462	0.256	0.591	0.450	0.201
MMD <sup>13</sup>	0.374	0.242	0.494	0.563	0.221
MWD <sup>14</sup>	0.480	0.280	0.611	0.485	0.196
D +20 <sup>15</sup>	0.347	0.213	0.402	0.507	0.280
D +10	0.369	0.185	0.414	0.385	0.185
Competitive	0.432	0.274	0.697	0.564	0.207
R +10	0.527	0.305	0.535	0.435	0.183
R +20	0.531	0.367	0.578	0.531	0.102
Targeted <sup>16</sup>	0.477	0.305	0.738	0.596	0.207
All districts	0.449	0.269	0.576	0.508	0.203

Table I displays the proportion of districts with the outlined characteristics that included a particular issue in their online agendas during the 2018 election. Consistent with theoretical expectations, candidates' issue agendas varied widely across districts. Notably, health care predominated among the six campaign issues studied in this analysis overall, though candidates in some categories of districts gave more attention to immigration. Health care was an especial point of emphasis for Democratic candidates, non-incumbent candidates, and campaigns in

<sup>12</sup> Defined as being from a state with a southern international border

<sup>13</sup> Majority-minority district, i.e. one in which less than 50% of the population is non-Hispanic white

<sup>14</sup> Majority-white district, i.e. one in which greater than 50% of the population is non-Hispanic white

<sup>15</sup> Measured using Cook PVI. Competitive stands for a Cook PVI score with magnitude <10

<sup>16</sup> Included on a party's target list or incumbent protection program

competitive districts according to this analysis, in line with conventional media reporting of Democratic challengers attempting to steer the election toward a referendum on health care in light of Republicans' unpopular attempts to repeal the Affordable Care Act several times over the course of their two years in power. Overall, nearly 60% of congressional candidates running in 2018 included some reference to health care as part of their online platform.

The second most common issue emphasized by candidates across all districts was immigration. Nationwide, almost 51% of candidates emphasized immigration in their platforms. Candidates in border states, competitive districts, and non-incumbents were the most likely to include immigration in their issue agendas, and Republicans were eleven points more likely to emphasize immigration than Democrats. Moreover, candidates in majority-minority districts were more than 14% more likely to include immigration in their online policy platforms, perhaps suggesting a significant racial element to the inclusion of immigration in a campaign issue agenda.

45% of congressional candidates referred to guns in their issue agendas, representing the third most common issue studied. Of the five issues studied, guns had the lowest partisan difference in terms of issue inclusion. Democrats included a reference to gun control in about 44% of candidate websites, compared to 47% for Republicans. However, despite this trend among partisans overall, candidates in Republican districts were more likely to talk about guns than candidates in Democratic districts. Similarly, gun control entered candidates' platforms more frequently in majority-white districts, compared to majority-minority districts.

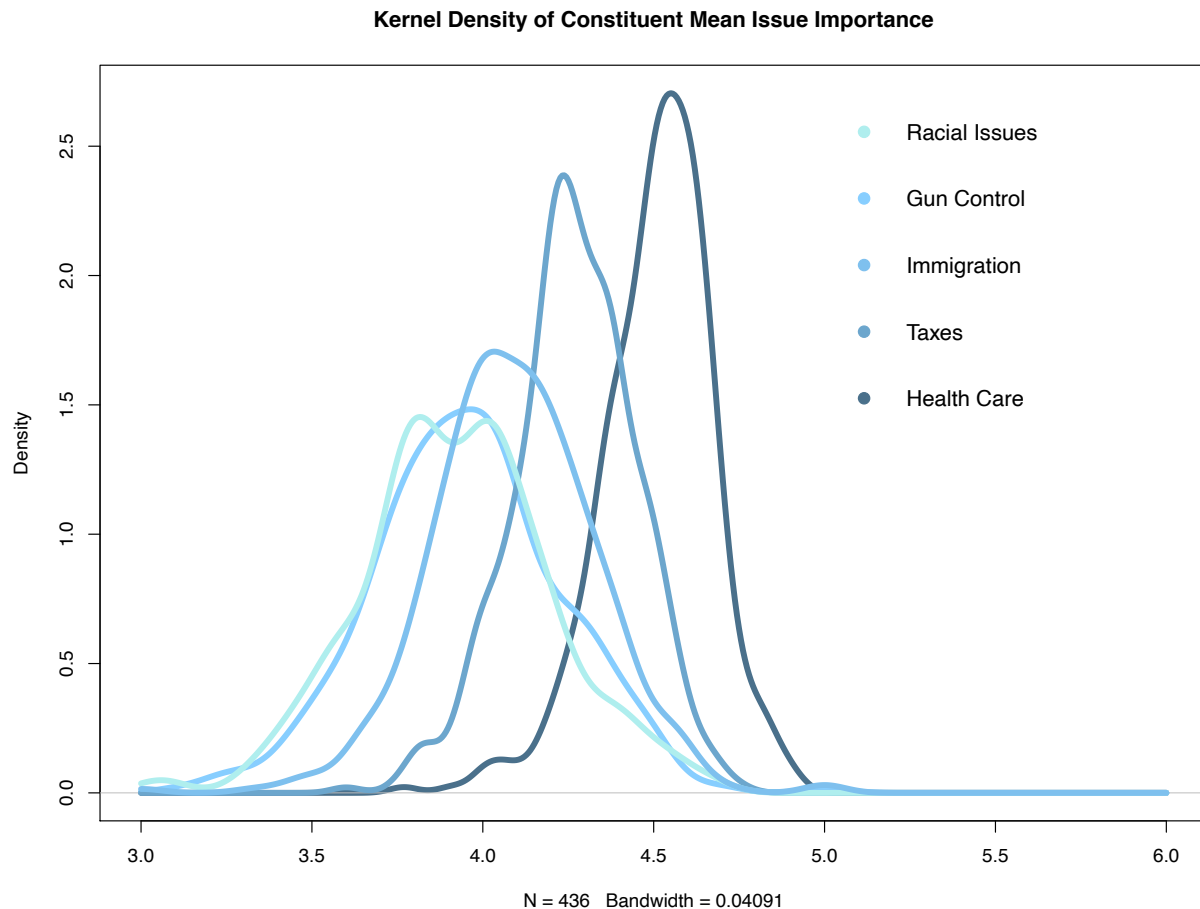
Taxes, the fourth most talked about issue among candidates, represent the only issue studied that was prioritized more by incumbents than challengers. Moreover, a large partisan gap emerges on the issue inclusion of taxes, with Republicans almost 30 percentage points more

likely to talk about taxes than Democrats. This finding makes sense in context of the 2017 Tax Cuts and Jobs Act, one of the largest changes to the tax code in American history, that many Republican incumbents touted as a model policy for fiscal responsibility and job creation despite its deep unpopularity.

Racial issues represented the issue prioritized by the fewest number of politicians in this study. While Democrats and Democratic districts appear to prioritize racial issues, perhaps unexpectedly, majority-minority districts appear only slightly more likely to prioritize racial issues than majority-white districts. This finding might surprise some scholars, in light of a wide body of literature suggesting both that majority-minority districts select descriptive representatives, and that these descriptive representatives supposedly prioritize group-issues. However, the implicit underlying assumption is that minority constituents prioritize racial issues far more than their white counterparts. In reality, as Table IV illustrates, racial issues are actually the lowest importance issue (of the five studied here) in majority-minority districts. As a result, effective substantive representation of minority interests may be far less dependent on racial issues than assumed in the existing literature.

## *What Issues Do Constituents Prioritize?*

**Figure I: Mean Issue Importance Across Congressional Districts**



Constituents' issue priorities also varied widely between districts. As Figure I, illustrates, health care was the predominant issue on the minds of constituents in most districts as it was for the candidates. But the second most important issue overall to constituents was taxes, rather than immigration, which marked the third most important issue for most constituents. Gun control and racial issues weighed approximately evenly on the minds of constituents, suggesting a stark disconnect between constituents and their legislators, who emphasized the former far more often than the latter. Figure I illustrates that mean issue importance for immigration, taxes, and health



care follows a relatively symmetric distribution, and the vast majority of districts in America fall within a half-point range of the mean mean-importance (on a five-point scale). But for racial issues and gun control, the distributions are right-skewed, suggesting that several districts are packed with constituents who display outsized interest in these issues.

**Table II: Descriptive Statistics of Constituents' Mean Importance of Issues**

	Gun Control	Taxes	Health Care	Immigration	Racial Issues
Incumbent	3.959	4.264	4.510	4.092	3.930
Non-Incumbent	3.936	4.267	4.504	4.100	3.910
Republican	3.938	4.268	4.506	4.101	3.912
Democrat	3.955	4.264	4.507	4.093	3.924
Border State <sup>17</sup>	3.938	4.261	4.460	4.154	3.928
Non-border State	3.949	4.266	4.521	4.079	3.917
MMD <sup>18</sup>	4.069	4.237	4.509	4.087	4.026
MWD <sup>19</sup>	3.895	4.277	4.505	4.101	3.875
D +20 <sup>20</sup>	4.220	4.160	4.566	3.967	4.162
D +10	3.988	4.230	4.507	4.091	4.031
Competitive	3.937	4.282	4.503	4.106	3.909
R +10	3.815	4.292	4.482	4.142	3.836
R +20	3.890	4.318	4.503	4.198	3.673
Targeted <sup>21</sup>	3.905	4.276	4.484	4.099	3.892
All districts	3.947	4.265	4.506	4.096	3.919
50 highest average importance	3.959	4.264	4.510	4.092	3.930
50 low average importance	3.936	4.267	4.504	4.100	3.910

Table II breaks down the mean issue importance for various categories of districts.

Consistent with Figure I, aside from guns and racial issues—issues where the importance is substantially higher in heavily democratic districts and majority-minority districts—mean issue

<sup>17</sup> Defined as being from a state with a southern international border

<sup>18</sup> Majority-minority district, i.e. one in which less than 50% of the population is Non-Hispanic white

<sup>19</sup> Majority-white district, i.e. one in which greater than 50% of the population is Non-Hispanic white

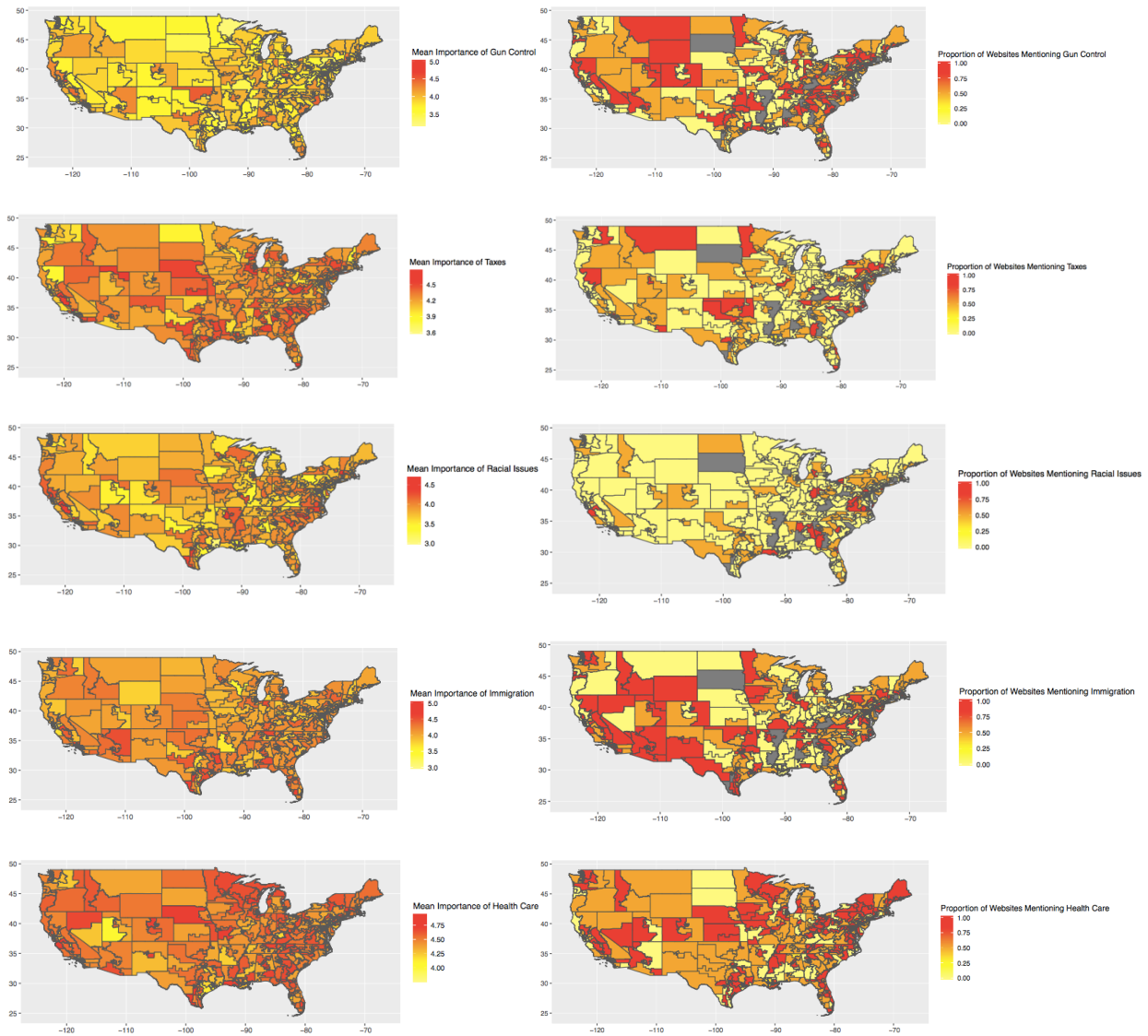
<sup>20</sup> Measured using Cook PVI. Competitive stands for a Cook PVI score with magnitude <10

<sup>21</sup> Included on a parties target list or incumbent protection program

importance is tightly clustered, and relatively stable across districts. The wide variation within particular issues among candidates contrasts with the relative stability of constituents' assessments of issue importance. This finding comes in direct tension with the theory of issue salience: if campaigns are largely focused on the salient issues of the day, it would not make sense for their issue priorities to vary while the constituents' level of interest stays constant.

## *Are Elections Ordinarily Responsive?*

**Figure II: Map of Constituent Issue Importance vs. Candidate Issue Agendas**



On a district-by-district basis, the relationship between mean issue importance and its inclusion as part of candidate issue agendas appears weak. Across issues, Figure II illustrates the overall relationship between a district's campaign policy dialogue appears untethered to the wants of constituents. However, the maps also visualize the stark disparities in issue agendas facing congressional districts, as well as the different priorities facing different districts.

Importantly, Figure II also does not appear to illustrate significant spatial correlation in district opinion on issue importance. With the exception of the Southwest on immigration, there are also few overarching regional patterns to campaign issue agendas that cut across the country, though it is worth noting that border state campaigns appear to over-index immigration, compared to their constituents. Overall, however, the maps of congressional campaign agendas appear at best loosely related to the maps of constituent priorities. The lack of geographic clustering at the state level suggests limited involvement of the state parties in creating issue agendas, and diminishes the possibility that unobserved state-level effects drive ordinal responsiveness. Furthermore, they dispel theories that candidates who share resources—i.e., candidates whose districts are proximate to one another—have an impact on each other’s the issue agendas.

**TABLE III & Figure III: Descriptive Statistics of Correlation between Constituent Issue**

**Priorities and Issue Agendas**

	Gun Control	Taxes	Health Care	Immigration	Racial Issues
Incumbent	-0.102	0.108	-0.059	0.021	0.214
Non-Incumbent	-0.050	-0.051	-0.053	0.098	-0.046
Republican	-0.107	0.054	-0.054	0.039	0.075
Democrat	-0.059	-0.009	-0.069	0.084	0.032
Border State <sup>22</sup>	-0.140	-0.024	-0.029	0.028	0.011
Non-border State	-0.057	0.032	-0.071	0.051	0.059
MMD <sup>23</sup>	-0.122	-0.047	-0.044	0.073	0.100
MWD <sup>24</sup>	-0.023	0.037	-0.061	0.069	0.013
D +20 <sup>25</sup>	0.035	-0.118	-0.061	0.003	0.210
D +10	0.017	-0.155	0.112	0.105	0.136
Competitive	-0.086	0.128	-0.071	0.067	-0.061
R +10	0.025	-0.100	-0.076	0.013	-0.039
R +20	0.116	-0.078	0.014	0.165	-0.124
Targeted <sup>26</sup>	-0.045	0.108	-0.007	0.154	-0.043
All districts	-0.079	0.017	-0.058	0.068	0.043
50 highest average importance	0.048	0.007	-0.047	-0.024	-0.001
50 low average importance	0.025	-0.093	0.148	-0.025	0.179

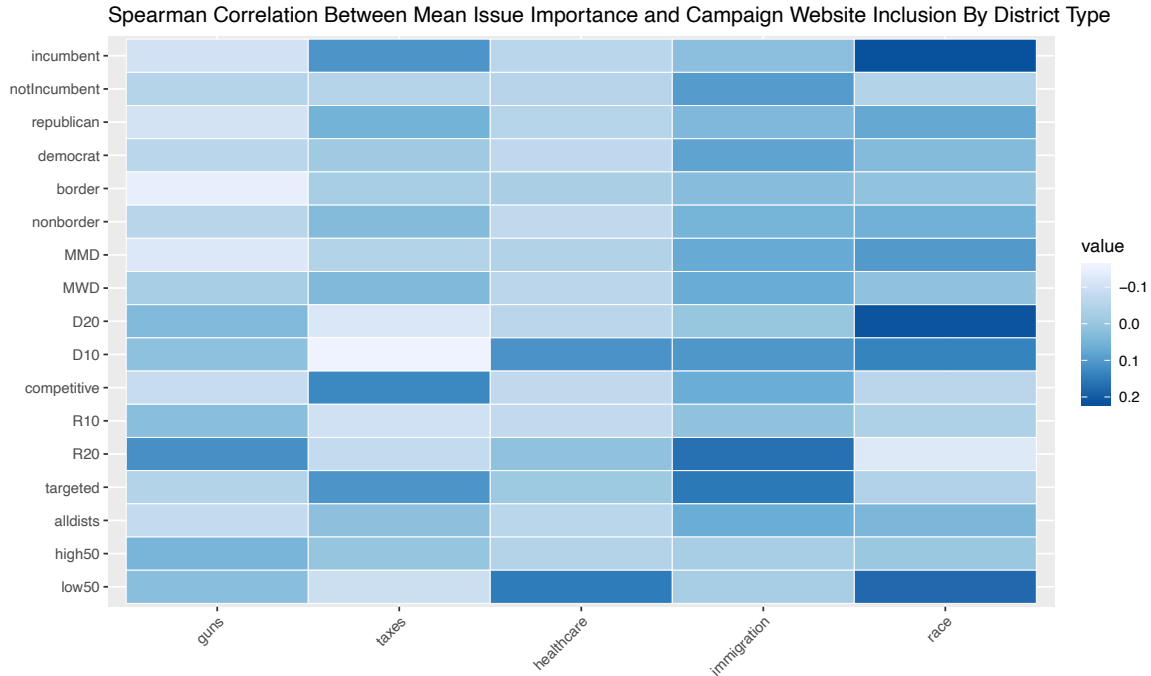
<sup>22</sup> Defined as being from a state with a southern international border

<sup>23</sup> Majority-minority district, i.e. one in which less than 50% of the population is Non-Hispanic white

<sup>24</sup> Majority-white district, i.e. one in which greater than 50% of the population is Non-Hispanic white

<sup>25</sup> Measured using Cook PVI. Competitive stands for a Cook PVI score with magnitude <10

<sup>26</sup> Included on a parties target list or incumbent protection program



This same finding that, on the whole, candidate issue agendas bear little resemblance to their constituents' issue priorities is borne out in Table III. The correlation table illustrates a weak—and often negative—correlation between in-district issue importance and candidate issue agendas. Perhaps race and immigration constitute two exceptions to this general pattern of no correlation between constituent priorities and candidate agendas. A slight correlation between the two emerges in both categories. On racial issues, incumbents, candidates in Democratic districts, and candidates in majority-minority districts appear most responsive to constituents' issue priorities. On immigration, non-incumbents, conservative districts, and targeted districts displayed the highest correlation between constituent preferences and those of their legislators. Notably, immigration was the only topic on which targeted districts substantially differed from other competitive districts in their degree of ordinal responsiveness. And in general, candidates appear to have responded more to low-importance than high-importance issues, suggesting *disincentivizes* for responsiveness across the country.

On issues like gun control, the vast majority of district-types examined in Table V feature a negative correlation between the importance given to the issue by constituents and the attention given to it by candidates. Gun control, however, has become a large cleavage in American politics, with the right and left taking increasingly uniform stances on the issue. A lack of responsiveness might signal a fear among candidates that any position-taking might foment backlash when constituents care about gun control, as suggested by the electoral constraints model outlined above. In consort with this theory, politically safe seats—where candidates face clear ideological signals from constituents—appear more responsive to constituents’ priorities on gun control.

### ***What Drives Differential Ordinal Responsiveness?***

So far, this study has demonstrated the meager relationship between constituents’ ordinal priorities and those of their constituents. This finding appears in diametric opposition to the “folk theories” of democratic accountability, which posit that candidates battle to persuade the median voter through a policy discourse on the issues the constituents cares about (Achen and Bartells 2016). This phenomenon fits neatly into the existing theories of partisan issue ownership, but as Table III and Figure III show, the degree of ordinal responsiveness varies sharply between sets of districts.

**Table IV: Effect of District Factors on Ordinal Representation**

	<i>Dependent variable:</i>					
	Pooled Model	Gun Control	Health Care	Racial Issues	Taxes	Immigration
	(1)	(2)	(3)	(4)	(5)	(6)
Mean Importance	1.723 (1.924)	<b>22.768**</b> <b>(11.060)</b>	11.424 (10.729)	19.013 (22.726)	-6.391 (13.737)	-1.193 (17.157)
SD Support	-0.063 (0.105)	<b>184.793**</b> <b>(72.918)</b>	-12.465 (11.527)	159.807 (174.569)	-0.409 (1.335)	-32.882 (128.012)
Racial Homogeneity	<b>27.024***</b> <b>(7.086)</b>	<b>77.527**</b> <b>(33.892)</b>	-4.560 (42.434)	-10.403 (25.131)	25.505 (35.638)	16.149 (20.863)
Income Inequality	-10.636* (6.359)	-22.844 (28.429)	12.416 (36.312)	-15.829 (20.914)	8.115 (32.616)	-29.290 (19.295)
Republican	0.085 (0.161)	0.081 (0.163)	<b>-1.512***</b> <b>(0.196)</b>	<b>-2.050***</b> <b>(0.274)</b>	<b>1.580***</b> <b>(0.202)</b>	<b>0.439***</b> <b>(0.166)</b>
Targeted	-0.638 (1.414)	-1.685 (5.887)	1.765 (7.782)	-0.687 (4.982)	5.693 (7.556)	-5.810 (4.646)
Mean Importance*SD Support	-0.001 (0.022)	<b>-37.664**</b> <b>(15.237)</b>	2.758 (2.571)	-41.854 (44.350)	0.080 (0.313)	0.561 (32.796)
Mean Importance*Income Inequality	2.203 (1.465)	4.669 (6.021)	-2.859 (8.054)	4.136 (5.316)	-2.444 (7.661)	6.584 (4.726)
Mean Importance*Racial Homogeneity	<b>-6.371***</b> <b>(1.629)</b>	<b>-16.770**</b> <b>(7.200)</b>	0.178 (9.374)	3.764 (6.522)	-6.365 (8.331)	-3.534 (5.065)
Mean Importance*Targeted	0.254 (0.323)	0.389 (1.247)	-0.367 (1.729)	0.115 (1.271)	1.810 (1.562)	1.516 (1.134)
Mean Importance*Competition	0.014 (0.014)	0.004 (0.051)	-0.016 (0.068)	<b>0.094**</b> <b>(0.045)</b>	-0.023 (0.058)	0.070 (0.051)
Health Care*Republican	<b>-1.489***</b> <b>(0.246)</b>					
Immigration*Republican	0.309 (0.227)					
Racial Issues*Republican	<b>-2.121***</b> <b>(0.315)</b>					
Taxes*Republican	<b>1.429***</b> <b>(0.252)</b>					
Constant	-6.183 (8.392)	<b>-109.923**</b> <b>(52.607)</b>	-47.580 (48.686)	-75.092 (89.486)	29.876 (58.806)	22.729 (67.786)
Controls	Yes	Yes	Yes	Yes	Yes	Yes
Observations	3,238	648	648	647	647	648
Akaike Inf. Crit.	3,667.032	902.730	722.990	590.296	593.591	881.614

*Note:* \*p < 0.1 \*\*p < 0.05 \*\*\*p<0.01

Table IV, which presents the results of a logistic regression, tests the theory proposed in the first section of this paper that these differences in the degree of ordinal responsiveness can be explained by different district characteristics, specifically outside influence and homogeneity. Overall, the results of the logistic regression support the conclusion that districts are motivated by both outside influence, in the form of their political party, as well as district homogeneity.



Importantly, however, I find no evidence that the degree of outside influence over a race—as measured by whether a candidate was included on the national party’s target or incumbent protection list—motivates stronger adherence to “owned” partisan issues. Rather, the influence of the party seems fairly uniform across districts, but perhaps not across issues: the increase in the likelihood of a candidate campaigning on gun control was not statistically significant. As Egan (2013) notes, however, partisan issue ownership is less analytically relevant to “non-consensus issues,” like gun control.

Across all other issue areas, however, the individual issue models display a dramatic role for the candidate’s party in setting issue agendas. Republicans were significantly more likely to have mentioned immigration and taxes than their districts would suggest, while Democrats were significantly more likely to have mentioned racial issues and health care. As previously mentioned, partisan targeting did not prompt a significant change on ordinal responsiveness in any of the five issues, nor in the pooled model.

On the issue of homogeneity, the results are slightly more complicated. Statistically significant evidence emerges from both the pooled model and the gun control model that racially homogeneous districts are more ordinally responsive than racially heterogeneous districts. But the interaction between constituent mean importance and racial homogeneity does not reach traditional thresholds of statistical significance in any of the other individual issue conditions.

Similarly, the positional homogeneity of the issue emerges as a significant predictor in the gun control condition, suggesting that in a non-consensus issue like gun control, inclusion in the agenda is predicated on local consensus. As predicted, as in-district opinion becomes increasingly fractured, candidates are less likely to assume the political risk inherent in advertising a position on the issue. In the same vein, competition emerges as a significant

motivator of ordinal responsiveness for racial issues, consistent with the theory that politicians are unwilling to take on political risks unless their pay-offs are guaranteed, as in politically safe seats. I do not find any significant effect of income inequality once I control for racial homogeneity and partisan competition, perhaps offering support to Brunner, Washington, and Ross's (2013) contention that the impacts of income on responsiveness largely disappear when partisanship is accounted for.

Strikingly, the only issue on which mean importance organically emerges as a significant predictor of candidate issue agendas is gun control. On two other issues, taxes and immigration, point estimates suggest a negative relationship between constituent priorities and those of their candidates, though this finding is not statistically significant. The weak overall relationship in the pooled model suggests low levels of ordinal responsiveness in the average district. However, the results also suggest that homogeneous districts—particularly along the lines of race, but also potentially along the lines of partisanship and in-district opinion—display greater levels of ordinal responsiveness than their heterogeneous counterparts.

## **Discussion**

In a democracy, proper accountability of the government rests on the idea that constituents make informed decisions about their vote based on the subset of issues that they prioritize. That way, the government has an electoral incentive to take policy decisions that keep constituents satisfied with their quality of representation. This idea undergirds both the normative and practical theories underlying democratic republics. But an empirical test of this idea that constituents are empowered to make decisions on the issues they care about provides ample evidence that it is deeply flawed.

Instead, while both candidate issue agendas and constituent issue priorities vary between districts (though issue priorities vary to a lesser degree), the two have a meager overall relationship. In line with the theory of issue ownership, partisan membership of the candidate, not their constituents' priorities, is the most salient factor in determining an issue's inclusion as part of an issue agenda. While these partisan cues might facilitate a coherent agenda for a governing parties—and send voters a clear signal about a parties' governing intentions—they also skew the government away from some of the policy concerns of the constituents. Thus, as Rosenbluth and Shapiro (2018) argue, there may be a trade-off between accountability (if the party signal is clearer, candidates will better internalize the party's performance) and representation (if individual districts are not responsive to their constituents, then much of the logic behind single member districts is lost). In the status quo, however, it is clear that partisan affiliation plays an outsized role in the determination of candidate issue agendas, while constituent priorities have only a minimal role to play.

This robust finding of partisan issue ownership does not appear to differ according to national influence on a race. Targeted races—which feature a disproportionate share of out-of-district and out-of-state money, as well as a more concerted presence of national party staffers and advisors—do not appear any less ordinally responsive than non-targeted races. Importantly, this finding does not differentiate whether candidates of the same party run on the same issues because of partisanship or because of party: further study is required to separate whether co-partisan issue-similarity is driven by a shared worldview, or by a uniform central party influence. Moreover, this finding does not say that money has no role in setting issue agendas. Perhaps fundraising can be deployed to garner a clearer signal of the electorate's priorities that counteracts the distortionary impact of its origins. Finally, these findings say nothing about the

importance of outside money in establishing partisan issue ownership, or raising the national salience of an issue that cuts across districts. But they do point to the important—and perhaps counterintuitive—conclusion that raising the national salience of a candidate does not impact their levels of ordinal responsiveness to their constituents.

In fact, the only district characteristic that motivated increased ordinal responsiveness was homogeneity. Homogeneous districts—along the lines of partisan competition, racial homogeneity, and positional homogeneity—tended to display slightly higher levels of ordinal responsiveness across several issues. As a result, a redistricting scheme that gerrymanders toward “partisan fairness,” “competition,” or “district diversity” might actually result in lower levels of ordinal responsiveness. These findings were especially apparent for racial homogeneity, which emerged as a significant source of ordinal responsiveness in the pooled sample. However, while this research emphasizes the role of homogeneity, the observational study itself cannot discern between underlying mechanisms. I propose four rationales for why racially homogeneous districts might be more ordinally responsive than heterogeneous districts—taste-based discrimination against non-white groups, statistical discrimination based on incorrect perceptions of group priorities, strategic incentives to prioritize white voters, and finally more salient group-politics that dilutes the importance of policy among all voters—but further study is required to test these mechanisms.

On the whole, the current model of American congressional districts breeds strong partisan influence, and weak constituent influence. Through homogeneity, redistricters might possess the ability to create districts whose electoral conversations better mirror the interests of their constituents better than other districts. While homogeneity may lead to a more engaged democracy, more informed electoral decision-making, and a broader sense of representation, it

also risks weakening parties. In doing so, ordinal responsiveness risks undermining the coherent public platform that constituents can easily use to evaluate candidates, as well as the strength and stability of candidates' governing regimes once elected. American campaigns demonstrate low-levels of ordinal responsiveness on average, but appear motivated at least partially by partisanship and district homogeneity. While increased district homogeneity has the potential to increase ordinal responsiveness, it may also entail broader democratic consequences at the level of the party and legislature, which I will discuss in the next chapter.

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## Policy or Performance? Safe Seats and the Rise of Gridlock in the United States Congress<sup>27</sup>

Scholarly work has missed the key reason for the extraordinary levels of political polarization in American politics in recent years. Contrary to the appearance that strong party leaders dictate member behavior, we argue that *weak* party discipline produces polarizing rhetoric in lieu of actionable policy proposals. We attribute this weak discipline to the rising number of safe House districts that play into the hands of extremist primary challengers, policy-oriented donors, and activist electorates. We provide comprehensive historical evidence of the growing share of safe seats in U.S. House districts. We then document how this trend coincides with parties' poor capacity to formulate and implement policy proposals aimed at the median voter. We show that representatives from safer seats—and especially those from the GOP—have more ideologically extreme and divergent preferences, which makes them less willing to support their party's agenda. In addition to observational evidence from seven different time series data sources dating back as far as 1859, we also employ a natural experiment using exogenous variation stemming from redistricting to identify the causal impact of seat safety on extremism.

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<sup>27</sup> NOTE: This chapter reflects part of a working paper co-authored with Alexander Kustov, Maikol Cerda, Frances Rosenbluth and Ian Shapiro. Though the data work is originally mine, I benefited greatly from my co-authors' language, rewrites, edits, and drafts.

## Introduction

In the previous section, I argued that safe seat candidates are more likely to respond to their individual constituencies' issue priorities. That implies that safe seats promote a higher quality of representation when we examine individual legislators. But laws are not made by individuals in the United States Congress. As Rosenbluth and Shapiro (2018) posit there is a trade-off between representation at the individual level and accountability at the level of policymaking. For example, imagine a legislature filled with ideologues from a diverse set of seats. While they may represent their constituents' interests quite well (see: Chapter 1), they may struggle to coalesce around any central programmatic policy due to internal divisions. The natural remedy for this situation would be the ballot box: voters could relegate the party in charge to the minority for not delivering on their stated aims. But if safe seats create vast heterogeneity within parties, it is difficult for constituents to know what they are voting for, or who they should hold responsible for inaction. Thus, in this next section, for a fuller account of the impact of safe seats on substantive representation, we consider their consequences for two institutions that create legislative policy: Congress and political parties.

U.S. congressional parties are more polarized than they have been in decades, yet they struggle to advance their agendas even when they obtain unified control of government. Most recently and prominently, several attempts of Republicans to repeal and replace the Affordable Care Act in 2017 failed despite their firm grip on both executive and legislative branches, the strong will of Republican leadership, and the dearth of leverage among Senate Democrats. But even when there is considerable bipartisan interest in enacting programmatic legislation—as with issues like infrastructure or spending on children—the legislation typically fails.

Despite years of comparative economic stability in terms of both long-term GDP growth and rising revenues, observers have routinely pointed to the inability of the U.S. government adequately to address the country's aging infrastructure, modernize its healthcare and immigration systems, or deal with the new challenges such as climate change as evidence of an inefficient and gridlocked legislature. Within both the literature and the popular discourse, various explanations have emerged. Most commonly, scholars point to the increasing ideological distance between congressional parties (polarization) or its interaction with other status quo-biased institutional features of the U.S. government (such as the uncommon number of veto points within Congress) (e.g., Persily 2015). In this section, we focus on one often overlooked source of Congress's hollowed out governing capacity: the decline of party discipline, defined as the ability of party leaders to whip their members into line. This stems from a striking finding that while polarization has increased, intra-party divisions remain stark. We trace this phenomenon back to the rise of safe seats, which foment extremism within each caucus by augmenting the importance of primaries over general elections, creating pressures for more ideologically-motivated donors, and granting increased power to more extreme electorates and selectorates.

Much of the recent literature implies that the increasing interparty polarization in Congress has made the parties more disciplined. Thus, this literature holds, gridlock arises because legislation often requires bipartisanship in light of the American system's plethora of veto points and the American electorate's penchant for divided government (Binder 2015). If polarization between parties is the main institutional culprit, however, it is unclear why the supposedly more disciplined majority parties of recent years are actually *less* able to pass even their own legislative agendas under unified government (Curry and Lee 2019). Unlike the prevailing accounts emphasizing *interparty* disagreements, we argue instead that the rise of *intraparty* disagreements

also hamper parties' ability to enact programmatic policies aimed at advancing the long-term interests of the national median voter. These intraparty cleavages emerge from the safe seats that allow and incentivize individual legislators to carve out extreme positions. As evidence, we show that the decrease in electoral competition between parties in House districts—when it coexists with the robust system of primary elections—leads to the greater divergence of legislators' preferences not just between but also within parties. We argue that this phenomenon endogenously weakens the disciplining capacity of party leaders to enact an agenda or programmatic policy more generally.

First, we provide comprehensive historical evidence on the share of safe seats in U.S. House districts. According to our analysis of the CLEA dataset supported by the expanded Cook Partisan Voting Index, we find that electoral competition between the Republican and Democratic parties has been, with a few fluctuations, almost steadily decreasing since the end of the 19<sup>th</sup> century. We then document that this trend coincides with increased government dysfunction as measured by legislative gridlock, as well as the decrease of government's long-term orientation as evidenced by the falling investments in infrastructure and children (as opposed to adults) regardless of the party in power.

Second, and most important, we explore the potential mechanisms behind the relationship between seat safety and weak party discipline by comparing the behavior and preferences of legislators and candidates of both parties in more and less competitive congressional districts. Representatives from safer districts—and especially those from the GOP—have more ideologically extreme and divergent preferences (due to a combination of more extreme electorates, primary challengers, and donor influence), which can undermine safe-seat legislators' willingness to support their party agendas. Importantly, these mechanisms suggest that the impact

of safe seats have become more acute on gridlock: rank-and-file voters—whether organically or driven by the behavior of elites—have become more polarized, barriers to entry for non-institutional candidates have decreased, and the role of money in politics has ballooned in recent years.

Of course, party indiscipline is not new. As we document later in this piece, the ideological heterogeneity within parties is not exceptionally different than in several previous eras of American history. But that finding alone is surprising: with the advent of polarization, we should expect parties to cluster closer together. Instead, they are merely moving further apart, while the spread of in-party legislators remains nearly constant. That is what makes the rise of safe seats so important to our story for governance: because they blunt the impact that polarization would otherwise have to discipline parties. And whereas in a bygone era, parties could rely on support from out-party moderates to achieve legislative aims on which their party is divided, this method of legislating is no longer a viable avenue for modern Congresses.

As a result, our theory accounts for why indiscipline remains high in an era of rising polarization, and posits that this lack of in-party consensus sharply decreases legislative capacity. This has made it harder for parties to govern in the interests of a broad swath of the electorate. Our paper aims to illuminate this dynamic emanating from intraparty disagreements in American politics.

### ***Party Discipline and Effective Governance***

While there can be multiple ways to assess the strength of party institutions, we focus on *party discipline*, defined as the ability of a political party to get its rank-and-file members to support the agenda of their party leadership. This ability rests on a variety of norms and institutions,

from the rules governing candidate selection and campaign finance to the repertoire of rewards and punishments available to the party leadership. From the point of view of the leadership, party discipline implies picking the candidates that can both get (re-)elected and who will vote in accordance the party platform. From the point of view of rank-and-file members, party discipline implies delegating some degree of power to the leadership so that it can both support a backbenchers (re-)election and whip other members to support the common good policy platform of the party (also see Aldrich and Rohde 2001).

Disciplined parties are motivated to cultivate and protect their reputations for policies that work and thus are arguably essential to responsible government. While voters cannot themselves coordinate on punishment or reward strategies, strong parties with good information and the right incentives can play this role (Rosenbluth and Shapiro 2018). The logic behind the importance of disciplined parties is a trade-off between representation and accountability. If parties are undisciplined, voters may be able to sanction their individual legislator, but if that legislator is out-of-step with the party platform they will not be able to hold the party accountable in any meaningful way. Since governing occurs at the party-level (or at least at the coalition level) rather than at the individual legislator level, voters can select into a high quality of representation with respect to their personal member of Congress and still find themselves unable to hold anyone accountable for legislative inaction. Worse still, the lack of a coherent party core renders voters unable to connect past behavior of party to present potential at the ballot box. As a result, parties have few reasons to pursue policies with long-run benefits if there is any chance they may lead to short-term losses. In contrast, disciplined parties send a clear signal of who to blame in the event of inaction, and set up clearer incentives for long-term governance. Thus, more disciplined parties, so motivated, are more likely than less disciplined ones to implement effective policies and invest

in projects that generate strong and inclusive economic growth, making most people better off in the long run. Without these incentives, politicians will more likely offer policies that favor narrow groups or jurisdictions at the expense of the public as a whole, or symbolic policies that have no long-run economic benefits at all.<sup>28</sup>

### ***Electoral Competitiveness and Endogenous Party Discipline***

Institutions that motivate parties to offer policies aimed at the encompassing and long-term interests of the electorate, rest on fragile foundations. This is especially true in the United States where the institutional environment has been inhospitable to strong parties from the very start. Bicameralism, federalism, the separation of powers, the filibuster, and other sources of veto points all contribute to candidate-centered campaigning and the inability of the party leadership to deselect their elected members in Congress (Cox and McCubbins 2007; Mayhew 2004; Pearson 2015; Taylor et al. 2014).

A number of more recent democratic reforms over the last five decades, including the McGovern-Fraser reforms and the McCain-Feingold law, have weakened the party discipline even further (Persily 2015). These developments have spurred intraparty competition in the form of primary elections and increased the role of outside groups—whether business interests or activist donors—in campaign finance, all marking the further shift to a more individualized and fragmented political campaigning. Some scholars now aptly describe U.S. parties as “hollow” (Schlozman and Rosenfeld 2019), the apparent rise of partisanship notwithstanding.

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<sup>28</sup> Importantly, in this respect, we do not view the better provision of *local* public goods or constituency service per se as necessarily indicative of effective *national* governance.



While the exogenous institutional factors determining party discipline as described above are important, the ability of the party leaders to whip members and enact a coherent policy agenda also depends on the expected electoral fate of the individual members and its overlap with a party as a whole. U.S. parties face stark trade-offs between maximizing their control of policy agenda versus their electoral majority in disciplining their rank-and-file members (Pearson 2015). In district-based, plurality systems like the U.S., the ideal condition is for the median voter of each district to have the same economic position and interests as the median voter of the country as a whole (Carey and Shugart 1995; Lupia and McCubbins 2008). To the extent that district medians diverge, representatives will not delegate whipping authority to party leaders that could result in policies that run counter to local interests (Aldrich and Rohde 2001; Cox and McCubbins 2005). Party members want strong leaders only when strong leaders solve their coordination problems—tie their hands from pursuing myopic policies that would undermine a valued party brand name—but not when strong leaders might enforce policies that, however good for an electoral majority, would be bad for the median voter, and therefore for the candidate, in a particular district. Geographic polarization in plurality systems reduces competition between parties, undermining the median voter's alignment across districts.

States and congressional districts have become less like one another in recent decades for various reasons. Partisan and bipartisan gerrymandering, the advent of majority-minority districts, urbanization that creates blue cities in red states, and “partisan (self-)sorting” have all played their parts in increasing geographic polarization (Rodden 2019). Relatedly, many scholars have documented the vanishing of marginal seats in U.S. House elections and its other possible causes (Abramowitz 2006; Ferejohn 1977; Mayhew 1974).<sup>29</sup> As a result, alongside polarization, *already*

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<sup>29</sup> Our argument is agnostic about the causes of rising seat safety if they are exogenous to the operation of Congress.

*exogenously weak parties have also started to weaken endogenously*—when districts and thus the interests of their representatives are increasingly different from one another, backbenchers become more likely to withhold support their leaders’ agendas.<sup>30</sup> Furthermore, when safe seats are combined with intense primary competition and individualized campaigning, they may also often play to outside and extreme interests who have a mobilizational advantage. Consequently, we hypothesize that the rise of safe seats leads to congressional dysfunction:

***Hypothesis 1a:*** *A larger the share of safe seats in the U.S. House is associated with a weakened ability for parties to enact their agenda across time*

Congressional dysfunction is neither necessary nor sufficient for poor governance, but we hypothesize that the rise of safe seats decreases future-oriented government spending that benefits most voters (for details, see below):

***Hypothesis 1b:*** *A larger share of safe seats in the U.S. House is negatively associated with policy outcomes that advance the long-term interests of the median voter across time*

Safe seats need not undermine party discipline. When the conditions for intraparty competition are limited or when party leaders can punish wayward members and reward effective politicians with safer seats, safe seats can contribute to party discipline (as is often the case in the United Kingdom). Even in the U.S. context, one might conjecture that the rise of safe seats could result in fewer members who are “cross-pressured” between their parties and their districts (Theriault 2008). This reasoning assumes, however, that (i) the rise of more ideologically homogeneous, safer districts occurs alongside homogeneity *among* districts for the party and (ii) that the preferences of party leaders are better aligned with median voters in safer districts, both

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<sup>30</sup> It is worth noting that, as an important countertrend in the last several decades of the 20<sup>th</sup> century, the post-Civil Rights realignment has conversely contributed to the decrease of intraparty heterogeneity (Cox and McCubbins 2005). At the same time, party leaders have also arguably gained some power due to several deliberate changes in congressional rules and procedures such as the centralization of the committee assignment process (Theriault 2008).

of which are unlikely. Moreover, since constituent preferences are only one source of influence on politicians, it is also unlikely that representatives of even equally safe districts will have similar preferences, given variation of interest groups and donors among those districts. Finally, the idea that safe seats could strengthen party governance relies on the ability to pass legislation entirely within one party. Parliamentary systems with few veto points allow parties of internally-homogeneous safe seats to easily enact a governing agenda.

Between-party and within-party interests align when most of a party's members are elected from competitive districts. Both parties have competitive pressures to enact a governing agenda, and we argue that the ideological distance between the parties is lessened. This stands in contrast to a counterfactual in which districts are divided into an equal number of competitive and safe seats,<sup>31</sup> yielding the following hypotheses (where the baseline expectation is the conventional between-party polarization story):

***Hypothesis 2a [polarization]:*** *A larger share of safe seats in the U.S. House is associated with a greater divergence of legislator preferences between parties across time*

***Hypothesis 2b [indiscipline]:*** *A larger share of safe seats in the U.S. House is associated with a greater divergence of legislator preferences within parties across time*

Since variation across time is limited to the number of congresses, we also consider the implication of our theory for the discipline-related legislator differences within each particular congress. Measuring polarization and indiscipline proves complicated because the impact of an individual member can be significant. Since both parties rely on moderate members to pass legislation—and have uniformly done so for the past several decades—we treat the ideological

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<sup>31</sup> As can be seen from a simple visual model in Figure A11, compared to the state of the world of mostly competitive seats, the increase of safe seats would necessarily increase not only the ideological heterogeneity of districts between parties but also within parties. It is only when most seats are already safe, their further increase could potentially (but not necessarily) decrease the ideological differences within parties.

extremism of fringe members as our primary measure of indiscipline, and the distance between party means as our measure of polarization. As a result, we posit:

***Hypothesis 3a:*** *Safer seats in the U.S. House are more likely to elect legislators with more extreme ideological preferences*

Our argument is not party-specific, but we expect this relationship to be more pronounced among Republican legislators. Partisan (self-)sorting over the last several decades has given the Republican party a more favorable electoral geography, effectively disincentivizing leaders from appealing to the national median voter to win the elections (Hacker and Pierson 2006). Moreover, there is evidence of partisan differences in the responsiveness to donors (Kujala 2019) alongside other organizational asymmetries (Grossmann and Hopkins 2016) which might diminish potential cross-pressures for moderation from Republican safe seat representatives.

***Hypothesis 3b:*** *The difference in legislators' preferences between more or less competitive districts is greater among Republicans than Democrats*

Scholars disagree as to how best to measure legislator preferences or their sources. Consequently, we also consider the ideological composition of voters and primary challengers, as well as campaign funding in more or less competitive districts, all of which can undermine party discipline under certain conditions.

### ***Documenting the Historical Rise of Safe Seats and the Government Dysfunction***

The historical evolution of two-party electoral competition in U.S. House districts across time is a useful place to start. We rely on the data from the Constituency-Level Elections Archive (CLEA). We then document the concurrent evolution of governance across a variety of dimensions. Each point in Figure 1 indicates the proportion of competitive House elections in

which the margin of victory between the two largest parties was less than 10% in that year. The advantage of this measure is that it is intuitive and available for all elections going back to at least 1872. The disadvantage is that it can be volatile due to redistricting and other institutional state and district idiosyncrasies. It also arguably does not show *ex-ante* competitiveness since all uncontested elections are assumed to be perfectly safe.

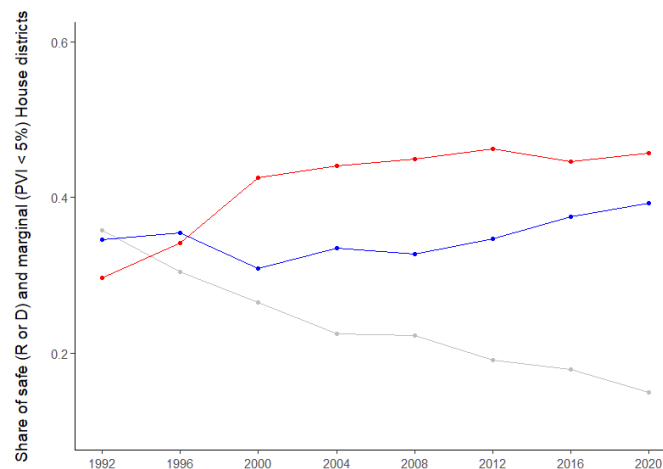
**Figure 1: The Rise of Safe Seats in U.S. House Elections (1872-2016, CLEA)**



Figure 2 illustrates the proportion of safe (Republican or Democrat) and swing House seats in a particular year based on the Cook Partisan Voting Index (2019). Unlike the simple margin of victory in the previous chart, this index indicates how strongly a particular district leans toward the Democratic or Republican Party compared to the nation as a whole. To that end, PVIs are calculated by comparing a congressional district's average Democratic or Republican share of the two-party presidential vote in the past two presidential elections to the national average share for those elections (i.e., the 2020 index is based on the 2016 and 2012 presidential elections). The advantage of this measure is that it indicates *ex-ante* competitiveness based on the assumed

partisan composition of various districts and thus it is less volatile than the previous measure based on the contemporaneous election results. Furthermore, it also allows comparison of the number of safe seats by partisanship in a straightforward way. The main disadvantage is that it is only available starting in 1990 and changes only occur every four years (apart from some fluctuations related to redistricting). One may also dispute the assumption that the previous presidential elections are uniformly indicative of the underlying voter preferences across districts.

**Figure 2: The Rise of Safe Seats in U.S. House Elections (1992-2020, Cook PVI)**



Since both of these plots rely on an arbitrary threshold of ten and five percent respectively to define swing districts, we calculate and visualize a more general indicator of the margin of victory or the PVI of the median district in a particular year in Appendix (Figures A1 and A2). These figures indicate that, in 2016, 50% of all House elections had the margin of victory above 30% and the absolute PVI value of 12% (compared to the median margin of 23% and the absolute PVI of 7% in 1992).<sup>32</sup>

<sup>32</sup> Although other elections are beyond our paper's scope, it is worth noting that one can see a somewhat similar decline of competitiveness in the Senate since the 1960s (see Figure A10).

### *The Correlates and Consequences of Rising Seat Safety*

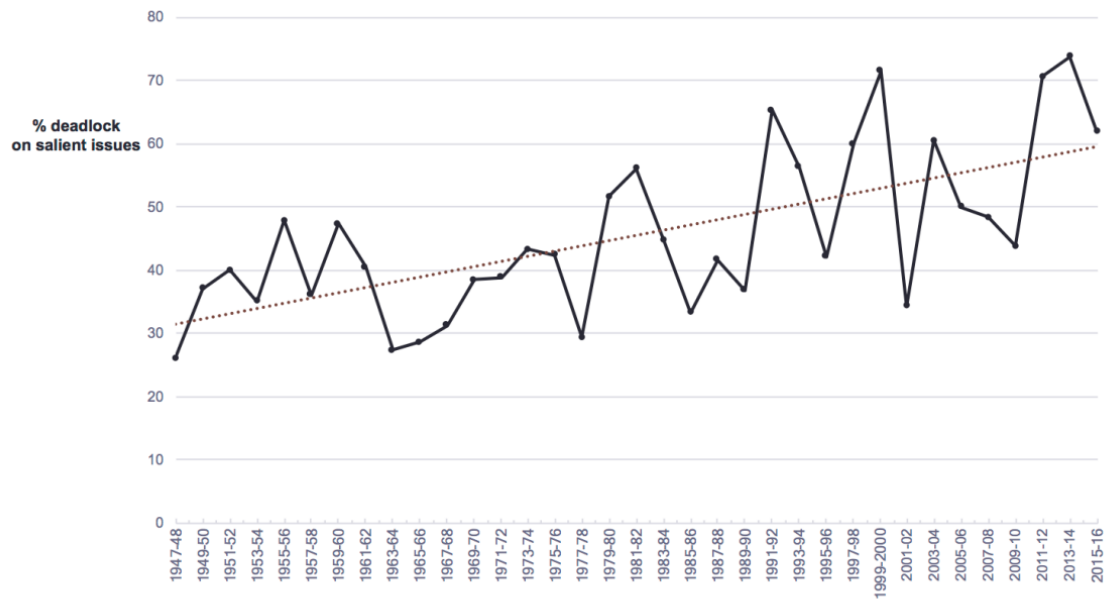
The declining electoral competition between parties has been well documented (Rodden 2019). In this section we consider the consequences of this trend. If safe seats weaken party discipline and make Congress less capable of passing legislation that advances the long-term interest of the median voter, we should expect the corresponding trends in legislative gridlock and socially optimal government investments in public goods.

First, we consider legislative gridlock.<sup>33</sup> As Figure 3 (adopted from Binder 2015) shows, gridlock has significantly increased over the last seventy years. However, gridlock can result from a variety of causes including polarization (Binder 2015). We therefore consider the extent to which majority parties are able to enact their agendas across time. As Figure 4 (adopted from Curry and Lee 2019) shows, parties have become less, not more, able to advance their agendas even when they control the presidency and a legislative majority.

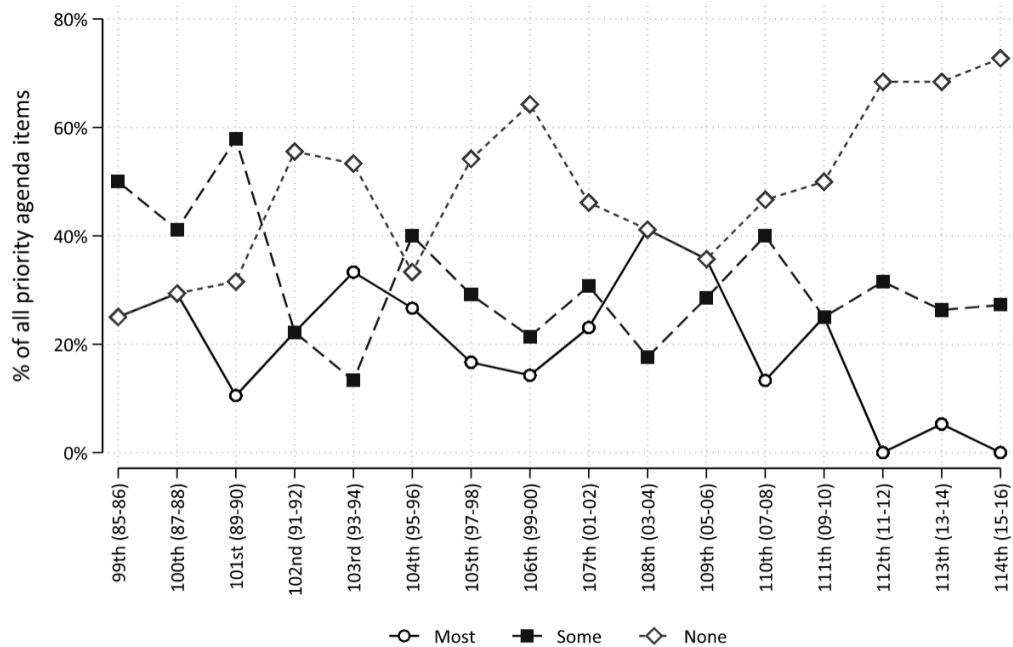
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<sup>33</sup> While there can be a number of ways to approach the issue, here we rely on the most recent estimates by Binder (2015) which take into account the national salience of various issues.

**Figure 3: Frequency of Legislative Stalemate (1948-2016). Adopted from Binder (2015).**



**Figure 4: Passage of Majority Party Agenda (1985-2016). Adopted from Curry and Lee (2019).**



*Note:* The 99th, 107th, 112th, and 113th congresses featured split party control of the House and Senate. The combined agenda items of both parties are included in these tallies.



Congress's inability to pass major legislation does not necessarily imply that the government is unable to advance the long-term interests of the median voter. Even a productive legislature could enact inconsequential laws or, for that matter, harmful ones. Unfortunately, the literature to date has not quantified the broad welfare consequences of enacted legislation. To address this difficulty, we consider existing studies of two measures of government priorities that are *prima facie* indicative of a long-term orientation towards public welfare: the share of public spending on infrastructure, and public spending on children. Both represent public good with well-documented increasing returns, but learns that are largely realized over a long-term time horizon. Our hypotheses suggest that as the proportion of safe seats has risen, spending on both of these domains should have declined.

A substantial literature documents the high economic and social returns on the economy of investment in infrastructure (Rogowski et al. 2020). Despite some potential for clientelism and corruption as with any government spending (Fair 2019), federal spending on infrastructure can indicate the U.S. Government's "future-orientedness." Moreover, government spending on children might be an even a better indicator of a long-term orientation. Spending on early childhood education and care can reduce social costs by improving health, and can promote economic growth by improving workforce quality. Echoing Heckman (2012), recent analyses of U.S. expenditure policies concludes that investing in quality early childhood development offers the best single way to reduce deficits and create better education, health, social and economic

outcomes (Hendren and Sprung-Keyser 2020).<sup>34</sup> As a result, both policies have attracted bipartisan attention in recent years but little legislative buy-in.<sup>35</sup>

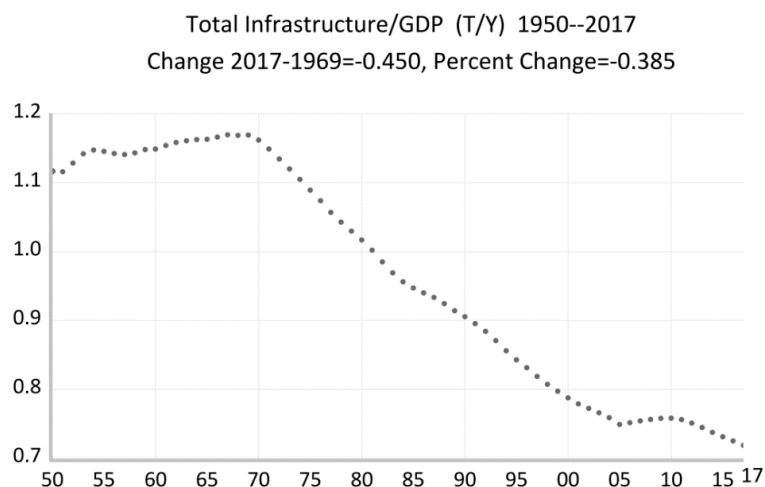
Compelling empirical studies about the effects of infrastructural investment to the contrary notwithstanding, Figures 5 and 6, adopted from Fair (2019) and Daly et al. (2020) respectively, document the steady relative decline of government spending on infrastructure and childhood education since 1970s. There has been a nearly 40 percent decline in infrastructural spending, from 1.1 to 0.7 percentage points of the GDP. And while the government has increased its spending on children from 0.6 to 1.9 percentage points of the GDP, this increase has not kept up with other government expenditures. The government spent three times more money on adults and the elderly than on children in 1960-1970s, and over four times more in 2010s. The faster rate of growth for spending on adults and the elderly fits with a theory of parties that are more short-sited and focused on immediate rewards to legislation. Declining spending on infrastructure speaks to a lack of interest and ability to pass even bipartisan goals.

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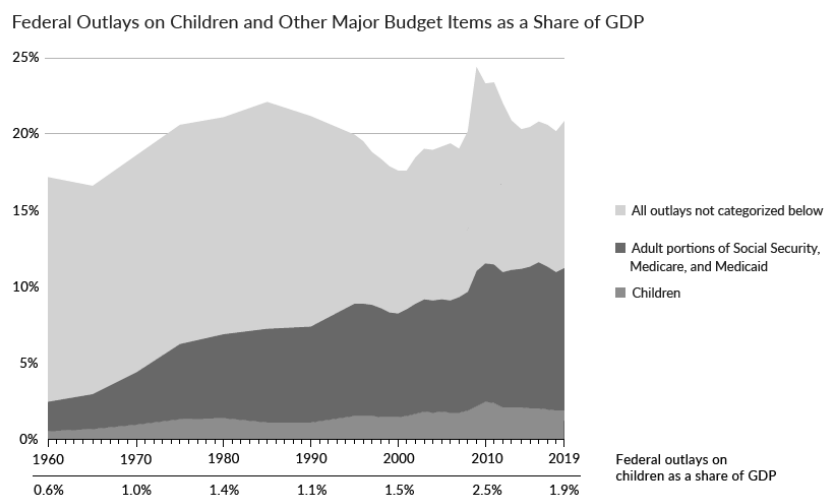
<sup>34</sup> Hendren and Sprung-Keyser (2020) provide a comparative welfare analysis of 133 historical tax and expenditure policies implemented in the U.S. over the past half-century. Using the Marginal Value of Public Funds (ratio of the benefits to net government costs) as the key metric to evaluate public investment, the authors compare four types of public policies: social insurance, education, taxes and cash transfers, and in-kind transfers. Hendren and Sprung-Keyser conclude that direct investment in low-income children's health and education returns the highest social value.

<sup>35</sup> Though Joe Biden's "American Jobs Plan" may stand as an eventual contrast following negotiations. Still, President Biden's inability to coalesce the entirety of the Democratic Party around his original plan and therefore pass it through unified government supports the overarching theory outlined in this section.

**Figure 5: U.S. Infrastructure Spending (1950-2017). Adopted from Fair (2019).**



**Figure 6: U.S. Children Spending (1960-2019). Adopted from Daly et al. (2020).**



These trends are especially striking given the general increase over the last 50 years in in productivity, average income, standard of living, higher life expectance, and education in the United States (Jones 2016). Compared to other rich democracies, moreover, the relative decline in these investments is striking. Most other advanced democracies have spent *more* on infrastructure and children spending over the last fifty years (Daly et al. 2020; Fair 2019). Thus, even compared to global competitors, it appears as though Congress has become less able to pass legislation aimed at the long-term interests of the median voter.

Still, one might wonder how much of this trend is due to declining electoral competition or weaker party organizations as we claim. Other concurrent trends might be relevant, such as increases in inequality or immigration or policy drift. While it is not possible to assess the causal effects of the declining electoral competition by looking solely at country-wide correlations over time, we attempt to test potential mechanisms with more finely-grained district-level data on the ideology and preferences of congressional candidates and representatives.

### **Safe Seats and Party Indiscipline: Exploring Mechanisms**

We proceed by examining the relationship between seat safety and weak party discipline at the district level. Seat safety, we expect, increases legislators' vulnerability to primary challengers, increases candidate susceptibility to donor influence, and produces ideologically more extreme legislators. Each of these factors diminishes the control that party leaders can exercise over back-benchers, thereby contributing to weaker party discipline.

### ***Data and Methods***

Measuring the ideology of legislators has remained a persistent challenge in the literature. The contours and definitions of particular ideologies are hotly contested, as are the salient issues that motivate them. As a result, over the past few decades, scholars have assembled several competing methods to measure legislator ideology.

These methods fall into three categories: vote-based metrics, donor-based metrics, and interest group-based metrics, each with advantages and drawbacks. Vote-based metrics, which rely on spatial representations based on weightings of congressional votes, bear the closest resemblance to our real-world quantity of interest. However, the reliance on vote-based scores confronts

limitations (Bateman and Lapinski 2016). For one, the plethora of symbolic or inconsequential votes in Congress make vote-based metrics fairly noisy (Lee 2015). As further emphasized by Lee (2018), roll-calls can also exaggerate party unity because many important policy questions that divide party members might be not up for a vote and many votes are symbolic in as much as they cannot become law.

Alternatively, donor-based metrics utilize the revealed ideological appraisals of millions of American voters to map the similarities among candidates and create ideal points. These measures can be assembled for any candidate—not just ones that ultimately prevail in their elections. But interpreting these ideal points can prove difficult.

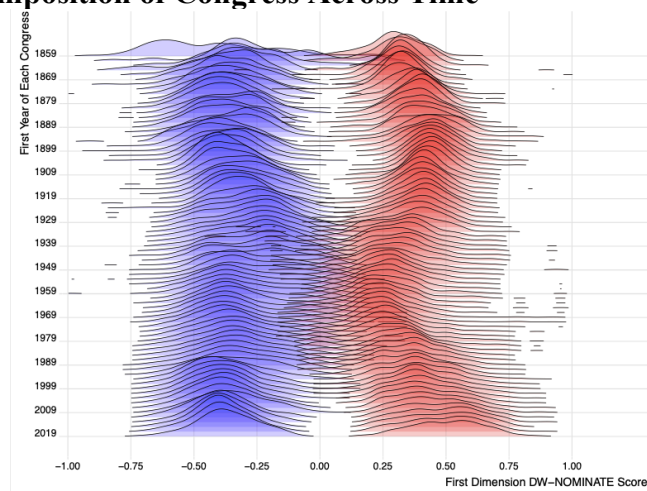
Finally, interest group-based metrics rely on the scorecards put out by leading think tanks, lobbying groups, and unions. An advantage of these measures is that they are arguably based on more meaningful votes than roll-call based metrics. But these measures are also skewed toward the concerns of the particular interest groups.

To harness the advantages of each of these metrics and mitigate their drawbacks to the extent possible, we report results using multiple metrics. When reporting results on legislators, we use DW-NOM scores and adjusted Americans for Democratic Action Scores (Anderson and Habel 2009; Groseclose, Levitt, and Snyder 1999; Poole and Rosenthal 2001). When reporting results on candidates, we use CF Scores (Bonica 2014). We supplement our data on ideology with Cook PVI scores to measure the competitiveness of a district (with negative/positive values indicating a Democratic/Republican lean) and campaign finance records from the Center for Responsive Politics. For additional details and sources, see Appendix.

## Ideological Divergence Between and Within Parties Across Time

Echoing the literature on polarization, we find a strong and gradual separation of the parties over past half-century, as they become increasingly ideological and increasingly extreme. At first blush, one might expect that this polarization ought to contribute to *more disciplined* parties: as the party's ideology grows increasingly distinct, party leaders should be able to use that common vision as a mechanism for unity. However, an important but oft-overlooked caveat to our understanding of polarization is that the parties remain internally heterogeneous.

**Figure 7: Ideological Composition of Congress Across Time**



As Figure 7 shows, the gap *between* the parties is considerably smaller than the gap between the extremes *within* each party. Despite all of the talk about polarization, the ideological distance within parties is bigger than the ideological distance between them. This makes it hard to craft policy that all members of a party can support. When parties are so weak, even the presence of moderates like The Problem Solving Caucus or The Gang of Eight cannot coalesce around the floor median because the members on the extremes are veto players. The failure of immigration reform under several administrations illustrates this problem.

## District Competitiveness and Candidate Extremism

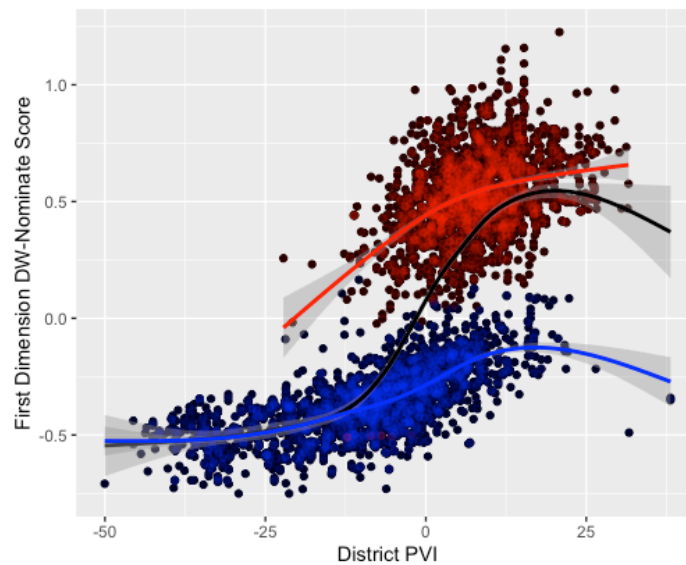
Congressional extremism originates in the proliferation of safe seats. The ideology of voters, candidates, and congressional districts offer strong evidence of this phenomenon. As the Republican advantage in a congressional district swells, so does the number of “very conservative” voters, and the ideology of the mean district voter trends rightward (see Appendix: Figures A5-7). The ideology of “serious candidates” who run in Republican primaries (as measured by CF Scores) varies with the PVI of their constituency, as does the ideology of the elected legislators (as measured by DW-Nom scores). This is true across time as well—ADA scores from 1990-2008 show that PVI corresponds to legislator ideology, particularly among Republicans.

Ideological scores by district reveal a clear pattern. Figures 8 and A4 plot the ideological scores of all legislators between 1990-2008, as well as their smoothed conditional means overall and for each party using generalized additive models. Table A1 presents regression results on the same data. They show that, across time, legislators from safe seats are more extreme than their competitive seat counterparts.<sup>36</sup> This pattern is especially strong for Republicans, who demonstrate sharper ideological responsiveness to seat safety, but it is true among Democrats as well.

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<sup>36</sup> While higher DW-NOM scores may also be indicative of higher party unity, for the purposes of our argument it is sufficient to show that legislators from safer and marginal districts have distinct preferences.

**Figure 8: Legislator Ideology by Seat Safety (DW-NOM)**



*NOTE: The red line indicates smoothed conditional means for Republicans, the blue line indicates smoothed conditional means for Democrats, and the black line indicates smoothed conditional means for all legislators.*

However, establishing that safe seats lead to ideological extremism proves more challenging. The analysis posed above is entirely observational, and therefore potentially subject to confounding effects. To make such a stark claim about the relationship between electoral competition and legislator ideology, it would be appropriate to incorporate more experimental or quasi-experimental evidence.

Marshaling this evidence proves difficult. Because we are studying real-world outcomes of significant importance over the lives of millions, it would be difficult to design and implement a field experiment. We cannot and should not, for example, attempt to randomize the districts in which candidates run. To do so, in addition to being logistically difficult, would also be ethically suspect in the manner in which it would interfere with democratic elections.

But we are fortunate to be able to utilize a natural quasi-experiment of sorts. Every ten years, incumbents are forced into a redistricting cycle, where the partisan lean of their district may



change as a result of shifting borders. Because redistricting is an exogenous shock to these candidates—and one they can rarely prepare for—we are able to isolate a causal effect of augmenting seat safety on incumbents' ideology.

In particular, we choose to study the most recent round of redistricting in 2010. We examine legislators' first dimension DW-NOMINATE scores in the Congress prior to their election and contrast it with their scores in the Congress that follows redistricting. We are able to treat redistricting as an exogenous shock, because there is no reason to believe that legislators' prospective ideological shift should cause them to be redistricted. Put differently, our methodology relies on two suppositions: that redistricting cannot be caused by the ideological shift that occurs in its wake, and further that traits that made one more likely to be redistricted are not correlated with the likelihood of an ideological shift. The first point is self-evident: since redistricting occurs *before* our measurement of the ideological shift, it is impossible that the latter event caused the former. The second assumption is slightly more complex. While there is little extant evidence in the literature to suggest that particular groups of legislators were both more likely to be redistricted and more likely to shift their ideologies, we control for several demographic traits to ensure our effect is not confounded.

We are not the first to consider the potential for redistricting as a natural experiment. Ansolabehere et al. (2000) use redistricting to study the personal vote as part of the incumbency advantage. In line with our research question, Carson et al. (2007) use redistricting to establish a link between redistricting (in the abstract) and polarization. But they lack the data on electoral competition to argue that safe seats are to blame, rather than a general intertemporal trend toward polarization (which would also explain their findings). Sekhon and Titiunik (2009) provide bounds on when and where redistricting can be used as a natural experiment. They establish two criteria.

We believe we meet the first condition—the exogeneity criterion—with the design outlined above. We also believe we meet the second condition, which states that the data must be responsive to the quantity of interest, because we are able to extract the exact change in ideology over time, and therefore can isolate the effect of district characteristics on our primary outcome of interest.

Table I displays the results of an OLS regression with robust standard errors that investigates the impact of a change in seat safety on legislators’ post redistricting (2013-2014), controlling for the legislator’s pre-redistricting ideology (2009-2010). The selection of 2009-2010 as our measure of pre-redistricting ideology rather than 2011-2012 is intentional for two reasons. First, since redistricting plans are released in the middle of the congressional term, only roughly half of the time period would actually fall in the pre-redistricting period. Second, and more importantly, if voters engage in any form of retrospective voting, then we must consider legislative incentives to be driven by the following electoral district, rather than the previous one.

**Table I: Effect of Redistricting on Incumbent Ideology**

	<i>Dependent variable:</i>		
	Post Ideology		
	(1)	(2)	(3)
Pre Ideology	0.912*** (0.020)	0.902*** (0.023)	0.903*** (0.022)
PVI Change	0.019*** (0.003)	0.019*** (0.003)	0.019*** (0.003)
Female		−0.012 (0.030)	−0.012 (0.030)
Age		−0.002* (0.001)	−0.002* (0.001)
Log(Total Receipts)			−0.003 (0.019)
Constant	0.024** (0.011)	0.147* (0.076)	0.187 (0.293)
Robust SEs	Yes	Yes	Yes
Observations	332	332	332
Adjusted R <sup>2</sup>	0.821	0.822	0.821
Residual Std. Error	0.198 (df = 329)	0.197 (df = 327)	0.198 (df = 326)
F Statistic	759.552*** (df = 2; 329)	382.845*** (df = 4; 327)	305.363*** (df = 5; 326)
<i>Note:</i> *p<0.1; **p<0.05; ***p<0.01			

According to the models, a one-point change in PVI (i.e. a one percentage point shift toward either party) is associated with a one percentage point change in a legislator's ideology, as measured by DW-NOMINATE scores. The addition of covariates does not meaningfully change the estimated effect of the PVI change, suggesting little confounding effect at least across demographic lines. As a result, based on both our extensive time series data on legislator ideology and our natural quasi-experiment, we see strong evidence that safe seats lead to greater extremism among their representatives.

What explains more-extreme ideological tendencies in safe seats? We consider three possibilities. For one thing, safe seat legislators face more extreme electorates—not just across parties, but within their own parties. Second, turnout is lower in primaries, amplifying the voices of voters on the fringes. Third, candidates in safe seats depend more heavily on out-of-district donors.

### ***Constituent Ideology by Seat Safety***

If politicians are represent the interests and beliefs of their constituents, even simple “folk theories” of democracy should predict that legislators respond to extreme constituents. Evaluating constituent ideology, however, is hard to do. We use the five-point measure of ideology embedded in the 2016 CCES survey to estimate mean constituent ideology in the last general election.

Figure A5 suggests that mean ideology of congressional districts in 2016 corresponded with the PVI of the district. However, the mean does not capture the distribution of ideologies. Mean ideology alone cannot differentiate between a (seemingly moderate) safe Democratic district populated by moderate Democrats and one with a mixture of moderate Republicans and extreme Democrats.

We also examine the proportion of voters who identified as either “very conservative” or “very liberal” (see Appendix). As Figures A5 and A6 illustrate, safe seats do in fact have more extreme voters than their more-competitive counterparts. This relationship is especially apparent among conservatives. Taken together, these data show that legislators in safe seats rely disproportionately on support from extreme constituents. Even if safe seat legislators wanted to embrace the median voter in their party, the safety of their seats pushes them to respond to primary voters.

### ***Primaries and Intraparty Competition***

Primaries introduce intense intraparty competition. Instead of offering programmatic competition with the opposing party, primaries force incumbents to differentiate themselves from fellow partisans and often even the party’s national platform. This makes them fundamentally antithetical to party discipline. Primaries force candidates to promote themselves rather than their party brand.

As Table 2 shows, safe seat incumbents are more susceptible to primary challenges. Between 2000 and 2018, a one-point increase in the absolute value of the PVI is associated with a one-percent increase in the likelihood that the incumbent will face a primary challenge. The threat of a primary challenge is more common among Republicans than Democrats: Republican incumbents are 5~7% more likely to face a primary challenge than their similarly situated opponents. Safe seat incumbents, and particularly safe seat Republicans, are therefore disproportionately likely to face primary challengers and unlikely to face serious general election contests.

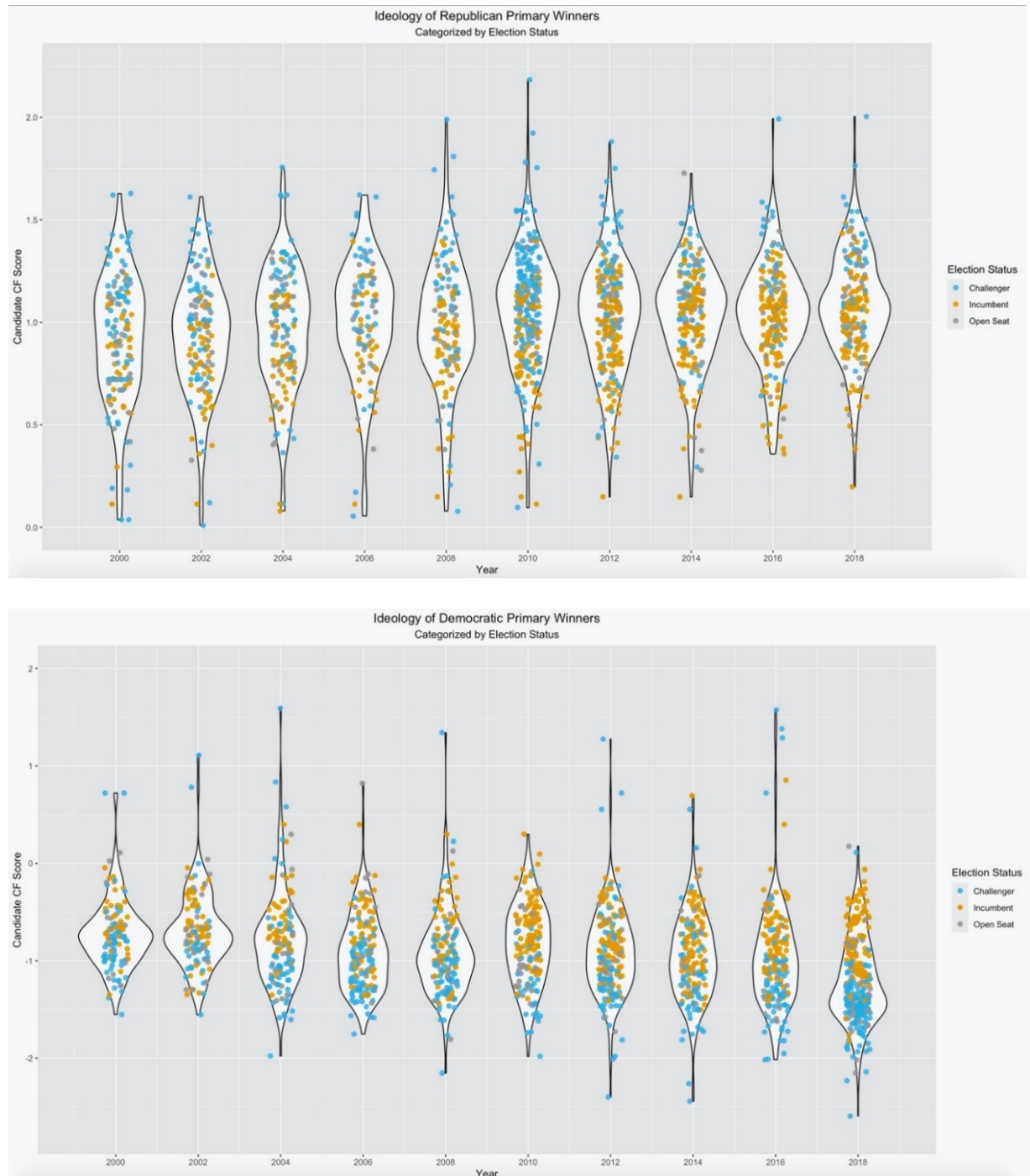
**Table II: Probability of a Primary Challenge by PVI**

	<i>Dependent variable:</i>			
	Probability of Primary Challenge			
	(1)	(2)	(3)	(4)
Relative PVI	0.010*** (0.001)	0.009*** (0.001)	0.010*** (0.001)	0.009*** (0.001)
Republican	0.067*** (0.016)	0.056*** (0.016)	0.067*** (0.019)	0.056*** (0.019)
Constant	0.258*** (0.016)	0.160*** (0.027)	0.258*** (0.019)	0.160*** (0.028)
Fixed effects	No	Yes	No	Yes
Clustered SEs	No	No	Yes	Yes
Observations	3,618	3,618	3,618	3,618
R <sup>2</sup>	0.032	0.080	0.032	0.080
Adjusted R <sup>2</sup>	0.032	0.077	0.032	0.077
<i>Note:</i>			***p<0.01	

*NOTE: All models are the results of an OLS model with robust standard errors. Where indicated, standard errors are clustered by candidate and fixed effects are by year. Relative PVI refers to the absolute value of the PVI.*

Figures 9 also shows that non-incumbents who win party primaries are more extreme than incumbents among both Republicans and Democrats. When incumbents are forced to compete against primary challengers, legislators have incentives to out-flank their more extreme challengers. Safe seat legislators who face heightened primary competition and also diminished general election competition have fewer electoral reasons to moderate.

**Figure 9: Distribution of Primary Victors' Ideology Over Time by Party**



### ***Campaign Finance and Reliance on Outside Donors***

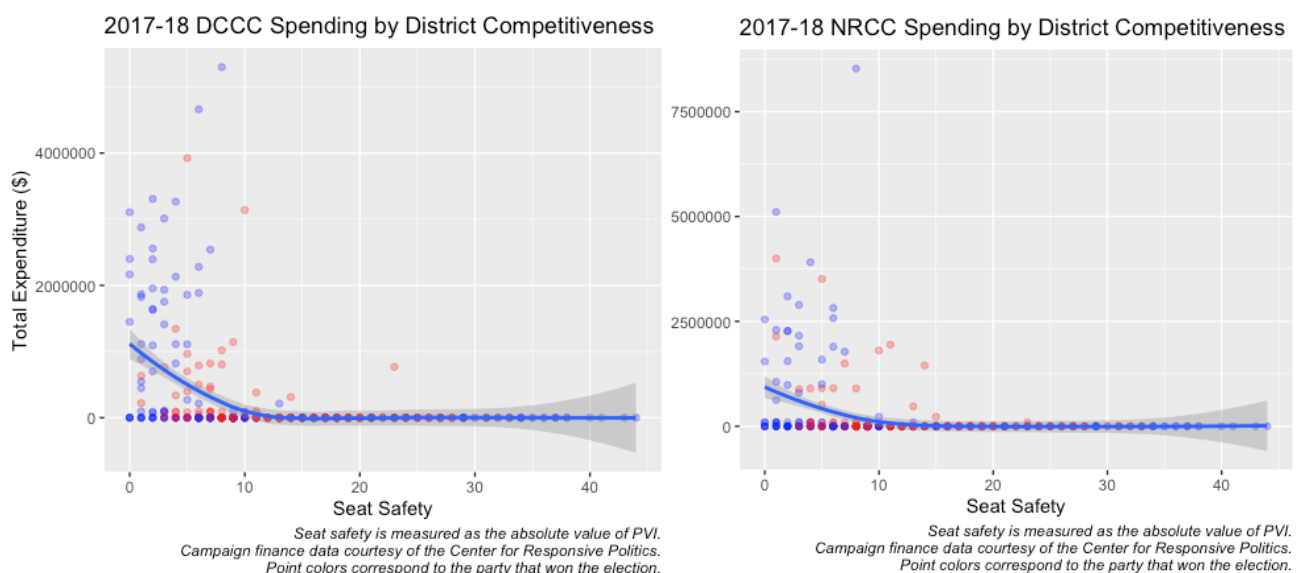
Another mechanism to explain extremism in safe seats is campaign finance. Conventional wisdom holds that safe seat legislators have less need to fundraise, but recent scholarship has

complicated this picture. Schuster (2020) finds that legislators who did not face a general election challenge (i.e., those in safe seats) spent *more* money over the course of the congressional cycle than those running in contested elections. Safe incumbents “are likely to maintain large staffs and begin building war chests to prepare for future political battles, raise funds for their party, and donate to candidates and committees” (Schuster 2020).

The sources of safe seat funding undermine party discipline. Of course both Republicans through the National Republican Congressional Committee (NRCC) and Democrats through the Democratic Congressional Campaign Committee (DCCC) raise and spend hundreds of millions of dollars each cycle. However, party leaders’ primary interest in giving money to candidates is to win the election, not to create loyal members or to establish a coherent legislative agenda.

The staff of party campaign professionals aim to elect as many party members as they can. As Figure 10 illustrates, investments are almost exclusively concentrated in competitive districts. In the 2018 cycle, the average Democrat in a seat rated as “even” by Cook Political received \$1 million. The average Democrat in a seat with a PVI rating of 10 or greater received nothing.

**Figure 10: DCCC and NRCC Spending in the 2018 Cycle by PVI**



In the ideal condition for representation, electoral funding would flow from ordinary voters in the district. However, this does not appear to be the case in safe seats. Figure A8 uses campaign finance records to illustrate the proportion of funds that originate out of district for all candidates in the 2018 cycle who raised more than \$10,000. In Democratic safe seats, much of the money flows from out of district. But as Gimpel, Lee, and Pearson-Merkowitz (2008) show, out-of-district money generally flows to “ideologically distinct extremists.” Safe seat Democrats relying on national donors might cultivate profiles that are differentiated from the party’s priorities. Part of these differences between partisan safe seats may stem from demographics: some districts have more rich donors than others. But regardless of the cause, the resulting effects on political competition are clear: Democratic safe seats predispose their members of Congress to play to a more ideologically extreme audience in order to cultivate out-of-district donors.

Figure A9 also plots the total funding from corporate PACs received by 2018 incumbents, up to June 2018 (around the end of the primary season) according to data from MapLight based on FEC records. Republicans—and particularly Republicans in safe seats—rely more on donations from corporate PACs. Corporate donations reinforce already-strong Republican Party predisposition toward low corporate tax.

Campaign finance pushes weak parties toward their extremes. Individual safe-seat Democratic candidates find their own donors and fall out of step with the district and the party. Safe seat Republicans adopt ultra-conservative economic policies to the right of their district’s their voters. For both Democrats and Republicans, the lack of funds flowing from party coffers limits central party influence on safe seat candidates.



## Discussion

The number of safe U.S. House districts has risen steadily over the last century with important implications for party discipline and governance. By the 2010s, only twenty percent of Congressional district were competitive in general elections. We have argued that this has contributed to widespread government dysfunction marked by some of the highest levels of legislative gridlock in U.S. history.

Safe seats by themselves need not corrode party discipline; it is the combination of safe seats and primaries that have turned control of parties' agendas over to extreme groups in the districts and the donors that support them. Recent commentary on American politics often mistakes this disfunction as a product of strong partisanship. Parties' attention to divisive issues and negative campaigning occurs instead because they are incapable of whipping their members to support moderate policies that most voters prefer (Cox and Rodden 2019).

The stakes are high. E. E. Schattsneider saw why undisciplined political parties undermine democratic accountability: parties, and not individual politicians, give voters choices between policy programs that can be implemented and evaluated by voters (Baron and Ferejohn 1989; Schattschneider 1942). Without disciplined parties that can enact a program, voters face insurmountable information and coordination problems. Voters can send signals of approbation or discontent, but solo politicians, accountable to disparate groups across multiple constituencies, cannot credibly commit to any national course of action.

We document several ways that safe seats may undermine party discipline: by producing legislators with increasingly divergent preferences who have to respond to more extreme electorates, primary challengers, and donors. Most of these dynamics apply to both parties, but they are especially pronounced for the GOP. The number of safe seats and the ensuing inability of

party leaders to whip their backbenchers can help explain why, despite high partisan polarization, majority parties have been unable to pass legislation that would benefit most Americans.

Our evidence on the connection between safe seats, party indiscipline, and government dysfunction is not without limitations. But our hope is that this paper will stimulate further examination of the causes and consequences of preference divergence not just between but also within American political parties.<sup>37</sup> Future research can elaborate on the mechanisms behind the associations uncovered here, as well as identify exogenous variation in electoral competition such as related to redistricting. Our analysis generates insights for the burgeoning literature on the electoral fates of more or less ideologically extreme congressional candidates. As recently documented by (Utych 2020) the electoral penalty faced by extreme candidates has gradually disappeared. While in line with our account, future research might benefit from examining whether and how this relationship varies by seat safety in more detail (also see Hall 2015).

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<sup>37</sup> While our paper focuses on party discipline in Congress, for instance, it is in line with the recent evidence documenting the increase of intraparty polarization in the electorate (Groenendyk, Sances, and Zhirkov 2020).

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## Appendix

### *Data Sources*

Constituency-Level Elections Archive (CLEA) (<http://www.electiondataarchive.org/>)

To produce Figure 1 and measure ex-post competitiveness, I calculate the share of elections at time  $t$  in which the margin of victory of any of the two major parties (D or R) was more than 10%.

Note that, for the purposes of this analysis, uncontested elections were assumed to be perfectly safe (100% margin of victory); and the rare third-party victories or at-large elections were omitted.

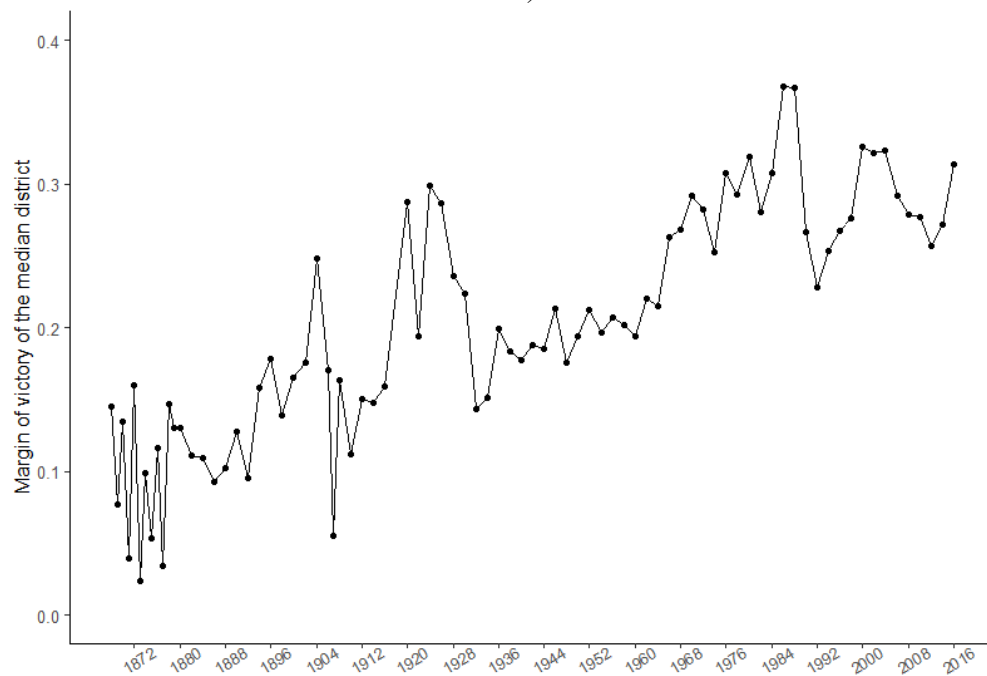
For details on the construction of Cook Partisan Voting Index (PVI) as a measure of ex-post electoral competitiveness in Figure 2, see <https://cookpolitical.com/pvi-0>.

- Data on DW-Nominate scores come from <https://voteview.com/>
- CF scores come from Adam Bonica's Data on Ideology, Money in Politics, and Elections (DIME) available at <https://data.stanford.edu/dime>
- Adjusted ADA scores come from Anderson and Habel (2009) available at <https://www.jstor.org/stable/25791958>
- Data on campaign finance and spending come from the Center for Responsive Politics (<https://www.opensecrets.org/>)

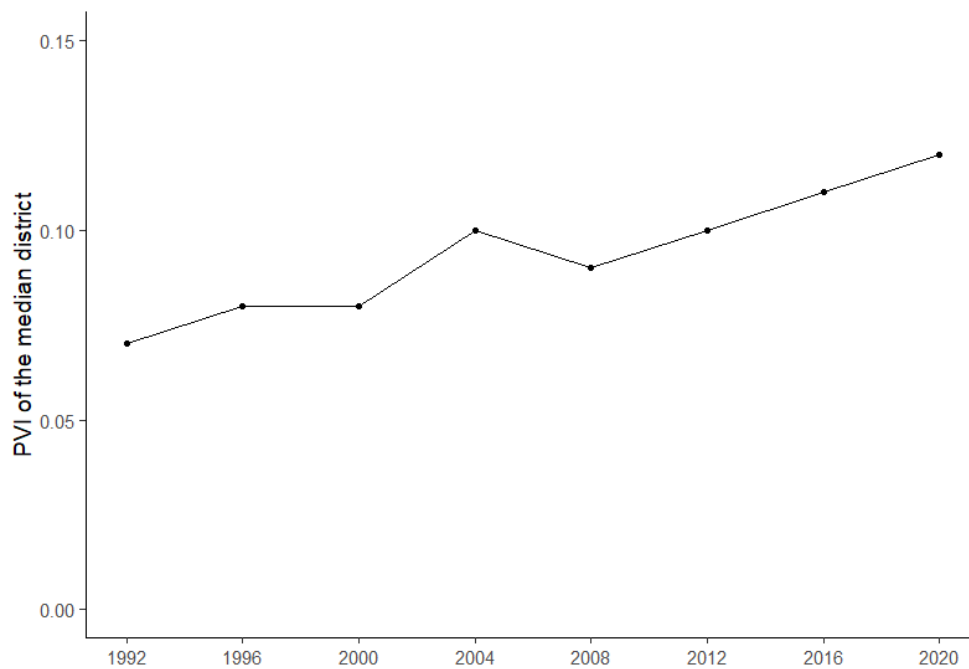


## Tables and Figures

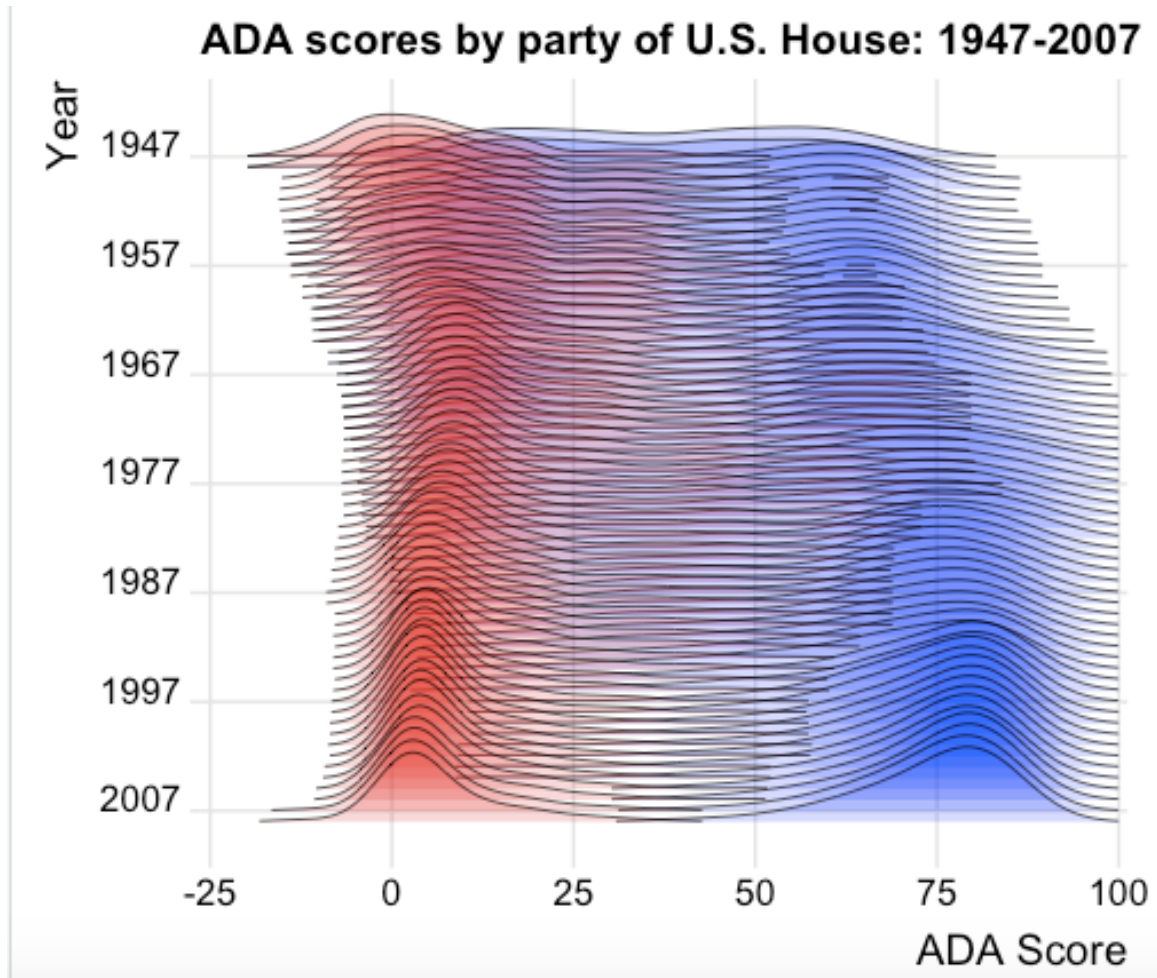
*Figure A1: The Decline of Electoral Competitiveness in U.S. House Elections (1868-2016, CLEA)*



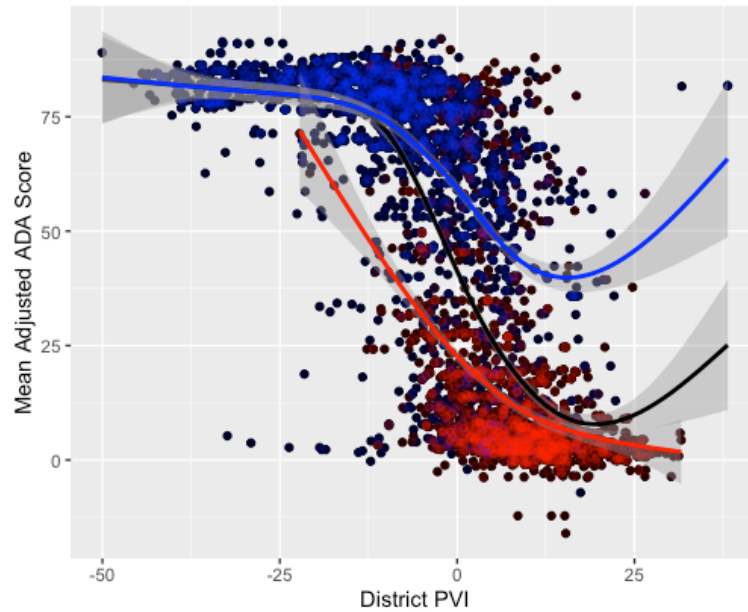
*Figure A2: The Decline of Electoral Competitiveness in U.S. House Elections (1992-2020, Cook |PVI|)*



*Figure A3: Ideological Composition of Congress Over Time (Adjusted ADA Scores)*

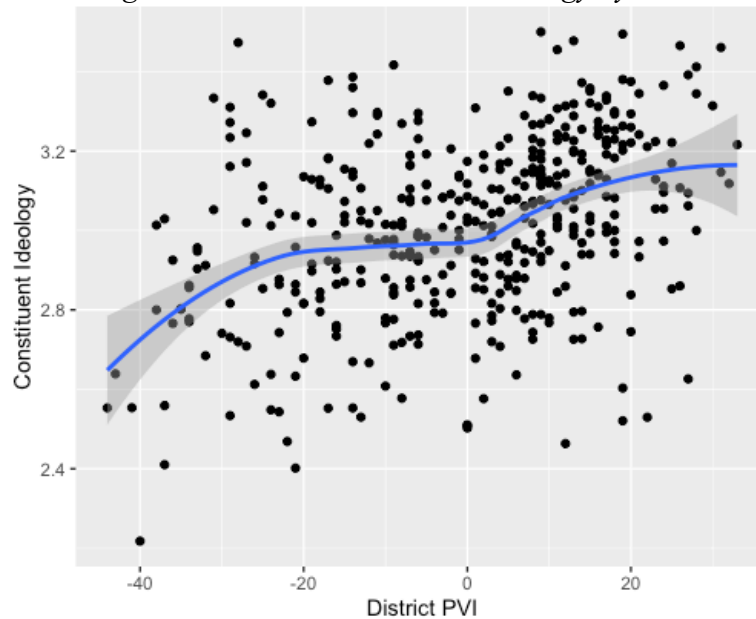


*Figure A4: Legislator Extremity by Seat Safety (ADA Scores)*  
 Are Safe Seat Legislators More Extreme? (1990-2008)

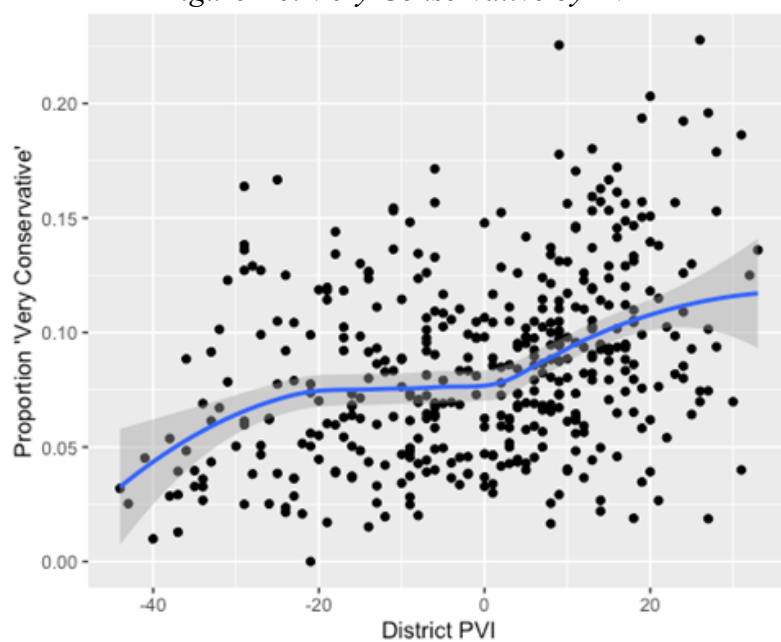


*NOTE: The red line indicates smoothed conditional means for Republicans, the blue line indicates smoothed conditional means for Democrats, and the black line indicates smoothed conditional means for all legislators.*

*Figure A5: Mean Constituent Ideology by PVI*



*Figure A6: Very Conservative by PVI*



*Figure A7: Very Liberal by PVI*

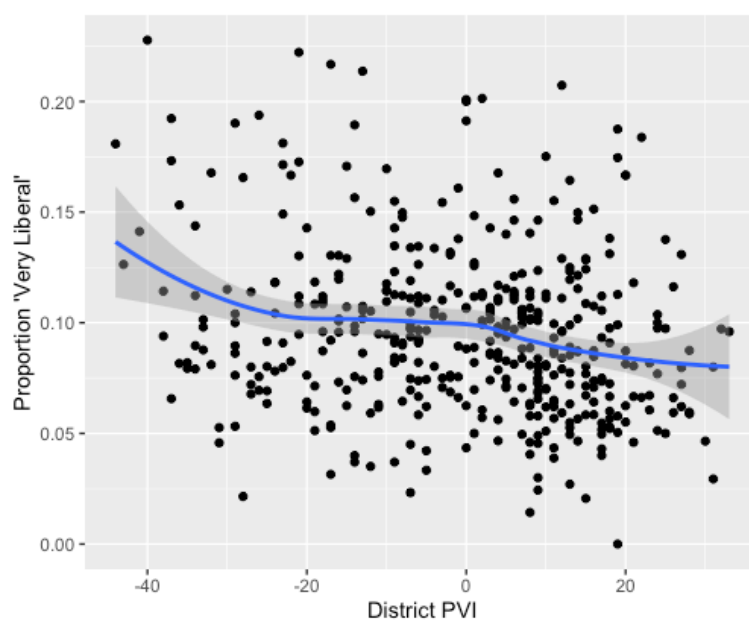


Table A1: Legislator Extremity by Seat Safety (DW-NOM)

	<i>Dependent variable:</i>			
	First Dimension DW-NOM			
	(1)	(2)	(3)	(4)
PVI	0.008*** (0.0002)	0.008*** (0.0002)	0.008*** (0.0004)	0.008*** (0.0004)
Republican	0.695*** (0.015)	0.693*** (0.015)	0.695*** (0.038)	0.693*** (0.039)
PVI*Republican	0.005*** (0.001)	0.004*** (0.001)	0.005 (0.003)	0.004 (0.003)
Constant	-0.281*** (0.004)	-0.329*** (0.008)	-0.281*** (0.007)	-0.329*** (0.011)
Fixed effects	No	Yes	No	Yes
Clustered SEs	No	No	Yes	Yes
Observations	4,187	4,187	4,187	4,187
R <sup>2</sup>	0.892	0.898	0.892	0.898
Adjusted R <sup>2</sup>	0.892	0.897	0.892	0.897

\*p\*\*\*p\*\*\*p<0.01

NOTE: All models are the results of an OLS model with robust standard errors. Where indicated, standard errors are clustered by candidate and fixed effects are by year.

Figure A8: Which Candidates Rely on Out-of-District Funding?

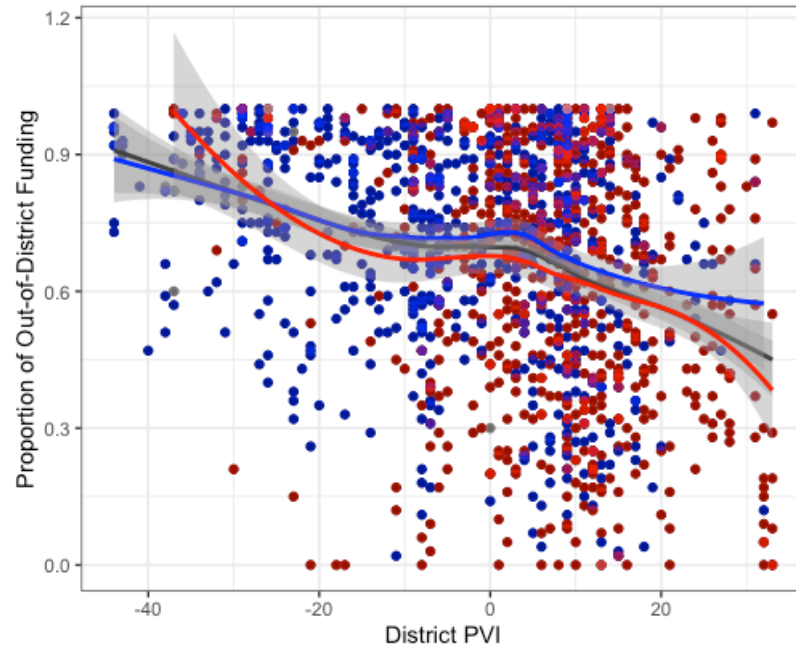


Figure A9: Which Candidates Rely on Corporate PAC Donations?

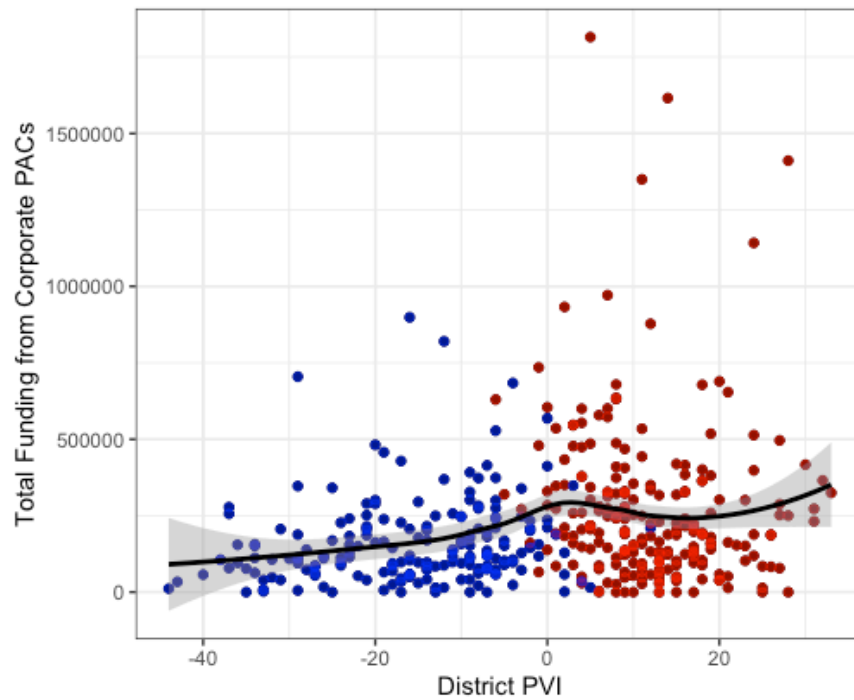


Figure A10: The Decline of Electoral Competitiveness in U.S. Senate Elections (1868-2020, Cook |PVI|)

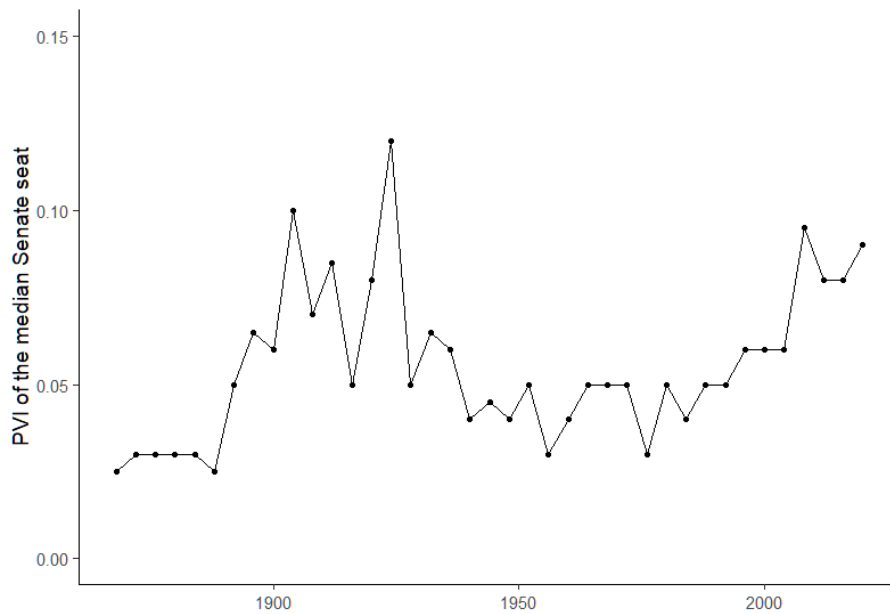
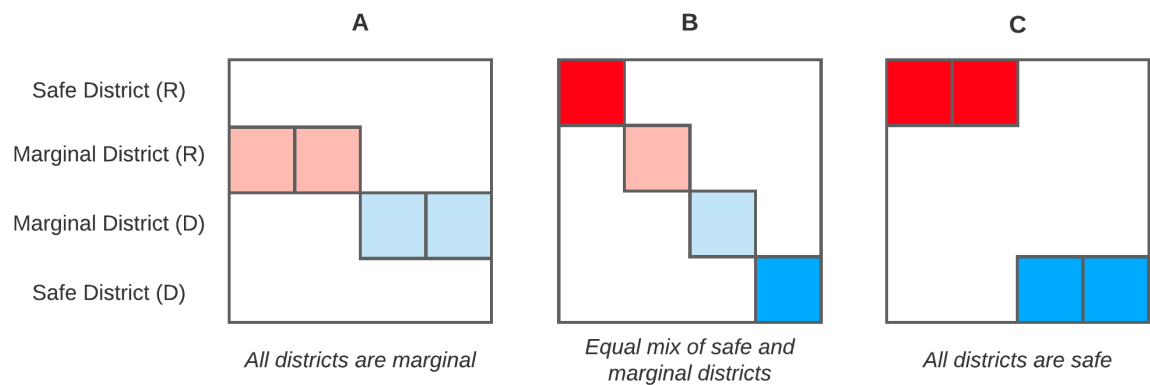


Figure A11: The Hypothetical Distribution of Partisanship Across Districts



NOTE: All scenarios assume the same population with equal R and D preferences who can be sorted into either marginal or safe partisan districts. Scenario B maximizes heterogeneity both between and within parties. While the transition from Scenario A and B increases district differences both between and within parties, the transition from Scenario B and C only increases district differences between parties.

## “Silver Bullet” or “Perverse Effects”? The Case of Majority-Minority Districts

**Abstract:** Though studied for decades, different authors, each with high-quality data sets and rigorous methodologies, have purported to offer differing dispositive claims on the impacts of majority-minority districts on minority substantive representation. I contend that the previous literature has suffered from a failed to adequately contend with selection bias into which states create majority-minority districts. To solve this problem, I aim to exploit two new quasi-experimental methodologies. First, I will utilize a rare bit of randomness in the states that faced pressure to create majority-minority districts, under the test established in *Thornburg v. Gingles*. I leverage a regression discontinuity design based around the 1992 election to offer perhaps the first quasi-experimental analysis of the impacts of race-based redistricting on congressional liberalism in the 1990s. Given the extent of racial and partisan polarization, I hypothesize that racial redistricting mandates will impose minimal negative constraints for Democrats and liberals, and may slightly increase the representation of both in Congress. However, given the small number of states—that fall near the discontinuity, uncertainty is high. As a result, I also utilize cutting edge techniques in sequential Monte Carlo (SMC) and Markov Chain Monte Carlo (MCMC) simulation to create a random subsample of 15,000 hypothetical congressional maps from the state of Texas. Analyzing these maps, I find that plans that create more majority-minority districts *increase* the share of Democrats in Congress with little impact on the compactness of the district. Thus, I conclude that there is no inherent trade-off between descriptive and substantive representation for minorities.



## Introduction

In my first two chapters, I argued that the debate over redistricting and substantive representation should be about more than merely partisan representation. Since safe seats lead to greater incentives for responsiveness at the level of the individual legislator, but lower incentives for programmatic policy at the level of the overarching legislature, it is difficult to say which type of district maximizes substantive representation without a broader normative argument that weighs these two components. But even this account would be incomplete. In my next two chapters, I will argue that the debate over redistricting and representation should be about more than substantive representation. It must articulate a view on descriptive representation as well.

As Pitkin (1967) observed, representation can take many forms. Most notable among them are substantive representation, which centers programmatic policy, and descriptive representation, which trades on the demographic composition of the legislature. Traditionally, much of the literature within redistricting uses substantive representation—and, as I argued in the first two chapters, explicitly partisan representation—as a heuristic for representation as a whole. But scholars ignore the importance of descriptive representation at their own peril. Previous studies have documented the importance of women and minority legislators to bolstering in-group turnout and democratic legitimacy (e.g. Atkeson and Carillo 2007; Gay 2002; Griffin and Keane 2006), political knowledge (e.g. Sanbonmatsu 2003), and even policy outcomes (e.g., Bratton and Ray 2002; Ellis and Wilson 2013; Preuhs 2006; Sances and You 2017). In this chapter, I will focus on efforts to boost descriptive representation of racial minorities through majority-minority districts, a form of race-based safe seat redistricting that seeks to maximize the number of seats where minorities constitute the majority of the electorate.

According to my analysis of Census demographic data, roughly one out of every four districts in Congress is a majority-minority district, including almost half of Democratic seats (for a review of the jurisprudence that facilitated this growth of racial redistricting, please see the Appendix). That means that racial redistricting exercises an outsized impact on the shape of American politics, and fully understanding its impact on representation is critical to assembling a full picture of America's democratic institutions.

Though few recent authors have published on the subject, majority-minority districts inspired considerable debate in the literature in the 1990s and early 2000s. As Democrats entered the 1990s, their stranglehold on the House of Representatives seemed virtually indestructible. Into the 1994 midterm elections, Democrats controlled 258 seats and were set to mark 40-years without a Republican Speaker. In hindsight, national conditions might have predicted a mild backlash against the majority. While the country was relatively peaceful and prosperous, the incumbent Democratic President Bill Clinton faced middling approval and a seemingly endless series of minor scandals. However, few analysts predicted the gargantuan wave that toppled fifty-four House Democratic and gave Republicans their first majority since 1955.

The 1994 election also marked the first time since Reconstruction that Republicans won a majority of seats in the South (Abramowitz and Saunders 1998). Following the election, the brunt of the blame for these dramatic Democratic losses fell upon the imposition of majority-minority districts during the redistricting that followed the 1990 Census. In the long history of the Voting Rights Act, none of its consequences have proved nearly as controversial as the implementation of majority-minority districts. Proponents argue that these districts are the only foolproof means of ensuring that minority voting power is not diluted, and that legislators of color are elected to Congress. But opponents have lobbed a host of criticisms at the practice of

race-based redistricting, from decrying its “perverse effects” on minorities’ substantive representation to condemning the ways in which they intentionally separate, and perhaps polarize, America’s political landscape. In her 1993 majority opinion in *Shaw v. Reno*, Supreme Court Justice Sandra Day O’Connor, a critic of the practice, even went so far as to compare it to “political apartheid”.

These districts, opponents allege, pack large swaths of loyal Democratic voters into uncompetitive districts. As a result, the logic goes, southern white Democrats in competitive districts that neighbored majority-minority seats were crowded out, having lost a section of their most loyal base to an already-safe district. But the 1994 elections were not the first elections contested under the new redistricting scheme. The avalanche of majority-minority districts that came into being under the post-1990 redistricting plan were first contested in the 1992 elections.

There too, it is easy to at first blame majority-minority districts for Democrats’ relatively poor showing. Before the election, Congressman John Lewis of Georgia, an opponent of majority-minority districts, predicted that they would weaken the standing of liberal white members of Congress throughout the South (Pear 1992). On a superficial level, the election results appear to bear out Congressman Lewis’s intuition: the Democratic Party lost nine seats overall in a year where it defeated the sitting President and nineteen Democratic incumbents lost reelection, several of them in states that had created additional majority-minority districts. The natural conclusion, according to many scholars at the time, was that majority-minority districts had devastated Democrats, and thereby diminished the substantive representation of minority voters, the very group they were intended to help.

## Theoretical Basis

In the literature on the partisan impacts of majority-minority districts, several popular theories emerge. I categorize them into two major camps: scholars either decry racial redistricting's "perverse effects" or hail the practice as a "silver bullet."

The "perverse effects" theory posits that by virtue of packing large numbers of Democrats into easily-won districts, overall Democratic fortunes, and therefore minority substantive representation, is diminished. Bullock (1995) and Hill (1995), using district-level demographic data, estimate that majority-minority districts costs Democrats seats in 1992, but do not account for the within-party ideological leanings of those seats, or the potential seat gains from these districting plans. Both caution that many additional safe Democratic seats became competitive as a result, and would later fall to Republicans. Their estimates put them in line with a wide body of theoretical and empirical work suggesting that majority-minority districts hurt minorities' substantive representation (e.g., Brace, Grofman, Handley 1987; Swain 1993; Lublin and Voss 2000; Lublin and Voss 2003).

However, a key assumption inherent in this theory is that the counterfactual to majority-minority districts, with their plethora of wasted loyal voters, are competitive districts. The data from the era before the influx of majority-minority districts does not seem to back up this assumption. In contrast to this idea, the margin of victory in the 1990 elections was under 10% in only 11% of districts across the nation. Either by design or natural patterns in political geography, even in a race-neutral framework, redistricters were not drawing competitive districts. In fact, the 1980s maps would have produced an abundance of extremely-safe seats for Democratic incumbents in the same states that created majority-minority districts. Table II breaks down close races in the 1990 elections in more detail.

**Table I: Breakdown of Competitive Elections in 1990 Election**

	≤2.5% Margin in 1990	2.5% - 5% Margin in 1990	5.1%-10% Margin in 1990
All seats	AL-01 (R +2.5) CA-01 (R +1.4) CA-44 (R +1.5) GA-06 (R + 0.6) ID-01 (D + 0.6) IA-02 (R +1) MO-02 (D +0.02) NE-03 (R +2.27) NC-11 (R+1.3) OH-01 (D+1.2) VA-01 (R +2) <b>(11)</b>	CA-14 (R +3) CA-37 (R +5) CT-03 (D +4.2) FL-01 (R + 4.5) FL-11 (R +3.9) GA-04 (D +4.86) IN-03 (D +1.8) ME-02 (R +2.05) MA-05 (D+ 4.36) MO-06 (R +3.7) MO-07 (R +4.3) NH-02 (R +5.4) NJ-03 (D +2.6) NJ-06 (D+4.4) PA-18 (R+2.9) WA-01 (R +4.1) WV-04 (D+3.9) <b>(17)</b>	CA-17 (R +9) CA-41 (R +5.6) CO-04 (R +8.1) IL-11 (D +9.0) IL-16 (D +9.2) IN-05 (D +6.28) IN-04 (D +9.8) LA-04 (R +9.4) MA-10 (D +6.4) MI-09 (R +9.5) MN-07 (D +7.1) NJ-09 (D+8.3) NC-08 (D +9.9) TX-11 (D+6.9) TX-14 (D+8.6) UT-01 (R+8.35) VA-08 (D +7.1) WA-02 (D +9.3) WA-03 (D +7.5) WI-02 (R+6.5) WI-08 (R+7.1) <b>(21)</b>
All seats in states that created MMDs in post-1990 redistricting	AL-01 (R +2.5) CA-01 (R +1.4) CA-44 (R +1.5) GA-06 (R + 0.6) NC-11 (R+1.3) VA-01 (R +2) <b>(6)</b>	CA-14 (R +3) CA-37 (R +5) FL-01 (R + 4.5) FL-11 (R +3.9) GA-04 (D +4.86) PA-18 (R+2.9) <b>(6)</b>	CA-17 (R +9) CA-41 (R +5.6) IL-11 (D +9.0) IL-16 (D +9.2) LA-04 (R +9.4) NC-08 (D +9.9) TX-11 (D+6.9) TX-14 (D+8.6) VA-08 (D +7.1) <b>(9)</b>
Incumbents retired in 1992	OH-01 (D) <b>(1)</b>	NJ-06 (D) WA-01 (R) <b>(2)</b>	IL-11 (D) CA-41 (R) <b>(2)</b>
Democratic-won seats in states that created MMDs in post-1990 redistricting	N/A	GA-04 (D +4.86) <b>(1)</b>	IL-11 (D +9.0) IL-16 (D +9.2) NC-08 (D +9.9) TX-11 (D+6.9) TX-14 (D+8.6) VA-08 (D +7.1) <b>(6)</b>

The idea that the majority-minority districts of the 1992 House Elections represent “packing”—the process by which gerrymanders waste out-party votes by creating hyper-safe districts—is also itself flawed. In fact, majority-minority districts first arose to prevent against *cracking*, wherein minority populations would be dispersed among majority-white districts to dilute their voting power. Furthermore, as Engstrom (1995) notes, the highest Black percentage of Voting Age Population in any district in 1992 was Alabama’s 7<sup>th</sup>, which was 63.5% Black, and virtually all of the other majority-minority districts created post-1990 featured Black populations below 60%. In fact, many of the widely-derided, contrived majority-minority districts were so strangely shaped precisely to achieve a bare minimum of Black voters that would constitute a majority. North Carolina’s 12<sup>th</sup> District, for example, of *Shaw v. Reno* fame, was 53.3% Black (Engstrom 1995). Thus, at least insofar as 1992 is concerned, the “perverse effects” theory that majority-minority districts does not seem to comport with the election’s results.

A competing theory, which I denote the “silver bullet” theory holds that racial redistricting does not hurt and may even *help* Democrats. Petrocik and Desposato (1998) find evidence that the diminished Black populations of many majority-white districts was not a predominant direct factor in Democratic losses in 1992 and 1994, and, in fact, the race-neutral effect of losing voters was more impactful. Griggs and Katz (2005) find that seats-votes curves do not demonstrate a systemic bias against Democrats with the imposition of majority-minority districts. Critics of the idea that majority-minority districts injure Democrats often point to formal models of gerrymandering to support their arguments. In the past, these models have argued that majority-minority districts solely constrain Republican gerrymanderers. Most

notably, Shotts (2003) argues that in conservative southern states, where the median voter is a Republican, the most effective Republican gerrymander should result in the party winning all of the state's seats. More recently models have suggested that optimal gerrymanders use a more probabilistic model, matching the most probable in-party voters with a slightly smaller fraction of out-party voters, until every district is eventually won (Friedman and Holden 2008). Based on an empirical analysis grounded in these models, Cox and Holden (2011), as well as Washington (2011) conclude that majority-minority districts only constrain Republicans, who would otherwise attempt to crack minority voters into different districts, and therefore must have positive impacts on Democrats.

Another complicating factor is the notion that parties seek to create seats that they win by one-point ignores incumbency biases and partisan desires to withstand out-party wave elections (Forgette and Platt 2001; Mayhew 1971; Tufte 1973). In fact, contrary to previous assertions, it is possible to imagine majority-minority districts actually loosen restrictions on partisan gerrymandering, as non-compact majority-minority districts appear to be viewed *slightly* more favorably by courts (at least until *Shaw v. Reno* and *Miller v. Johnson*) and might be more legitimate in the public eye than majority-white non-compact districts, because they appear to serve a non-partisan purpose.

Recent developments in political geography seem to comport with the “silver bullet” model. Particularly, the heavy partisan homogeneity of cities makes it difficult for parties to create compact districts that completely lock out opposing parties, though they can certainly create biased maps (Chen and Cottrell 2016). Even if they could, these districts would be “spatially diverse,” and more likely to be struck down by courts (Stephanopoulos 2011). Thus, majority-minority districts should not hamstring Democratic states—predominantly in the North,

West, and East, where minority voters are anyway concentrated—where minority voters are already densely-concentrated but should arrest the ability of gerrymanderers to *crack* minority populations where they are more diffuse (i.e., the rural Black and Hispanic populations in southern states controlled by Republicans).

In addition, there is no reason to suspect that a majority-minority mandate would be more cumbersome than a usual political mandate to gerrymander toward incumbents. Before 1992, thirty-two states already featured incumbents who had won their races by more than a whopping forty points. And this was at a time when levels of mass-polarization were lower than they are today. Moreover, recent scholars of spatial inequality have argued that there exists intense partisan segregation, and a sharply cleaved urban-rural liberal divide that predisposes congressional districts toward homogeneity (Rodden 2020). This finding leads me to hypothesize that majority-minority districts will not have an overwhelming impact on partisan competition. In states with densely packed urban communities of color, these areas are likely to form a majority-minority district through even the most race-neutral means of redistricting. On the other hand, if these communities of color are rural as is common in regions of the South, by forcing state legislatures to connect small pockets of minority voters, majority-minority districts may add new Democratic districts. Absent a VRA mandate to create majority-minority districts, these voters' voices would likely be cracked and diluted by surrounding Republican areas.

This idea, combined with the data in Table I, lead me to hypothesize that, if anything, the Democratic seat share should *increase* under majority-minority district mandates, as they may cut against both the compactness standard that hinders Democrats (Rodden 2020) and protect rural minority populations from cracking (Chen and Cottrell 2016).



But especially in 1992, the term “Democrat” implies a substantial amount of heterogeneity. Perhaps the more relevant question for the 1992 elections is not about the partisan *impacts* of majority-minority districts, but rather the *ideological* impacts.

Here, the perverse effect claim raises a strong argument. Even if stripping white moderates of Black voters did not cost them their seats, evidence suggests it made them less responsive to their minority constituents (Hayes, Hibbing and Sulkin 2010). But this lack of responsiveness among conservative Democrats is at least partially offset by the election of liberal ones in the newly-formed majority-minority districts. As Carmines and Berkman (1994) argue, conservative Democrats were often ideological strangers in their own party, tied to it for mere reasons of symbolism or culture. It is difficult to argue that they were acting in the legislative interests of their constituents of color.

Essentially, I argue that Black voters, as liberal Democrats, were effectively represented by an out-party when conservative Democrats won their districts. As a result, the out-party’s responsiveness to Black interests was proportional to the population within a given district. Majority-minority districting makes Congress more liberal (conservative) if responsiveness to a population displays increasing (diminishing) marginal returns. Additionally, majority-minority districts make Congress more liberal (conservative) if there is a significant ideological discontinuity between liberal Democrats and conservative Democrats. If there is no ideological discontinuity and the returns are generally linear, then majority-minority districts should have no effect on representation. I argue that conservative Democrats span the ideological space between Republicans and Democrats, and therefore I expect no discontinuity between Conservative Democrats and liberal Democrats/conservative Republicans.<sup>38</sup> In sum, I expect a negligible to

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<sup>38</sup> On some level, this is tautological because we have defined “conservative Democrats” as Democrats with ADA scores below 50, but we believe that the broader principle holds. Additionally, liberal Republicans are absent from

small partisan benefit for Democrats from majority-minority districts, with few ideological consequences from majority-minority districts in the 1990s.

### **Challenges with the Existing Literature**

Previous studies on the impact on minority substantive representation of majority-minority districts almost uniformly suffered from the same key shortcomings. Since this literature was principally written in the 1990s, it is more constrained by the limits of observational work and small sample sizes. Thus, many previous pieces that study real-world plans have ignored election-specific factors that limit generalizability, and relatedly disregard an important selection bias as to which states created majority-minority districts.

In addition, majority-minority districts arise from a variety of different circumstances. While the dominant discourse has acted as if they are uniformly contrived, many of these districts occur someone naturally, as a result of other facially race-neutral practices. In fact, following the Supreme Court's decisions in *Shaw v. Reno*, *Miller v. Johnson*, and *Bush v. Vera*, redistricting plans in which racial criteria predominated over other ordinary factors were virtually eradicated. And yet today more than 1/4 of all congressional districts feature a majority-non-Hispanic-white population. In the North and West, most majority-minority districts are largely comprised of compact urban centers (Lublin 1999).

In contrast, the South, which contains the bulk of America's rural Black population, often had to create majority-minority districts by joining seemingly-disconnected regions of a state. Some of these districts were so facially "bizarre" that they were "unexplainable on grounds other

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this discussion because as Carmines and Berkman (1994) observe, the Republican Party had generally coalesced around conservatism

than race,” in the words of Justice Day O’Connor in *Shaw*. That meant that, whereas in the much of the country, one would have to strategically gerrymander to *avoid* creating any majority-minority districts, majority-minority districts in the South often required winding districts. As Hill (1995) notes, many of the newly-created majority-minority districts were mocked with pejorative nicknames decrying their ridiculous shapes, including “The Mark of Zoro” in Louisiana, “Sherman’s March” in Georgia, and “University Avenue” in Florida, which contained only one lane of a particular street. Even in non-rural areas, southern states often clamored to create increasingly ludicrous-looking majority-minority districts to meet the supposed demands of the Court. In North Carolina, for example, the district challenged in *Shaw v. Reno* was 160-miles long, cut through ten-different counties and spanned the width of an interstate, despite 80% of its population living in cities with populations over 20,000 (Pildes and Niemi 1993). But given the increasing demographic concentration of cities across the country, most majority-minority districts look different than they did in the 1990s (Rodden 2020). Thus, we must revisit prior findings to see if they hold up amidst shifting political geography.

The use of caution is warranted with the exercise of new methods like computer simulations. While these methods are powerful because they can create large sampling distributions with a useful degree of randomness, they are not foolproof. The most critical assumption of computer-based simulation in the study of majority-minority districts is that of fixed political behavior. Because simulations rely on real-world turnout data from a particular election, one must assume that behavior does not change with a shift in the lines.

This assumption is incompatible with the “Racial Threat Thesis,” alternatively referred to as the “White Backlash Hypothesis,” which posits that white voters exhibit political backlash when faced with minority candidates or increasing minority political participation (Lublin and

Voss 2003). Most famously in this line of work, Key (1949) posited that the Black population was the defining force of Southern politics, especially in districts within the Black Belt, with white voters obsessing over “maintenance of control by a white minority.” Strong evidence for this hypothesis can be found in George Wallace’s various campaigns (e.g. Black and Black 1973; Schoenberger and Segal 1971; Wasserman and Segal 1973; Wrinkle and Polinard 1973). Since then, several scholars in the late 1990s and early 2000s contended that white ideology was no longer responsive to a district’s proportion of minorities, and that white voters were not systematically biased against black candidates (e.g., Lublin and Voss 2003; Voss and Lublin 2001; Voss and Miller 2001). However, many other scholars from the time period still find a non-linear, non-majoritarian relationship between a district’s black population and the liberalism of representatives (e.g., Black 1978; Bullock 1981; Combs, Hibbing and Welch 1984).

In particular, explicit tests of the Racial Threat Thesis, using David Duke’s Louisiana Senate Campaign, provide compelling evidence that racial backlash played an outsized role in southern politics even into the 1990s (Giles and Buckner 1993). In addition, more recent and sophisticated data sources have reaffirmed the Racial Threat Thesis. Evidence, particularly from the post-Obama Era, suggests that white voters do, in fact, penalize black candidates. For example, racial animus, estimated using Google search results, is believed to have cost Barack Obama approximately 4% of the national popular vote in both 2008 and 2012, compared to white Democrats (Stephens-Davidowitz 2014). Similarly, liberal policies, especially redistributive ones, have been found to attain less legislative success in some states as their minority population or minority turnout spikes (e.g., Hero and Tolbert 1996; Krueger and Mueller 2001; Radcliff and Saiz 1995; Wright 1977). And a 2014 study showed that white voters became more conservative when they received cues about America’s impending majority-minority status

(Craig and Richeson 2014; for a summary of the literature on demographic change and backlash at the national level, see Craig, Rucker and Richeson 2014).

A related assumption implicit in fixed political behavior is that turnout rates will stay fixed. Considerable evidence has been published in support of the theory of empowerment, on the other hand, suggests that majority-minority districts and minority candidates increase minority turnout (Barretto, Segura and Woods 2004; Banducci, Donovan and Karp 2004; Brace, Handley, Niemi and Stanley 1995; Gay 2001 (PPIC); but see Keele and White 2011 for a critique). Further analysis has suggested that this “empowerment” is more motivated by a group’s share of the population, rather than a specific in-group candidate, meaning that the effect should span minorities in all majority-minority districts, not merely those represented by legislators of color (Fraga 2016). Furthermore, some evidence suggests that the turnout rate of white voters may fall in majority-minority districts (Gay 2001).

On the other hand, there is reason to believe that majority-minority districts might stunt turnout across the board. The Empowerment Effect is countered by the famous Downsian Closeness Hypothesis, which predicts depressed turnout in uncompetitive elections — as a result of behavior from both elites and individuals (e.g. Simonovits 2012; Matsusaka 1991; Downs 1957; Cox and Munger 1989; Matsusaka and Palda 1993; Kirchgässner and Schulz (2004); for a rigorous review, see Geys 2006). As a result, scholars aiming to forecast the results of alternate districting plans using votes or voter turnout information from a specific election make a significant assumption.

That is not to say that there is no use for simulation. The advantage of such alternate simulations is that they allow for more efficient counterfactuals, that do not rely the same confounded data as observational studies. In fact, to date, most observational studies of majority-

minority districts have been forced to treat states that did not create majority-minority districts as counterfactuals for states that did.

There are several problems with this set-up. First of all, states are not randomly assigned to create majority-minority districts. The states that did in the 1990s skew disproportionately southern, have higher Black populations and typically feature more racially-polarized voting. Some studies, like Washington (2011), have attempted to circumvent this problem by using a subset of southern states to control for trends in a difference-in-difference framework. But even these Southern states that did not create majority-minority districts — like Tennessee, West Virginia and Arkansas — are substantively different than the ones that did.

Additionally, previous studies have used VRA coverage as an indicator of pressure to create majority-minority districts. In doing so rather than looking at which states created majority-minority districts, they are attempting to isolate the impact of the contrived districts on election results in the 1990s from districts that became majority-minority because of demographic trends or reapportionment. Coverage under Section V, these authors posit, indicated that a state was under increased pressure to create more equitable maps. However, at the time of the 1990s redistricting, under *Beer v. United States*, the Court had interpreted Section V to merely mandate a “non-retrogression” principle (Karlan 2004). Courts signaled that redistricting plans should be pre-cleared under Section V unless they were worse for minority voting power (essentially understood as descriptive representation) than previous plans. Under this doctrine, there is limited reason in expecting Section V coverage to pressure the creation of new majority-minority districts; rather, at least facially, it seems as though this test would merely prevent states from abolishing old ones. Indeed, three out of the nine states fully covered by Section V did not create majority-minority districts in the 1990 redistricting. Instead, I uncover a

different test for understanding which districts faced pressure to create majority-minority districts, and exploit quasi-random variation at the margin for a more realistic counterfactual that gets to the heart of the quantity in question.

The final shortcoming of previous work is its failure to address its own scope. As with any redistricting plans, partisan impacts are highly variable and contextual to elections. For example, a redistricting scheme that resulted in many highly-liberal seats and featured a median seat four points to the right of the country might be seen as desirable for liberal Democrats in an electoral landscape where the party wins nationwide by five points. However, that same plan would be devastating if Democrats only won by three points nationwide. Instead, they would likely prefer a plan that created a moderate Democratic majority. In fact, if one abandons the view of Congress as a majoritarian binary, there are situations in which a party faces a fifteen point nationwide swing against it, where the creation of safe majority-minority districts might be one of the few factors to keep it from electoral obliteration.

The closest real world analog of this hypothetical are the Georgia and North Carolina results from the 1992 and 1994 elections. In 1992, Democrats netted a mere 50.7%, but garnered 8/12 of congressional seats out of North Carolina. Similarly, in Georgia, the Democrats won 54.9% of the vote, but received 7/11 of congressional seats. By the 1994 election under the same maps, however, *Republicans* won 8/12 seats in North Carolina with only 54.3% of the vote in the 11 contested elections, and 7/11 seats in Georgia with only 54.5% of the vote (Engstrom 1995). As a result, it would be nearly impossible to universalize consequences from a single election to all hypothetical vote shares — as well as impossible to predict how differing vote shares would differentially impact districts.

## Data & Methods

In light of these cross-cutting methodological concerns I utilize a mixed-methods approach based on two separate political contexts that can harness the strengths of simulation, while guarding against its potential shortcomings. I begin with a case study of the post-1990s redistricting that drew the maps that ended Democratic control over the US House of Representatives. I proceed with a regression discontinuity design based on the Supreme Court's ruling in *Thornburg v. Gingles* and end with an analysis of 5,000 simulated redistricting plans for the state of Texas.

### *Regression Discontinuity Design*<sup>39</sup>

A major turning point for majority-minority districts came in 1986, with *Thornburg v. Gingles*. Historically, the Court had been more concerned with striking down plans that diluted minority voting power more than their predecessors. However, ahead of the 1990s redistricting, the Court in *Thornburg* established a three-pronged test for the *creation* of new majority-minority districts: 1. a racial group must be compactly and numerously spread such that it could form the majority of an ordinary single-member district, 2. the group must vote in a “politically-cohesive” manner, and 3. the majority-group must vote in a similarly cohesive manner such that they may usually defeat the minority's candidate. If all three conditions were met, the Court would view a lack of minority Members of Congress as evidence of diluted minority voting power.

*Thornburg v. Gingles* perhaps marked the Supreme Court's most open and sweeping embrace of majority-minority districts. Acting under a desire to fulfill the Voting Rights Act's

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<sup>39</sup> For a fuller legal history of majority-minority districts, please see the appendix.



promise, the Court ruled that redistricting in North Carolina that had the effect of overwhelming Black political behavior barred Black voters from "participat[ing] equally in the political process and [...] elect[ing] candidates of their choice." At the heart of this decision was the idea that descriptive representation was a necessary condition of adequate representation.

In light of racially-polarized voting throughout the nation, but particularly in the South, the Court essentially adopted the opinion that a state's proportion of Black Members of Congress should at least approach parity with the state's Black population. As such, a goal of "roughly proportional representation" became the shorthand for the Court's policy on majority-minority districts (O'Connor dissenting, *Thornburg v. Gingles*).

In determining these factors, the Court employed several simplifying devices. First, the plurality opinion rejected arguments from North Carolina that multivariate regression was necessary to isolate the racial effect of voting, concluding that a simple bivariate model was sufficient. That means that given the relatively uniform tendency of within-group minority political behavior, especially in the 1990s, when not accounting for confounding variables, under the Court's logic, its test can be universalized across races and states.<sup>40</sup> Though the exact circumstances of future Court rulings were in some ways unclear, the message rung loudly that where a majority-minority district could be designed to bring the congressional delegation closer to racial parity with the population, the Court in general felt it should be created (Cox and Holden 2011; Washington 2011). In turn, the proportion of majority-minority districts created can theoretically be modeled as some function of the distance from state population parity of the number of minority Members of Congress plus one.

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<sup>40</sup> Perhaps the most notable exception to this rule is the Hispanic population in Florida which is considerably more heterogeneous in its political behavior than other groups, both now and in the 1990s

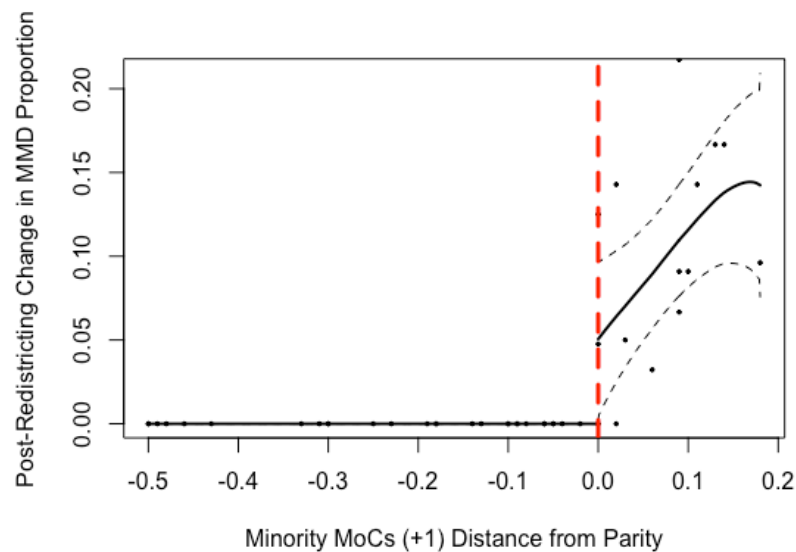
For most states, the relevant underrepresented group is African-Americans, but for five states, California, New York, Illinois, Texas and New Jersey, Hispanic voters were more underrepresented under this formula. As further evidence that the Court's test was applied as theorized, Figure 1 shows a regression-discontinuity design with Imbens-Kalyanaraman (2012) optimal bandwidths and local linear regression.

No state to the left of the discontinuity (the point at which a state would reach exact parity if it created an additional majority-minority district) created additional majority-minority districts. All but one to the right of the discontinuity created additional majority-minority districts. Put another way, 11/12 states to the right of the discontinuity created a total of twenty-one new majority-minority districts, 2/3 states at the discontinuity created a total of two new majority-minority districts, and none of the 28 states to the left of the discontinuity produced any new majority-minority districts.<sup>41</sup> Additionally, as expected, the model shows that the proportion of additional majority-minority districts created in redistricting increases in the distance between minority MoCs + 1 and parity. Furthermore, the estimated local trend appears to reflect an almost linear relationship between majority-minority districts created and the parity minus one cut-point.

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<sup>41</sup> Seven states only had one at-large congressional district following the 1990 redistricting, so are excluded from analysis, as they could not "create" any districts.

**Figure I: Proportion of Majority-Minority Districts Created**



I also posit that there is a degree of random variation that determines whether a state falls just below or just above our threshold of being one Member of Congress away from parity. From uncertainties in Census estimates to electoral apportionment to uncontrollable, and sometimes unobservable, population movement, there are a lot of reasons why being just below or above the parity point is essentially random. This finding allows us to apply a regression discontinuity design to mitigate existing sampling bias. Thus, I believe this method allows us to more convincingly evaluate the causal impact of majority-minority districting schemes in the 1992 election on congressional liberalism.

Regression Discontinuity has been utilized frequently in political science because the seemingly negligible differences between entries at the margin, coupled with this degree of randomness at the cut-point, create ideal conditions for a natural experiment. Notably, a wide literature applies the method to the study of close elections and incumbents (e.g., Lee 2001; Lee

2008; Hainmueller and Kern 2008; Erikson and Titiunik 2013; Broockman 2009). However, I believe this is one of the first papers to utilize regression discontinuity in racial redistricting.

I employ a Fuzzy Regression Discontinuity Design instead of a Sharp Discontinuity to account for heterogeneity in treatment (Imbens and Lemeieux 2008). I anticipate that the probability of treatment (creating majority-minority districts) sharply rises at the discontinuity, however our model is probabilistic and not deterministic, so I use distance from parity to act as an instrument and the proportion of majority-minority districts created as the endogenous treatment variable, in line with Hahn, Todd and Van der Klaaw (2001). In practical terms, this means that my first-stage regression estimate how the treatment (in this case, the creation of majority-minority districts) differs based on whether the forcing variable (distance from parity) is above or below the cut-point. My second stage equation estimates the impact of an increase probability of receiving treatment on our outcome variable (either a state's mean ideological score or the probability of electing a Democrat).

The first assumption that I must make is that there is disjuncture of treatment probability at the cut-off, and that individuals cannot manipulate this forcing variable at the margin. I believe that the test in *Thornburg* established in my theory section established a clear cut-off with a sharp discontinuity in outcomes. States to the left of the discontinuity, as demonstrated earlier, were not required to create additional majority-minority districts. States to the right of the discontinuity almost entirely were. Thus, I believe that the post-1990s majority-minority districts are a perfect candidate for this quasi-experiment.

My second assumption is that individual observations are comparable across the cut-off. A survey of our data shows several reasons to suggest that these counterfactuals have some degree of validity. Louisiana, for example, is barely covered, while Mississippi is barely not.

New York is barely covered, while Massachusetts is barely not. Illinois is barely covered, while Michigan is barely not.

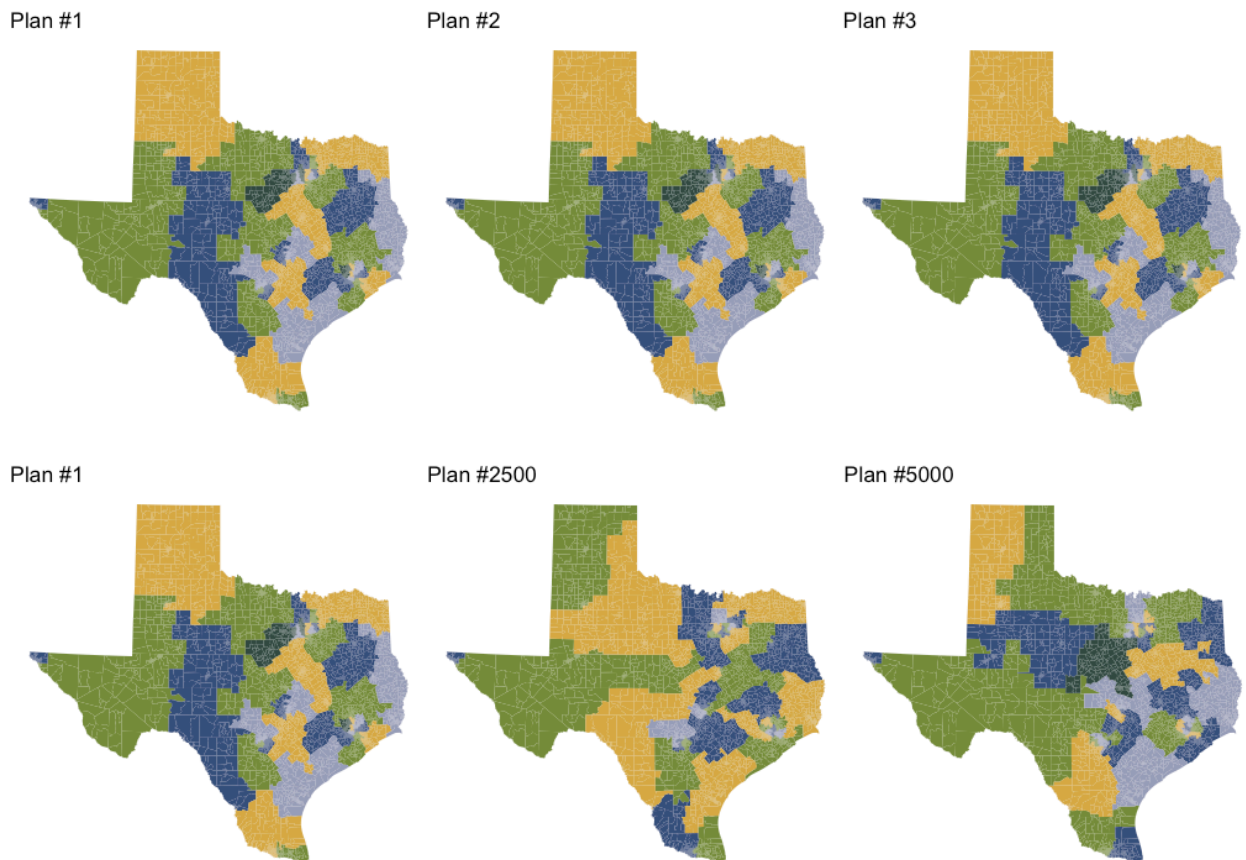
My final assumption is that the outcome would be continuous across the discontinuity without treatment. I find strong evidence for this idea in our theoretical framework: crossing the point of parity should produce no discontinuous *direct* results of the liberalism of a Member of Congress or the likelihood of electing a Democrat, only indirectly, as moderated by the state's propensity to create majority-minority districts. However, I hypothesize that distance from parity — that stands an indicator of structural discrimination within the state government — will be an important covariate in its own right, independent of the impact on the creation of majority minority districts.

### ***MCMC Simulation***

However, given that my level of observation will be the state level—and thus, my sample size is effectively limited to a maximum of fifty states—I anticipate that uncertainty from my RDD estimates will be high. To solve this problem, I utilize cutting edge tools from Markov Chain Monte Carlo (MCMC) simulation to generate 5,000 hypothetical congressional maps across 180,000 hypothetical districts in the state of Texas. My specific method uses the algorithm proposed by Carter et al. (2019). It follows Deford, Duchin, and Solomon's (2019) “recombination” proposal to increase the speed of MCMC simulations in the context of redistricting. Most crudely, the algorithm works as its name suggests: it merges pairs of adjoining districts (operationalized as spanning trees) and then splits that pair into an entirely new district. As a result, plans are highly correlated with successors (as one might expect from a Markov Chain). But over the long run, the algorithm creates sets of districts with tremendous

diversity. Figure II illustrates this procedure: while the initial sets of plans closely resemble one another, later plans bear little resemblance.

**Figure II: Example Simulations of Texas Redistricting Plans**



More details on the mechanics of various Monte Carlo-based redistricting simulations can be found in the introductory section, but importantly, my model did not take into account racial data when creating these districting plans. The algorithm's parameters were solely set to ensure (roughly) equal population and contiguity, and to minimize splitting counties. These criteria conform to those used by the state of Texas in its real-world redistricting, and therefore resemble our best approximation of the data generating process that would create the full distribution of Texas's redistricting plans.

I use the state of Texas for several reasons: first, Texas is the second largest state by population, meaning that it contains a sufficiently large and heterogeneous population to make inferences with implications that are transferrable beyond the state. Second, Texas has both a sizeable minority population (only approximately 50% of the state is non-Hispanic white) and a large number of majority-minority districts in the status quo. And finally, because Texas boasts significant Black, Hispanic, and Asian populations, my results should more easily generalize to majority-minority districts writ large, rather than merely majority-Black or majority-Hispanic districts.

### ***Data***

I use two primary outcome variables to measure liberalness and the likelihood that a Democrat will win the seat:

- *Democratic Representatives*: A binary variable indicating “0” for a Republican victory, or “1” for a Democratic victory in the 1992 General Election. While I associate limited substantive ideological importance to a Democratic victory, the partisan impacts of majority-minority districts bore the brunt of criticism in the aftermath of the 1992 and 1994 elections, and it is therefore worth considering whether this criticism was misplaced. Data for this measure, as well as for my case study, comes primarily from the Federal Election Commission.
- *Americans for Democratic Action (ADA) Scores*: ADA scores measure the most contentious and impactful votes facing Congress. Across twenty votes, Members are scored five points for voting with the ADA’s position. ADA scores, however, offer limited comparative value across years and pull from only the most

contentious issues, thereby ignoring partisan strength on less popular issues (Washington 2011; Snyder 1992). Groseclose, Levitt, and Snyder (1999) offer weighted ADA scores that are comparable across time by correcting for the stretch and shift in criteria used by the ADA.

For my simulation analysis, the shapefiles and precinct-level demographic data comes from the Metric Geometry and Gerrymandering Group. From there, I use the R package “redist” to assemble simulations using Carter et al.’s (2019) Merge-Split Proposal for Reversible Monte Carlo Markov Chain Sampling of Redistricting Plans. Because my plans were randomly sampled, I assume them to be representative of my broader sampling distribution, which I in turn assume to be representative of the target distribution. Thus, my simulations represent a quasi-experiment wherein the number of majority-minority districts is essentially randomized, and I am subsequently able to study their impact on partisan outcomes.

### **Case Study: Post-1990s Redistricting**

Does a more granular look at the data support the theory that a litany of liberal white Democrats, particularly in the South, were defeated by conservative Republicans? According to Hill (1995), Black voters went from comprising 16.3% to 11.3% of the average majority-white district’s voting age populations and the standard deviations of the district’s Black populations decreased as well. The average majority-white district in the South, then, lost about 5% of its Black voting age population.<sup>42</sup> In the 1990 elections, only eight districts were won by five points

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<sup>42</sup> Because Black turnout lagged about ten-percentage points behind white turnout in the 1990s, the actual electoral disadvantage for Democrats in these districts from losing these voters was slightly less dramatic



or less by either party, out of the 135 districts considered by the Census Bureau to be in the South. Furthermore, only two Democrats won by less than five percentage points in the South.

**Table II: Breakdown of Incumbents Who Did Not Return to the 103<sup>rd</sup> Congress**

	Conservative Republicans (ADA <50)	Liberal Republicans (ADA >50)	Conservative Democrats (ADA <50)	Liberal Democrats (ADA >50)
Incumbents Not Running	AL-02, AR-03, CA-12, CA-31, CA-39, FL-04, FL-10, KY-06, MI-02, MI-11, MI-18, MN-02, NJ-07, NY-04, NY-05, NY-26, NY-29, OH-15, PA-05, PA-13, VA-07, WA-01, WA-08 <b>(23)</b>	WA-04 <b>(1)</b>	AL-7, GA-01, GA-10, MI-08, VA-06 <b>(5)</b>	CA-6, CA-25, CA-27, CA-31, CA-32, CO-03, DE-AL, FL-03, FL-16, FL-17, FL-19, GA-09, ID-02, IL-11, KY-07, MA-11, MI-03, MI-14, NJ-06, NJ-08, NJ-14, NY-03, NY-08, NY-28, NY-33, OH-01, OH-11, OH-13, OH-19, OR-01, PA-06, PA-20, SC-06, UT-02, WI-05 <b>(35)</b>
Incumbents Defeated	AZ-01, CA-01, CA-19, KS-05, LA-08 <b>(5)</b>	N/A	AL-06, AR-04, KY-01, MD-06, LA-05 <b>(5)</b>	AR-01, GA-02, GA-10, IA-03, IL-01, IL-02, IL-03, IL-16, IL-19, IN-05, MA-03, MA-05, MA-06, MD-04 <b>(14)</b>

Incumbents Defeated in Primary Election	KS-05 (1)	N/A	AR-04, KY-01, MD-06 (3)	AR-01, GA-02, GA-10, IL-01, IL-02, IL-03, IL-19, MA-05 (8)
Incumbents Defeated in General Election	AZ-01, CA-01, CA-19, LA-08 (4)	N/A	LA-05, AL-06 (2)	IA-03, IL-16, IN-05, MA-03, MA-06, MD-04 (6)

Source: Federal Election Commission

It seems unlikely, then, given the dearth of close races in the South under the old maps, that the minor demographic changes in competitive majority-white districts brought about by neighboring majority-minority districts could cause such a grand and lasting impact. Election results from the 1992 election seem to bear this idea out. While the 1992 elections featured high levels of turnover, as Table I shows, the majority of incumbent departures stemmed from retirements, rather than re-election defeats. That being said, the majority of Democratic incumbents who *lost* re-election did come from states that created majority-minority districts in the redistricting that followed the 1990 Census.<sup>43</sup> However, the vast majority of these losing incumbents were defeated in their primaries, often by more liberal challengers who went on to win their general elections. In total, only four incumbents were defeated by out-party challengers in states that created majority-minority districts — the exact same as the number of Republican incumbents who lost their seats to Democrats in states that created majority-minority districts.

One potential challenge, however, is the idea that incumbents may internalize the competitiveness before seeking re-election. A wide and robust literature supports a “strategic retirements hypothesis” — that politicians strategically internalize costs and risks in their

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<sup>43</sup> New York, Pennsylvania, Illinois, Texas, Georgia, Virginia, California, Maryland, Alabama, Louisiana, North Carolina, South Carolina and Florida all created at least one majority-minority district for the 1992 elections

electoral decision making, potentially including the competitiveness of a re-election bid (e.g., Jacobson 1989; Gelman and King 1990; Stone et al. 2010). However, ahead of the 1992 elections, a variety of factors promoted incumbent retirements, from the House Banking Scandal to campaign finance inducements. Groseclose and Krebihel (1994) find that redistricting had a comparably negligible impact on incumbents' decisions to forgo reelection.

The data also does not support the hypothesis of strategic retirements by conservative, southern Democrats. The vast majority of retirements came from liberal Democrats, many from safe, liberal districts. Conservative Democrats only accounted for 12.5% of Democratic retirements ahead of the 1992 elections.

Overall, the data seem to suggest that the majority of conservative Democrats who lost their seats lost them in primaries to more liberal challengers. Contrary to the dominant narrative surrounding majority-minority districts, that finding would suggest that minorities, who skew more liberal in survey responses than the average Democrat and average white respondent, actually made gains in substantive representation (Washington 2012).

## Quantitative Results

**Figure II: Effect of Majority-Minority District Creation on Delegation Ideology**

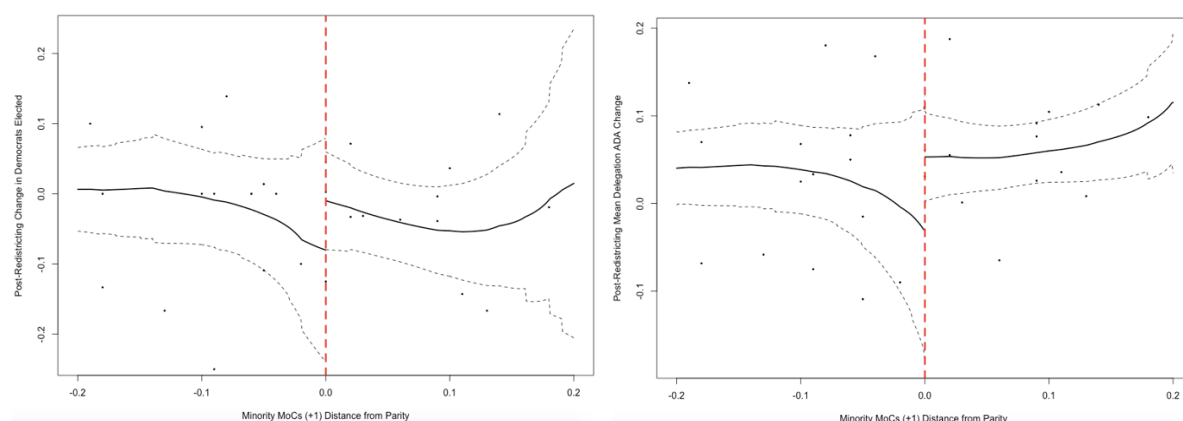


Figure II displays the results of fuzzy regression discontinuity analysis of the change in the number of Democrats elected as a proportion of a state's congressional delegation and the delegation's mean ADA score. Two facts emerge as salient. First, I find little evidence for the perverse effects hypothesis. Democrats in states just above the cut-point performed on average *better* than those just below the cut-point. Similarly, delegations above the cut-point appeared *more* liberal than ones below it. In fact, across all states in the data set, there is little evidence of dramatic losses for Democrats in areas that added majority-minority districts. But second, and importantly, as predicted, uncertainty is high. As a result, while these results provide some evidence against the most drastic formulations of the "perverse effects" hypothesis, they do not allow us to definitively conclude that there is *no* perverse effect of majority-minority districts, or that there is a positive impact on substantive representation. For more precise causal evidence, I turn next to the results of my MCMC simulation.

**Figure III: Do Plans with More Majority-Minority Districts Lead to Fewer Democrats?**

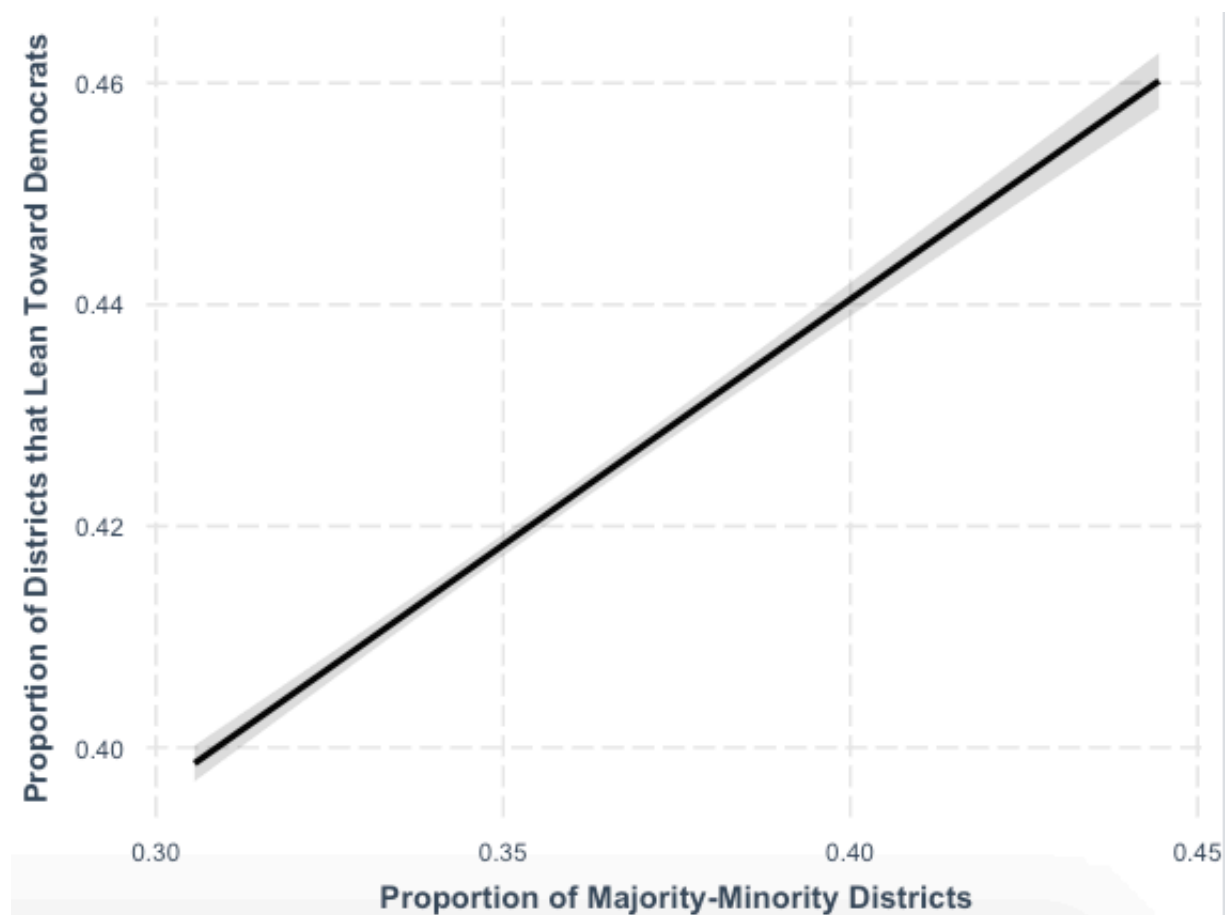


Figure III also rebuts the “perverse effects” hypothesis. It shows that across the 5,000 simulated plans, maps with higher numbers of majority-minority districts tended to elect *more* Democrats. Of course, as expected, the fact that the slope of my regression line implies a trade-off between the number of Democrats elected from majority-white districts and the number elected from majority-minority districts. But the net result is still more Democrats in Congress: the difference in the mean number of Democrats elected between plans with the least number of majority-minority districts in the sample and plans with the most,<sup>44</sup> is estimated at six percentage points. In a state like Texas, that means that an aggressive majority-minority districting mandate

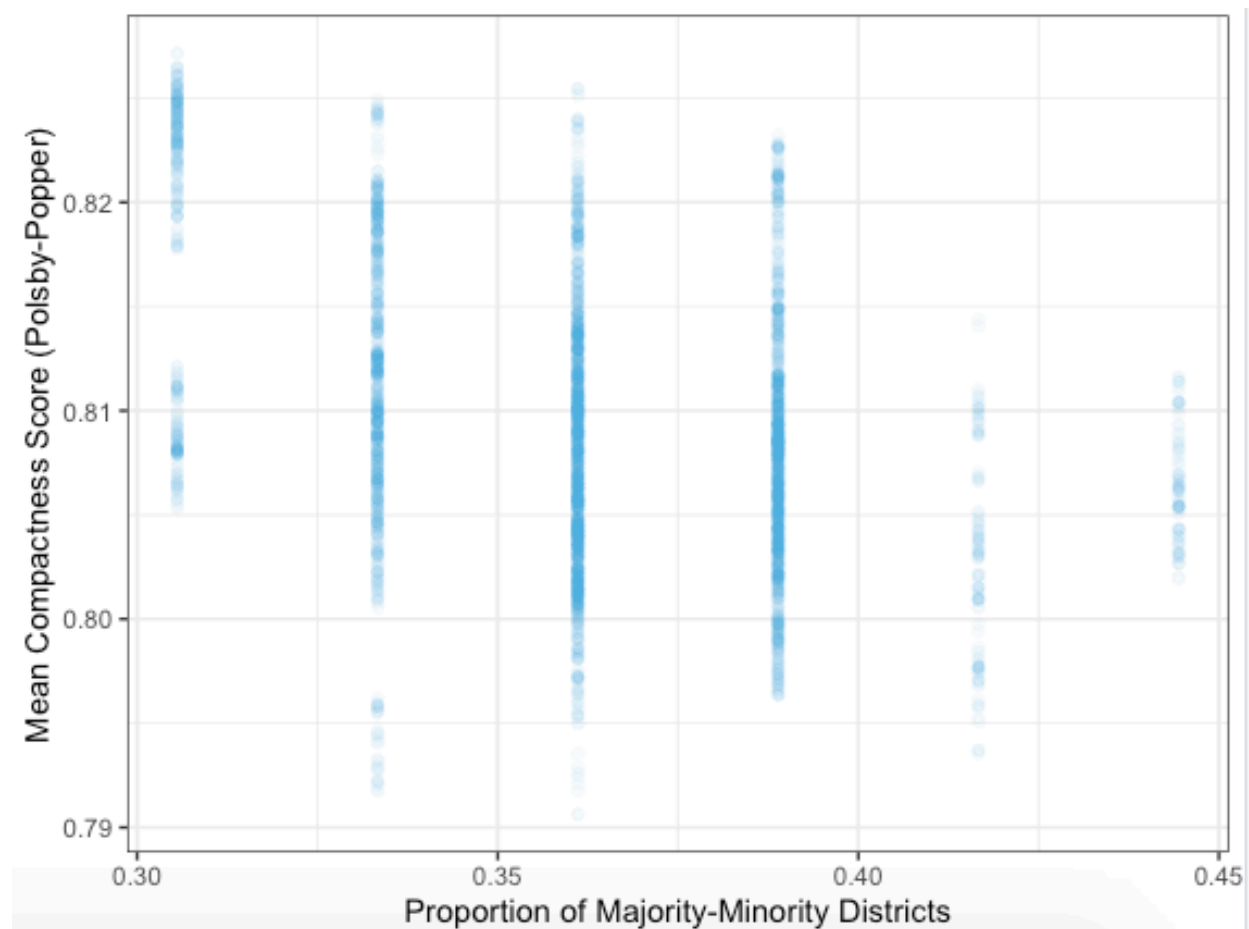
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<sup>44</sup> Which amounts to five additional majority-minority districts

could be expected to flip two additional seats, compared to a regime that opposed the creation of additional majority-minority districts.

The results of our simulation also offer further clues about the source of this Democratic advantage in the creation of majority-minority districts. Figure IV plots the mean compactness score of a district within a simulated plan as measured by Polsby-Popper scores, a geometric measure of compactness that is widely used in the literature. A high Polsby-Popper score indicates that a particular plan is extremely compact, while lower numbers indicate looser plans.

**Figure IV: Plan Compactness by Number of Majority-Minority Districts**



There is a relatively clear inverse relationship between the compactness of the simulated plans and the number of majority-minority districts. This suggests that one advantage of majority-minority districts for Democrats, as I argued in my theory section, is that it gets them out of the spatial trap of compactness, which greatly diminishes the voting power of urban voters (Rodden 2020).

Taken together, the results from all three pieces of the study allows us to make conclusions that are difficult to gather from observational study. First, our case study of post-1990 redistricting helps us understand how the conventional narrative around majority-minority districts took hold: mere correlation. That the advent of majority-minority districts happened to coincide (roughly) with a major realignment in the strength of Democrats in the United States House of Representatives does not mean that it *caused* that realignment. In fact, the regression discontinuity study—which is better able to deal with confounding factors than pure observational analysis—suggests that majority-minority districts did not cause seat losses for Democrats, or encourage overall ideological conservatism in Congress. But uncertainty is too high to make definitive conclusions. That is where the use of simulations is helpful. Through our simulations, we are able to definitively show several results. First, that it is possible to create majority-districts that do not harm minorities’ substantive representation. Since each of the simulations represents a plan that could legally be enacted, the existence of just one plan that met this claim would be sufficient. But the results of our simulations go even further: in our representative sample of randomly drawn Texas redistricting plans, majority-minority districts *increase* Democrats’ seat share. As a result, based on the combined sum of this mixed methods evidence, I reject the popular notion of “perverse effects” and posit that there is no real-world trade-off between descriptive and substantive representation.

## Conclusion

Majority-minority districts offer perhaps the best evidence that redistricting can be a tool for affirmative social change. Before the passage of the Voting Rights Act, in the aftermath of the 1964 elections, there were six Black congressmen, all of them Democrats and none of them from the South. Today, there are ten times as many Black legislators in the halls of Congress. Yet for years, popular wisdom has held that this progress in diversifying Congress has come at the cost of policies that would serve the interest of minority communities.

This popular wisdom has become widespread among influential policymakers and scholars as well. Most recently, Congressman Bennie Thompson, who represents Mississippi's sole majority-minority district, was the only Democrat to vote against the hallmark For the People Act to reform American democracy. His stated opposition was in fear that its anti-gerrymandering provisions—designed in part to bring Southern states' seat shares closer to their vote shares—would dilute the majority-minority district that elected Thompson to Congress.

As a result, majority-minority districts have been frequently maligned as examples of deleterious consequences of “identity politics” being prized over programmatic policy. But instead, my simulation analysis suggests that the opposite is true: majority-minority districts may even offer an avenue for Democrats to advance their ranks in Congress, by escaping the trap imposed by compactness. However, though majority-minority districts themselves do not present a trade-off between descriptive and substantive representation for Black voters, they do contribute to the broader normative democratic trade-off for redistricters when considering impulses toward safe versus competitive seats.



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## Appendix

### *A History of Racial Redistricting*

In the long history of the Voting Rights Act, none of its consequences have proved nearly as controversial as the implementation of majority-minority districts, which today comprise more than ¼ of all congressional districts. Proponents argue that these districts, in which at least half of the voting age population are minorities are the only foolproof means of ensuring that minorities are elected to congress. But opponents have lobbed a host of criticisms at the practice of race-based redistricting, from decrying their “perverse effects” on minorities’ substantive representation to condemning them as de facto “apartheid” (*O’Connor dissenting, Shaw v. Reno*). The Court, in response, has created a complicated doctrine, ruling at various times in ways that compelled, encouraged or even eviscerated certain majority-minority districts. In this section, I will review the history of majority-minority districts, the Court’s analysis of relevant constitutional criteria, and the various tests or principles that the Court has applied to racial redistricting.

#### *Early History*

Until the passage of the Voting Rights Act in 1965, racial gerrymandering in the United States took a principally negative form. Throughout the Reconstruction Era, race-based vote dilution through districting — in consort with numerous other discriminatory voting practices like poll taxes, disenfranchisement and literacy tests — relegated Black political power to negligible levels in the South (Okonta 2017).

Importantly, the first wave of racial redistricting was aimed at minimizing Black political power — for racial, not partisan reasons. At many other points in history, racial gerrymanders have attempted to pack Black voters in effort to minimize their *partisan* voting power. However,

under most of these redistricting plans, Black voters made gains in at least descriptive representation, as the number of Black representatives swelled. While partisan dilution and racial dilution are highly related, it is important to draw a distinction between the two as the Court eventually does. I would argue that the former invokes concerns about the overall political fairness of the democratic system, while the latter invokes concerns about the treatment of a “discrete and insular minority” within that system. While the Court has demurred on the first question, failing to identify strict criteria with regard to political gerrymandering, it has been vigilant albeit inconsistent with regard to racial gerrymandering.

The Court’s early history with racial redistricting was mostly corrective, striking down plans enacted with the intent to constrain and suppress the Black vote. In *Gomillion v. Lightfoot* (1960), the Court ruled that political districts that surgically and intentionally excluded Black voters were impermissible under the 15<sup>th</sup> Amendment. *Gomillion* set the Court on course for its decision in *Baker v. Carr*, which introduced the notion of “one-person one-vote” in 1962. Two years later, in *Wesberry v. Sanders* and *Reynolds v. Sims*, the Court reaffirmed and expanded the principle to encompass all state legislative chambers and the House of Representatives. By the time the Voting Rights Act passed Congress, the Court had established a robust doctrine to guarantee equal weight of votes.

In the years following the Voting Rights Act, the specifics of the doctrine were tested in a variety of ways. In several cases — *Allen v. State Board of Elections*, *Perkins v. Matthews*, and *Dougherty County, Georgia, Board of Education v. White* — the Court granted a wide scope for the Attorney General’s pre-clearance power under Section V to regulate virtually all electoral rules, regardless of election, intent or impact. In 1973, the Court established a clear, mathematical standard for the maximally admissible level of malapportionment in a state (*White*

*v. Regester*). In a 1976 case, *Beer v. United States*, the Court clarified its earlier rulings, holding that under Section V of the Voting Rights Act, proposals were to be considered against the backdrop of previous plans. Any plan that would improve the political standing of minorities compared to its predecessor was acceptable to the Court, and would be pre-cleared, unless it violated a Constitutional tenet.

As a result, in *Beer*, the Court decided to pre-clear a plan that created additional majority-minority districts, despite compelling arguments that it diminished Black voters' overall *partisan* voting power and still left Black representation on the City Council well below parity. In doing so, the Court seemed to signal its belief that redistricting schemes that improved Black descriptive representation, no matter their cost to substantive representation or their overall descriptive fairness, would pass the pre-clearance test automatically.

But there were still many ambiguities in the Court's doctrine. For example, *Gomillion* never definitively addressed whether its 15<sup>th</sup> Amendment argument was based in racially-biased intent or impact. While it was clear that the Attorney General could decline to pre-clear voting rules that were facially neutral, but racially-biased in their impact, it was less clear whether the Court could organically reject voting systems based on the results of their application. In 1976, the Court held in *Washington v. Davis* that a racially disparate impact was not sufficient to prove a violation of the Equal Protection Clause, setting the stage for the heated debate within the Supreme Court on whether the same was true of the Voting Rights Act. The Court addressed this question in *Mobile v. Bolden* (1980), ruling that Fifteenth Amendment protections required racially discriminatory motivations, not merely impacts, and that the language of the relevant section of the Voting Rights Act mirrored the Fifteenth Amendment. As a result, the Court

restricted power under Section II to only laws with racially-biased intent, regardless of their actual effects.

Under the logic of *Beer*, it seemed as though the Court would encourage bodies responsible for redistricting in covered jurisdictions to create additional majority-minority districts in order to automatically pass pre-clearance. However, the immediate aftermath of the 1980s redistricting only produced one new Hispanic Member of Congress, Solomon Ortiz of Texas, and no new Black Members of Congress.

The simple explanation for the lack of progress was that the Court's refusal to independently test impacts limited the reach of Section II in *Mobile* and its imposition of a non-retrogression principle for preclearance in *Beer* diluted Section V. That meant that states had little incentive or pressure to change the status quo. In fact, at the time, John E. Miller, Chairman of the Southern Legislative Conference, told the New York Times that the real challenge to Black voting power was not its expansion, but rather "mak[ing] sure blacks didn't lose what they've got."<sup>45</sup> Ahead of redistricting, the Justice Department refused to preclear changes to the maps in Alabama, Arizona, Georgia, and Mississippi. In response, all four passed less dramatic changes that more closely mirrored existing conditions, which the Justice Department did precleared (Redistricting and the Supreme Court).

The Court's doctrine insisted that plans that were more discriminatory or dilutive than their predecessors would be struck down. But maintenance of the states' existing systems — which featured congressional and state legislative delegations that fell dramatically below parity with the population — could not be seen as "retrogression," and therefore could not be stopped

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<sup>45</sup> <https://www.nytimes.com/1981/11/12/us/redistricting-plans-in-south-thwart-blacks-hopes.html>

under pre-clearance powers. Further, it would be exceedingly difficult for Courts to prove that virtual maintenance of the status quo was motivated by discrimination.

In response, Congress in 1982 amended the Voting Rights Act to comport with the Court's ruling in *Mobile* and grant a wider berth for ferreting out racially-disparate impacts. The amendments to the Voting Rights Act included something of a results-test in the new Section II, thereby allowing the Court to consider disparate impacts of redistricting, without guaranteeing proportional representation. In a direct rebuttal to the Court ruling, Congress added text to Section II stating that "the extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered." Under this new power, Courts were granted a wide berth of power to more clearly empowered to quash negative racial redistricting.

### ***Constitutional Backdrop***

The Voting Rights Act leans heavily on the Fifteenth Amendment as guarantor of its power. In the view of proponents, it aims to mitigate the racial barriers to voting that the Fifteenth Amendment expressly sought to end. Section II of the Amendment — clad in languages of appropriateness that seems to callback to *McCulloch* — grants Congress a wide berth to achieve this end. Furthermore, under the *Ratchet* theory, established in *Katzenbach v. Morgan*, Congress had the power to legislate supposed violations 14<sup>th</sup> Amendment — in this case, proponents most commonly argue that diluted voting power violates either the Equal Protection Clause or the Citizenship Clause — more broadly than the Court had previously. However, in *City of Boerne v. Flores*, the Court seemed to signal its disapproval of the idea that Congress could reinterpret the Supreme Court's understanding of Constitutional guarantees.

Finally, if vote dilution is considered one of the “badges and incidents” of slavery, Congress’s power under the 13<sup>th</sup> Amendment would be expansive enough to include the Voting Rights Act.

***Thornburg v. Gingles: A New Era for Majority-Minority Districts***

A major turning point for majority-minority districts came in 1986, with *Thornburg v. Gingles*. Historically, the Court had been more concerned with striking down plans that diluted minority voting power more than their predecessors. However, ahead of the 1990s redistricting, the Court in *Thornburg v. Gingles* established a three-pronged test for the *creation* of new majority-minority districts: 1. a racial group must be compactly and numerously spread such that it could form the majority of an ordinary single-member district, 2. the group must vote in a “politically-cohesive” manner, and 3. the majority-group must vote in a similarly cohesive manner such that they may usually defeat the minority’s candidate. If all three conditions were met, the Court would view a lack of minority Members of Congress as evidence of diluted minority voting power.

*Thornburg v. Gingles* perhaps marked the Supreme Court’s most open and sweeping embrace of majority-minority districts. Acting under a desire to fulfill the Voting Rights Act’s promise, the Court ruled that redistricting in North Carolina that had the effect of overwhelming Black political behavior barred Black voters from “participat[ing] equally in the political process and [...] elect[ing] candidates of their choice.” At the heart of this decision was the idea that descriptive representation was a necessary condition of adequate representation.

In light of racially-polarized voting throughout the nation, and particularly in the south, the Court essentially adopted the opinion that a state’s proportion of Black Members of Congress should at least approach parity with the state’s Black population. As such, a goal of “roughly

proportional representation” became the shorthand for the Court’s policy on majority-minority districts (*O’Connor dissenting, Thornburg v. Gingles*).

In determining these factors, the Court employed several simplifying devices. First, the plurality opinion rejected arguments from North Carolina that multivariate regression was necessary to isolate the racial effect of voting, concluding that a simple bivariate model was sufficient. That means that given the relatively uniform tendency of within-group minority political behavior, especially in the 1990s, when not accounting for confounding variables, under the Court’s logic, its test can be universalized across races and states.<sup>46</sup> Though the exact circumstances of future Court rulings were in some ways unclear, the message rung loudly that where a majority-minority district could be designed to bring the congressional delegation closer to racial parity with the population, the Court in general felt it should be created (Cox and Holden 2011; Washington 2011). In turn, the proportion of majority-minority districts created can be modeled as some function of the distance from state population parity of the number of minority Members of Congress plus one.

### ***Shaw v. Reno & Miller v. Johnson: The Court Pulls Back***

The results of the *Thornburg* doctrine of racial redistricting fundamentally altered the composition of Congress, following the 1992 elections. The number of minority Members of Congress skyrocketed to their highest proportions in history. Many states, particularly in the south, saw the election of their first Black Members of Congress.

By 1993, however, the Court had changed. Justice Thurgood Marshall, the Court’s leading crusader for Civil Rights had been replaced by Justice Clarence Thomas, and Justice William Brennan Jr., who had written the majority opinion in *Thornburg*, had been replaced by

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<sup>46</sup> Perhaps the lone exception to this rule is the Hispanic population in Florida which is considerably more heterogeneous in its political behavior than other groups, both now and in the 1990s



Justice David Souter. With dissents from all members of the *Thornburg* majority who still sat on the Court, *Shaw v. Reno* dramatically altered the manner in which states created majority-minority districts.

The Court seemingly reversed course from its fervent advocacy for majority-minority districts in favor of a far more restrained policy. Writing for the majority, Justice O'Connor explained that maps featuring oddly-shaped districts that were "unexplainable on grounds other than race" would face strict scrutiny. North Carolina, whose "bizarre" maps were in question in *Shaw*, had argued that the district should be permitted despite its non-compact shape, in order to better ensure that minorities received adequate representation in Congress. The Court flatly rejected North Carolina's defense, citing the maps as violations of the equal protection clause. Importantly, it also imposed strict scrutiny on North Carolina's facially race-based redistricting schemes, meaning that they had to be "narrowly tailored to further a compelling government interest" to pass constitutional muster. Justice O'Connor's majority opinion even compared the practice to "apartheid."

Two years later in *Miller v. Johnson*, the Court went even further. It held that *any* redistricting that used race as the "predominant" consideration must be subject to strict scrutiny. In *Johnson*, the Court held that under certain specific, largely remedial conditions, racial gerrymandering could be permissible. But, as a general rule, racial gerrymandering for the sole voluntary purpose of improving minority descriptive representation was a violation of the Equal Protection Clause.

These decisions also marked a shift in the Court's doctrine from considering states to considering individual district. Where a doctrine of "roughly proportional representation" from *Gingles* would have required macro-analysis at the state level, these decisions sought to reign the

level of analysis back to the district level. While state-level maps could still be challenged, the Court applied strict-scrutiny to individual districts, which meant these districts might be evaluated outside of their broader context.

### ***Bush v. Vera: The Political Exception***

In *Bush v. Vera*, the Court attempted to clarify its new doctrine on majority-minority districts, and carved out slight exceptions. The majority re-emphasized the application of strict scrutiny to race-based districts, as well as the principle of non-retrogression: an individual Texas district that diluted minority voting power was unconstitutional, regardless of the broader ramifications. Importantly, the plurality did not see its recent series of decisions as vacating all majority-minority districting. Compact majority-minority districts, for example, would have likely passed constitutional muster under this doctrine — the Court was simply attempting to scrutinize situations in which race-based criteria crowded out and preponderated over other factors (Briffault 1995).

This idea opened the door for future racial gerrymanders to be justified on political or other grounds. For example, a districting scheme that was designed to protect incumbents or pack voters of the same party and merely happened to involve the creation of majority-minority districts would be acceptable under *Bush v. Vera*. However, in *Cooper v. Harris*, the Court ruled that race may not be used as a simple proxy for partisanship, in order to draw majority-minority districts under the guise of partisan gerrymandering.

Another critical portion of *Bush v. Vera* was the manner in which it appeared to hold Section II of the Voting Rights Act as a “compelling government interest.” The problem, then, in the eyes of the Court, was that the solutions were not sufficiently “narrowly tailored.” If a jurisdiction had to be contorted severely to become a majority-minority district, then that

minority was not compact enough to have been diluted in the first place. The majority also rejected arguments stemming from historical discrimination as justifying the remedy.

***Shelby County v. Holder: The VRA is Diluted but Not Dismantled***

Despite the Court's efforts to dismantle many majority-minority districts over the past few decades, it had rarely attempted to touch the core document that underlay majority-minority districts, or even challenge Congress's interpretation of it. As a result, ahead of the *Shelby County v. Holder*, the Voting Rights Act seemed virtually indestructible to many legal observers. In the almost half century that it has been in effect, the Voting Rights Act (VRA) had done more to safeguard minorities' access to democracy than any other piece of congressional civil rights legislation. In its first decade alone, it had reduced the voter participation gap between black and white voters by more than 20%.<sup>47</sup> Since then, it had shrunk the participation gap to near-parity, dramatically expanded the number of minority legislators, and facilitated easy and fair voting.

However, in a decision that stunned many veteran commentators, the Court in *Shelby County* sharply limited much of the Voting Rights Act's scope and ability. While journalists and some scholars widely refer to *Shelby County* as "gutting" the Voting Rights Act, the reality is more nuanced — several important tenets are still in effect, though important provisions have also been vacated.

Critics of majority-minority districts argue that there is no *prima facie* reason to suggest that the Voting Rights act ever privileged descriptive representation (through majority-minority districts) over substantive representation. Therefore, they argue, the Voting Rights Act never necessitated majority-minority districts. Instead, they see majority-minority districts as the results the actions of rogue administrations seeking to pack minority voters into districts under

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<sup>47</sup> <https://www.brennancenter.org/analysis/effects-shelby-county-v-holder>

their Section V preclearance powers. Since *Shelby County* effectively vacated Section V of the Voting Rights Act, critics argue that majority-minority districts should have gone with it.

There are several flaws in this logic. Firstly, while majority-minority districts were originally compelled under the now-defunct Section V power, the idea that the rest of the statute has no textual commitment to descriptive representation is incorrect. Section V mainly functioned as something of a “shield” against encroachment on existing rights. It is Section II, with its specific guarantees and standards, that provides the affirmative might, the “sword,” for Congress and the Court to further protect minority voting interests (Ebaugh 1997). To that effect, Section II explicitly entreats Congress to consider when “the extent to which members of a protected class have been elected to office” trails their proportion of the population. The VRA’s framers seem clearly concerned about the protected class’s *election*, rather than their *representation*. In my view, this text points to the idea that the statute might actually prioritize descriptive over substantive representation. It is easy to envision how advocates could read Section II as pressuring states to create majority-minority districts. In fact, some courts in the modern era have already shown deference to redistricting plans featuring majority-minority districts, even if they are not especially compact, potentially representing a slight reversal in doctrine, though the Supreme Court has not officially weighed in on this trend. Secondly, with America’s rapid demographic changes and the highly racialized concentration of voters, many of these majority-minority districts are naturally arising. As the Court stated in *Bush v. Vera*, majority-minority districts that are not compelled, but result naturally from adherence to other legitimate redistricting criteria are perfectly permissible.

## **Backwards and in Safe Seats? Electoral Competition and Women's (Under)Representation in the U.S. Congress<sup>48</sup>**

Women have made significant strides toward equal representation within the U.S. Congress, but their seat share has mostly increased within the Democratic—but not Republican—Party. We argue that one driver of women's underrepresentation among Republicans is the proliferation of safe seats. Because safe seats encourage ideological extremism in candidates and because women are stereotyped as more liberal than men, we expect women candidates to outperform men in safer Democratic seats but underperform men in safer Republican seats (relative to more competitive seats). Based on a new dataset linking all candidates for the U.S. House and their districts' partisan composition since 2000, we show women entrants win elections in safer Republican (Democratic) seats at lower (higher) rates than men, which is driven by their lower (higher) success in primaries. Strikingly, our results suggest a female Republican candidate has a better chance of winning in a competitive seat than in a safe seat.

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<sup>48</sup> NOTE: This chapter reflects part of a working paper co-authored with Alexander Kustov, Maikol Cerda, Frances Rosenbluth and Ian Shapiro. Though the data work is originally mine, I benefited greatly from my co-authors' language, rewrites, edits, and drafts.

## Introduction

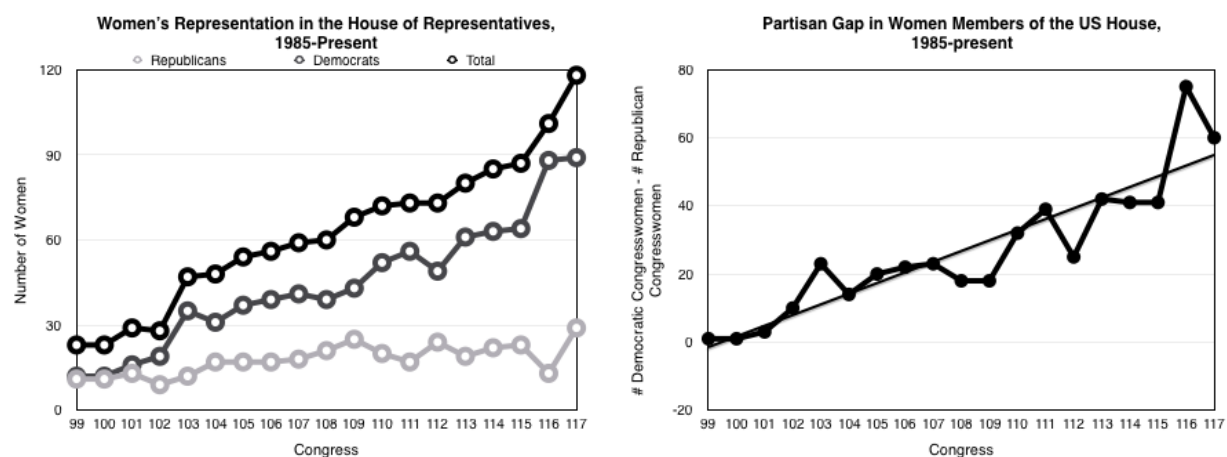
At this point, we have covered the impacts of redistricting on several aspects of substantive representation and broadened our consideration to think of how racial redistricting can be employed to bolster descriptive representation. These are the most obvious and intentional democratic consequences of redistricting. But as the literature on the partisan consequences of redistricting has established, many effects are unintentional. As a result, in this final chapter, I will introduce another unintentional consequence of redistricting no an important outcome for descriptive representation: the number of women elected to the United States Congress.

After a record number of women won election to the United States House of Representatives, many commentators declared 2018 to be the “Year of the Woman.” But the use of a caveat is warranted: if 2018 was the year of the woman, it must have been the year of the *Democratic* woman. By contrast, Republican women lost a whopping ten seats, their largest decline in the history of the United States House of Representatives. It was not until the next election cycle that Republican women were able to make significant strides of their own. By 2020, of the fourteen seats in the United States House of Representatives that Republicans managed to win back from Democrats, eleven featured Republican women. This feat was all the more striking in view of the fact that there were a mere thirteen women in the entire Republican caucus in the preceding House session. But this focus on the strength of swing seat Republican women may obscure another important finding: swing seats might be some of the *only* places in which most Republican women can win.

While women have made significant strides toward equal representation within the Democratic Party, their seat share of the Republican Party has only marginally increased since 1985 (see Figure 1). What accounts for this growing gap in the partisanship of women in

Congress? Many studies show that, although women’s representation in Congress still lags significantly behind their male counterparts, voters appear to prefer women candidates to otherwise identical male candidates, at least in experimental contexts (see Teele, Kalla, and Rosenbluth 2018). The larger pool of women candidates among Democrats (Crowder-Meyer and Lauderdale 2014) may further explain why women are comparatively underrepresented among the congressional GOP. This conventional explanation, however, cannot explain why the partisan gap in female representation has increased consistently over the past four decades without swings of corresponding magnitude or stability in the partisan gender gap of general election voters.

**Figure 1: The Trajectories of Women’s Representation in the US House**



In this note, we argue that one important—yet previously overlooked—institutional driver of women’s relative underrepresentation within the GOP is the recent proliferation of safe seats, seats where a political party is virtually guaranteed victory in a general election regardless of its candidate. Specifically, because safe seats encourage ideological extremism, and because women are stereotyped as more liberal than men, we expect women candidates to underperform men in safer Republican seats but outperform men in safer Democratic seats.

Based on a new dataset linking all candidates for the U.S. House and their districts' partisan composition since 2000, we show that the gender disparities in the probability of winning an election are conditioned by seat safety. According to our descriptive results, women entrants win elections at much higher rates in *safer* Democratic seats than men across the board. At the same time, women are severely disadvantaged in the safest Republican seats.

This pattern appears to be particularly driven by gendered discrepancies in success rates at different stages of the electoral cycle. As seats get more favorable to Republicans, the gender gap in primary elections for Republican women and general elections for Democratic women increases. To that end, we also show that, perhaps responding to this bias, women candidates are far more likely to run in safe Democratic seats than safe Republican seats.

Finally, we demonstrate that these disparities are substantively important. For instance, our estimates suggest that a woman entering a Republican primary has a better chance of winning the seat outright in a competitive seat than in a safe seat. Moreover, our results suggest that gender biases are at their nadir across parties in competitive seats, suggesting that efforts to eliminate partisan gerrymandering may also yield bipartisan progress toward gender parity.

Overall, our results contribute to a nascent literature on the unintentional effects of redistricting on descriptive representation, a subject that has been explored at length with regard to race but rarely with regard to gender. Our hope is that this note will stimulate further examination of the causes and consequences of preference divergence and gender representation not just between but also within American political parties



## Theoretical Basis

Since the 1980s, the number of Democratic women has ballooned while the number of Republican women has grown anemically. According to conventional wisdom, this gap is a result of more women running for office under the Democratic banner. While it is true that a greater proportion of Democratic candidates are women than Republican candidates, this relationship itself is arguably endogenous to women's underrepresentation. If Republican women face steeper hurdles to running for office successfully, they will be less likely to join the race in the first place. Put differently, a partisan gap in women who enter politics cannot fully explain the partisan gap in women's representation in Congress. Furthermore, little evidence supports the notion that the partisan gap in women's political allegiances has systematically grown over the past forty years, at least in terms of presidential voting (see Figure A1). Thus, their insights notwithstanding, these existing explanations fail to fully account for the gender gap between parties or its recent growth.

We argue instead that the growing partisan gap in female representation is also a function of declining electoral competition between parties across House districts. In particular, our argument is rooted in two older premises established in the literature on electoral and descriptive determinants of candidate success. According to the first premise, safe seats augment the importance of primaries over general elections and thereby encourage ideological extremism (e.g., (Persily 2015, Polborn and Snyder 2017)). According to the second premise, female candidates are stereotyped as more liberal than male candidates (King and Matland 2003; Koch 2000, 20; McDermott 1997; McDermott 1998; Sanbonmatsu and Dolan 2009). Combining these two premises together, we hypothesize that women candidates should outperform men in Democratic safe seat primaries but underperform men in Republican safe seat primaries.

In addition, these premises also suggest that where general election competition transpires on a non-trivial level, Democratic women should underperform Democratic men. Thus, because of primaries for Republicans and general elections for Democrats, safe Democratic seats should bolster women candidates, while safe Republican seats should hurt their electoral chances. Since neither party poses a credible threat in general elections held in safe seats of the out-party, the recent rise of safe seats among both parties can thus at least in part explain the growing partisan gap in female representation in the U.S. House.

Indeed, the number of safe U.S. House districts has risen steadily over the last decades (see Figure A2). By the 2010s, only twenty percent of Congressional districts were competitive in general elections. Many scholars have documented the vanishing of marginal seats and its other possible causes (Abramowitz, Alexander, and Gunning 2006; Ferejohn 1977; Mayhew 1974). Partisan and bipartisan gerrymandering, the advent of majority-minority districts, urbanization that creates “packed” blue cities in red states, and “partisan (self-)sorting” have all played their parts in increasing geographic polarization (Rodden 2019). Our argument here, however, is agnostic about the exact causes of rising seat safety, so long as they are largely exogenous to the female representation in Congress.

## **Data and Methods**

To uncover the role of electoral competition between and within parties in gender representation, we use a large data set of every candidate who has filed to run for Congress in the US since 2000. In doing so, we make use of datasets by (Bonica 2019) and Cook PVI (2019). First, we rely on Bonica (2019)—one of the largest databases of candidates for elected office and campaign finance contributions—to assemble a list of donation recipients in the U.S. House.

Because this information is extracted from campaign finance records, we are also able to extract basic demographic information—including candidate gender—as well as detailed campaign finance data for these candidates. We then append data on electoral competition to this dataset to get a fuller picture of the relationship between candidates’ success and their seat safety.

Our evidence on electoral competition is based on the Cook Partisan Voting Index (2019). Unlike the simple margin of victory, this index indicates how strongly a particular district leans toward the Democratic or Republican Party compared to the nation as a whole. To that end, PVIs are calculated by comparing a congressional district's average two-party vote share in the past two presidential elections to the national average share for those elections (i.e., the 2016 index is based on the 2012 and 2008 presidential elections). The advantage of this measure is that it indicates *ex-ante* competitiveness based on the assumed partisan composition of various districts and thus it also allows a straightforward comparison of the number of safe seats by partisanship without contaminating effects of individual candidates or election cycles.

Our main (binary) dependent variable is winning in either primary or general elections. In our main specification, we predict the probability of winning (conditional on running) using candidates’ gender and their district seat safety alongside other control variables.<sup>49</sup>

## **Analysis and Results**

As outlined above, we expect that the combination of extremist pressures in safe seats of both parties and the perception of women candidates as more liberal than men should drive outsized success for women candidates in safe Democratic seats and steeper hurdles in safe

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<sup>49</sup> We also take a number of steps to clean the data prior to analysis. First, we remove all candidates for the 2018 election, as full general election results were still unavailable. Second, we bin all districts with PVI scores greater in magnitude than 30 to avoid biasing our estimates by a handful of hyper-safe seats.

Republican seats. To test this empirical expectation, Table 1 includes a series of OLS regressions that estimate the impact of candidate and electoral characteristics on the probability a candidate will attain elected office. The baseline Model 1 presents results without fixed effects or clustered standard errors. Model 2 presents the same specification with additional fixed effects for both election cycle. Model 3 introduces clustered standard errors at the district-cycle level because of cross-sectional correlation among candidates running in the same seat and electoral cycle. Model 4 presents the results of a specification that includes both clustered standard errors and fixed effects. Moreover, each model included candidate-level control variables for logged spending, logged PAC donations, the number of primary opponents, and seat partisanship (i.e., whether a seat leaned Republican or Democratic, to ensure that our measure of PVI was not merely serving as a proxy for the binary partisan leaning of the electorate).

Importantly, in our main results, we do not control for incumbency. Because incumbents are elected to office by the same process we wish to study in this paper, incumbency is not exogenous to the gender biases in elections. Put differently, if we were to observe that a particular gender bias in safe seats were caused by an imbalance in the number of incumbents, that imbalance in incumbents itself would be further evidence of a gender bias. Thus, we do not include incumbency in our main results. However, Table A4 in the appendix demonstrates that our main results are robust to the inclusion of controls for incumbency.

In aggregate, we find strong evidence that, conditional on running for office, women can face a significant disadvantage compared to men depending on the election level. But this disadvantage is not constant across seats: as the PVI of a seat increases (i.e., it trends more Republican) the gender gap between female and male candidates increases. This finding suggests that, as

predicted, safer Democratic seats reward women candidates, while safer Republican seats sanction them.

**Table I: Gendered Differences in the Relationship Between Seat Safety and Overall Win Rate**

	<i>Dependent variable:</i>			
	Probability of Winning Elected Office			
	(1)	(2)	(3)	(4)
Female	−0.046*** (0.007)	−0.047*** (0.007)	−0.046*** (0.007)	−0.047*** (0.007)
PVI	−0.010*** (0.0004)	−0.010*** (0.0004)	−0.010*** (0.0004)	−0.010*** (0.0004)
Republican	0.051*** (0.005)	0.050*** (0.005)	0.051*** (0.007)	0.050*** (0.007)
Female*PVI	−0.002*** (0.0004)	−0.002*** (0.0004)	−0.002*** (0.0004)	−0.002*** (0.0004)
Republican*PVI	0.020*** (0.0004)	0.020*** (0.0004)	0.020*** (0.0005)	0.020*** (0.0005)
Candidate Controls	Yes	Yes	Yes	Yes
Time fixed effects	No	Yes	No	Yes
Clustered SEs	No	No	Yes	Yes
Observations	15,640	15,640	15,640	15,640
Adjusted R <sup>2</sup>	0.583	0.587	0.583	0.587

*Note:*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

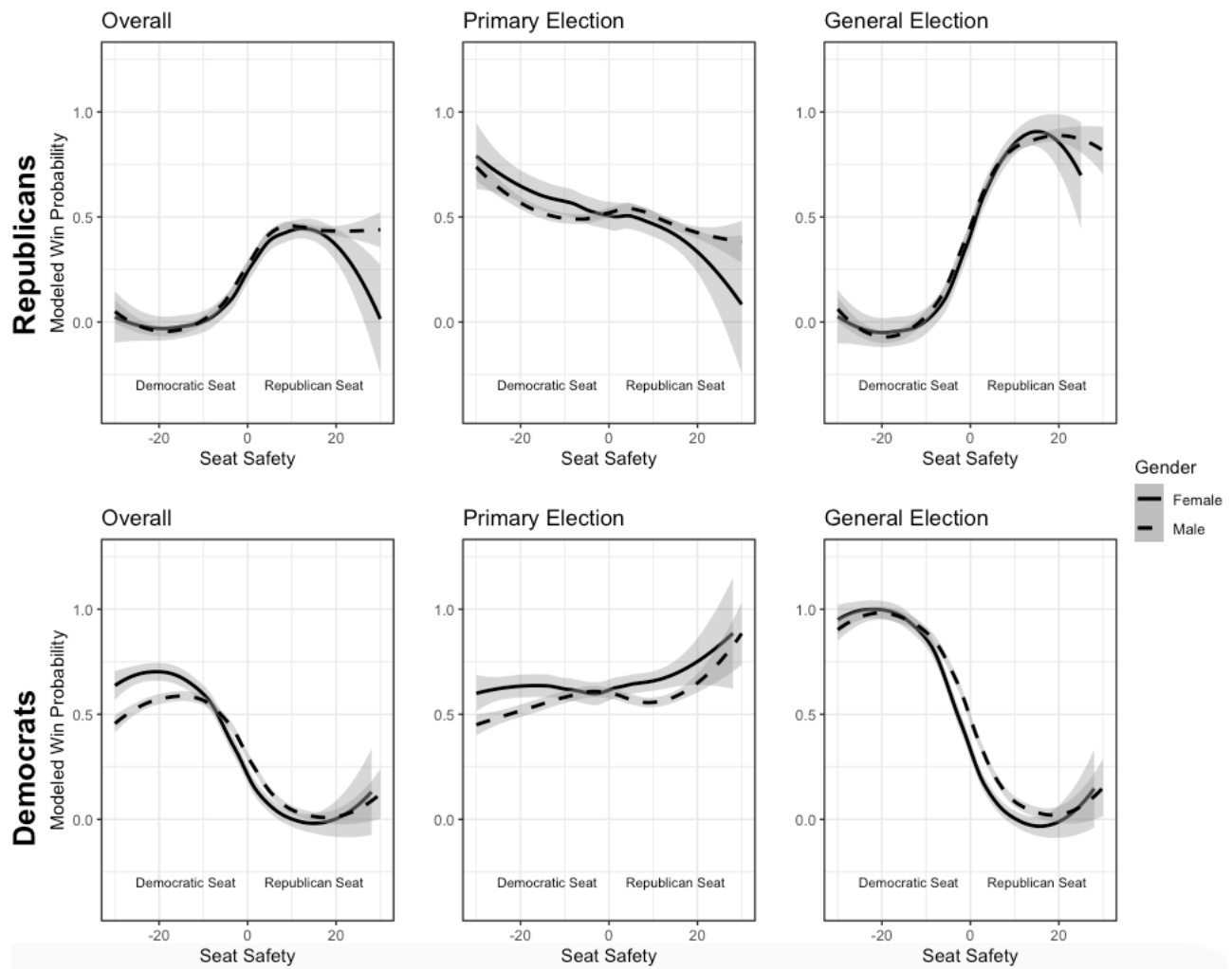
Figure 2 provides additional descriptive evidence that the impact of safe seats helps account for the growing partisan divide in women’s representation. While Democratic safe seats are slightly more likely to elect women than men, the safest Republican seats are sharply biased

toward male candidates. Our estimates suggest that in competitive seats, the gap in electoral success between men and women virtually disappears.<sup>50</sup> However, in the safest Republican seats, point estimates suggest that Republican men have an almost 50 percentage point advantage over Republican women in their chances of attaining elected office, while in the safest Democratic seats, Democratic women may have an advantage of as much as 20 percentage points over men.

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<sup>50</sup> As a note of caution in interpreting this figure, it is important to recognize that each condition was modeled independently. Thus, the modeled likelihood of winning overall may not equal the modeled likelihood of winning the primary multiplied by the modeled likelihood of winning the general election conditional on winning the primary in a particular district. When the calculations diverge, we advise heeding closest attention to the “overall” panels, as these models were trained on the largest data set.

**Figure 2: Predicted Probability of Winning a House Seat Conditional on Gender and Seat Safety**



*Note: Seat safety varies from safest Democratic to safest Republican districts (based on CPVI)*

The sharp divergence between women's and men's outcomes in the safe seats with PVI scores greater than R+20 may not seem terribly alarming at first blush. But in light of the proliferation of Republican safe seats (see Figure A2), 38 House districts fall into this category, comprising almost one-fifth of the overall Republican caucus in the 117th Congress.

The evidence we have provided so far has been based on the gender-based winning probabilities *conditional on running in an election*. From the previous literature, however, we

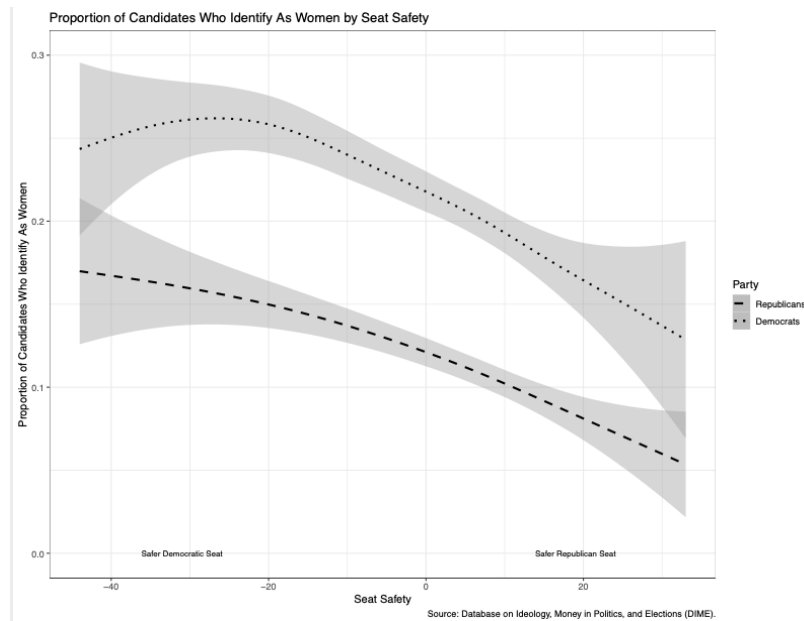
know that there are usually fewer female than male candidates to begin with, which is especially true in the GOP (e.g., see Crowder-Meyer and Lauderdale 2014). However, we posit that this gender gap in the supply of women candidates is also impacted by seat safety. Perhaps as a result of women's advantage in safe Democratic seats and disadvantage in safe Republican seats, we see that female candidates tend to emerge at far higher rates in safe Democratic seats than safe Republican seats (see Figure 3). Importantly, however, we also see that the partisan gap in the supply of female candidates is rather stable regardless of seat safety. Quite strikingly, this implies that—despite the longstanding partisan gap—in primaries the proportion of female candidates among Republican female candidates in safe Democratic seats is actually greater than the proportion of Democratic female candidates in safe Republican seats (and vice versa).

We hypothesize that this undersupply stems from a recognition of innate biases within the primary electorate. To illustrate this point, Table A2 reports the results of an OLS regression analysis on Republicans running for Congress, and their probability of winning the primary. We find significant evidence that the gender gap in the likelihood of winning in the Republican Primary increases with seat safety, as women become more disadvantaged. In other words, in line with our general argument, while Democratic women benefit from running in a safer seat for their party, Republican women are disadvantaged by seat safety in primary elections. But even for Democratic candidates, the gender gap against women widens as seats become more favorable to Republicans (and thus more ideologically conservative). This is because Democratic women—who we expect to be perceived as more liberal—may be seen as more ideologically out of step with *general* election voters in moderate districts. Thus, we also report the results of a regression analysis on the probability that a Democratic primary winner wins the general election (Table A3). As anticipated, more Republican-leaning seats result in a lower



chance that the woman candidate wins in the general election, compared to the male candidate. As a result, women candidates' relative under-participation in safer Republican seats may stem from a realization that their hurdles to elected office—in both parties—increase with seat safety.

**Figure 3: Proportion of Female Candidates in Primary Elections by Seat Safety**



*Note: Seat safety varies from safest Democratic to safest Republican districts (based on CPVI)*

Overall, our evidence bears out the theory that women candidates are disadvantaged by conservative safe seats for several reasons. First, Republican women are severely disadvantaged by safe seat primaries: the estimated primary win rate for a Republican woman in a safe Republican seat is significantly lower than in a competitive seat. Thus, though female Republican primary victors are no less likely to win in a general election than male ones,<sup>51</sup> their disadvantages in safe seat primaries are so great that the estimated total probability that a women primary entrant wins a seat in Congress appears higher in competitive Republican seats than in

<sup>51</sup> However, in line with expectations, Democratic women appear slightly less likely to win general elections.

safe ones. And second, perhaps responding to these electoral biases, Republican safe seats see a profound undersupply of women, who account for only about 1/16 of primary entrants.

Given the outsized impact of the election of Donald Trump on the gender gap in voting, one might question whether our findings from pre-2018 American elections still offer valuable insights. As a descriptive matter, our analysis of PVI scores finds that in the 117th Congress, the average Republican man represents a seat that is approximately 18% more conservative than the average Republican woman, suggesting that the same patterns that lead to women's underrepresentation in safe seats still play out today.

## **Discussion**

While women have made significant strides toward equal representation within the U.S. Congress, their seat share has mostly increased among the Democratic—but not Republican—Party. Our research note argued that one driver of women's underrepresentation among the Republicans is the proliferation of non-competitive House districts. On both sides of the aisle, safe seats have increased pressures toward extremism and increased the importance of primaries. As a result, women, who are stereotyped as more liberal, face increased difficulty compared to men in winning primary elections in safe seats as Republicans, and slightly increased difficulty winning general elections as Democrats. This pattern has persisted even into the modern day, as cultural norms that suppressed women's representation for centuries have begun to fade, because Republican candidates are still beholden to extremely conservative primary electorates in safe seats. This is why a female Republican candidate has a better chance of winning in a competitive seat than in a safe seat.

If our results are valid, it is no surprise that the two most extreme members of the GOP's caucus—Marjorie Taylor-Greene and Lauren Boebert—are both women who came to power by running as extremists in high-profile primary elections. Boebert's far-right views made her a Tea Party *cause célèbre*, allowing her to topple a more-moderate incumbent, while Greene's embrace of conspiracy theory was widely covered in the run-up to her run-off election. The twin pressures toward extremism stemming from primaries and voter stereotypes dictate that the only successful women candidates in safe seats must be extreme enough to overcome the presumptive stereotype.

This research is not without limitations. Most importantly, our descriptive analysis cannot answer the question of whether seat safety (and its recent proliferation) causally impacts gender representation in Congress. To that end, future research may benefit from identifying and exploiting the exogenous variation in electoral competition. Relatedly, our data do not allow differentiation between the possible mechanisms behind the identified relationship. The well-documented pressure toward extremism in safe seat primaries may originate from donations, voters, or activists. Understanding the exact pressures that contribute to the dynamic we have illustrated in this paper are important to understanding the exact source of this growing gendered partisan gap. But regardless of where this pattern originates, it is important to note the striking degree of correspondence between seat safety and the magnitude of the gender gap. This finding suggests that further study must interrogate the ways that electoral institutions themselves have baked in women's underrepresentation, as well as the abiding importance of redistricting to even non-partisan matters of descriptive representation.

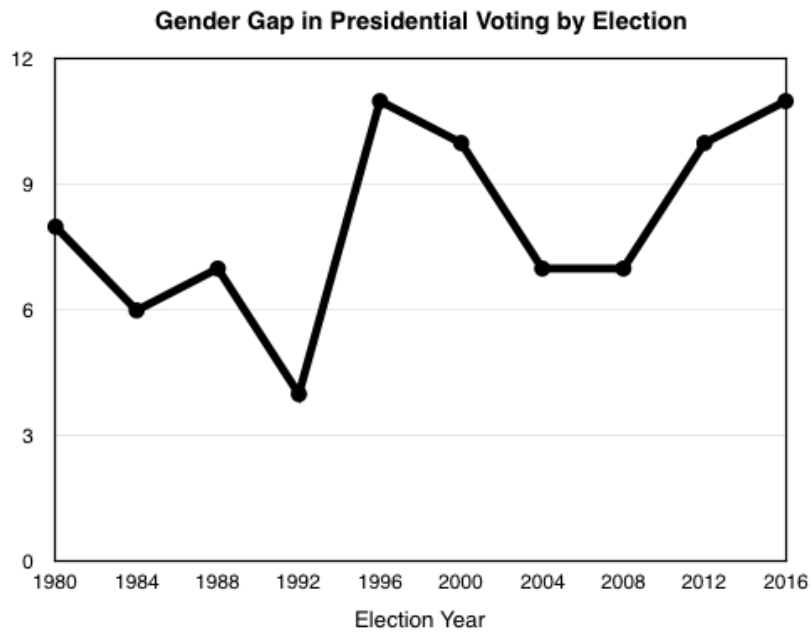
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## Appendix

*Figure A1: Gender Gap in Presidential Voting by Election*



*Figure A2: The Rise of Safe Seats in U.S. House Elections (1992-2020, Cook PVI)*

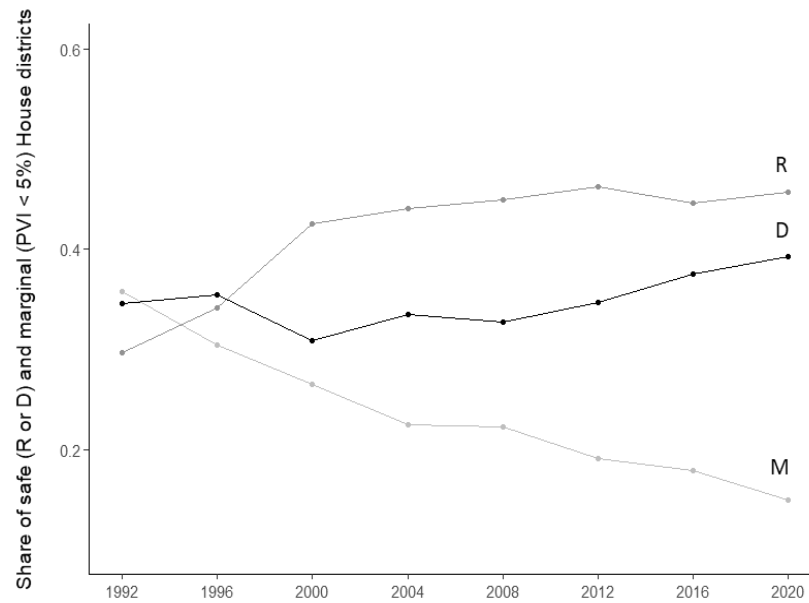


Table A1: Descriptive Statistics

Statistic	N	Mean	St. Dev.	Min	Max
Female	19,015	0.148	0.355	0.000	1.000
PVI	19,573	0.233	13.532	-30*	30
Primary Vote Share	14,070	0.474	0.408	0.000	1.000
General Election Vote Share	9,949	0.366	0.277	0.001	1.000
Primary Winner	16,897	0.599	0.490	0.000	1.000
General Election Winner	16,045	0.221	0.415	0.000	1.000
Number of Primary Opponents	19,573	3.399	2.898	1	21
Number of Distinct Donors	12,466	1,167.719	3,099.667	1.000	99,002.000
Total Receipts	19,573	399,543.500	885,212.400	0.000	22,024,288.000
Total PAC Contributions	19,573	124,910.700	293,148.600	-16,500	3,279,747
Total Individual Contributions	19,573	190,526.900	433,830.000	-72,816.000	12,321,864.000
Total Disbursements	19,573	385,728.600	868,035.000	0.000	21,197,801.000

Note: \*For ease of visualization, all entries >30 were binned together.

Table A2: Gender Gap in the Republican Primary

	Dependent variable:			
	Likelihood of Winning the Primary			
	(1)	(2)	(3)	(4)
Female	-0.031** (0.015)	-0.030** (0.015)	-0.031** (0.014)	-0.030** (0.014)
PVI	-0.006*** (0.0004)	-0.006*** (0.001)	-0.006*** (0.001)	-0.006*** (0.001)
Female*PVI	-0.003*** (0.001)	-0.003** (0.001)	-0.003*** (0.001)	-0.003** (0.001)
Candidate Controls	Yes	Yes	Yes	Yes
Time fixed effects	No	Yes	No	Yes
Clustered SEs	No	No	Yes	Yes
Observations	6,839	6,839	6,839	6,839
Adjusted R <sup>2</sup>	0.377	0.423	0.377	0.423

Note:

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Table A3: Gender Gap in the General Election, Among Democratic Primary Winners

	<i>Dependent variable:</i>			
	Likelihood of Winning the General Election			
	(1)	(2)	(3)	(4)
Female	−0.099*** (0.014)	−0.089*** (0.013)	−0.099*** (0.014)	−0.089*** (0.013)
PVI	−0.018*** (0.001)	−0.006*** (0.001)	−0.018*** (0.001)	−0.006*** (0.001)
Female*PVI	−0.003*** (0.001)	−0.004*** (0.001)	−0.003*** (0.001)	−0.004*** (0.001)
Candidate Controls	Yes	Yes	Yes	Yes
Time fixed effects	No	Yes	No	Yes
Clustered SEs	No	No	Yes	Yes
Observations	3,291	3,291	3,291	3,291
Adjusted R <sup>2</sup>	0.576	0.627	0.576	0.627

*Note:*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01



Table A4: Probability of Winning Elected Office, Controlling for Incumbency

	<i>Dependent variable:</i>			
	Probability of Winning Elected Office			
	(1)	(2)	(3)	(4)
Female	−0.013*** (0.005)	−0.013*** (0.005)	−0.013*** (0.005)	−0.013*** (0.005)
Incumbent	0.683*** (0.011)	0.681*** (0.011)	0.683*** (0.012)	0.681*** (0.012)
PVI	−0.003*** (0.0003)	−0.003*** (0.0003)	−0.003*** (0.0003)	−0.003*** (0.0003)
Republican	0.027*** (0.004)	0.026*** (0.004)	0.027*** (0.005)	0.026*** (0.005)
Female*PVI	−0.001*** (0.0003)	−0.001** (0.0003)	−0.001*** (0.0003)	−0.001*** (0.0003)
Republican*PVI	0.006*** (0.0004)	0.006*** (0.0004)	0.006*** (0.0004)	0.006*** (0.0004)
Candidate Controls	Yes	Yes	Yes	Yes
Time fixed effects	No	Yes	No	Yes
Clustered SEs	No	No	Yes	Yes
Observations	15,640	15,640	15,640	15,640
Adjusted R <sup>2</sup>	0.772	0.773	0.772	0.773
<i>Note:</i>		*p<0.1; **p<0.05; ***p<0.01		

## **Concluding Remarks**

The power of redistricting to shape representation is broad and nuanced. Modifications to the design and safety of congressional districts have dramatic consequences for descriptive and substantive representation that cut in different directions. Redistricters, then, I argue, must face conscious choices to weigh competing visions of descriptive and substantive representation. The central conclusion I derive from my four studies is that redistricting is normative project with complicated, subjective trade-offs. It is these trade-offs that make the practice of democracy more an art than a science.

Returning to my initial case study of Iowa and North Carolina, we can see several of these dynamics play out in practice. In Iowa, a state whose district maximized competition, seventy-five percent of seats are represented by women, including more Republican women than Democratic women. Iowa's congressional delegation is entirely white, while North Carolina has elected two Black legislators, both from majority-minority districts. And according to metrics from the Center for Effective Lawmaking at the University of Virginia, the average member of the Iowa delegation was 37% more effective than the average member of the North Carolina delegation. In other words, North Carolina and Iowa appear to echo the general pattern of trade-offs that I have attempted to document in this project, summarized in Table I.

**Table I: Summary of Trade-Offs Facing Redistricters**

<b>Competitive Seats</b>	<b>Safe Seats</b>
Higher levels of accountability to the general public (Ch 2)	Marginally higher levels of ordinal responsiveness at the level of the individual legislator (Ch 1)
Greater influence of central party (Ch 2)	Greater influence for activist donors (Ch 2)
Greater influence of general electorate (Ch 2)	Greater influence of primary electorate (Ch 2)
Decreased incentives for gridlock and polarization (Ch 2)	Greater descriptive and substantive representation of minority voters (Ch 3)
Electoral advantage for Republican women (Ch 4)	Electoral advantage for Democratic women (Ch 4)

To some, this account of redistricting as a multifaceted normative problem may seem overly pedantic. Why, one may ask, could we not merely adopt Justice Potter Stewart’s famous adage of “I know it when I see it” when assessing claims of gerrymandering. This is perhaps the avenue that much of the general public takes to identifying partisan malfeasance. But as I have argued in the paper, when it comes to redistricting, there is much more than meets the eye. As I detailed in the introduction, the existing literature already suggests that the most compact and ordinary districts may bake in structural disadvantages. In this essay, I also explore the numerous less visible democratic consequences that districts can have, none of which can be surmised by the sheer physical shape of the district.

Worse still, some may say that my account misses the forest for the trees. In the face of stark discrepancies between seat share and vote share, do any other considerations beyond partisanship really matter? I argue yes for two reasons. First, as I have defended throughout this thesis, we need a more capacious view of representation when considering redistricting. But

second, even if one accepts the normative argument of partisan primacy in redistricting, I believe this study still offers a valuable contribution.

Traditional accounts treat gerrymandering as binary: a map is or is not gerrymandered. This harms Democrats, who have often relied upon winding maps to counteract “unintentional” gerrymandering that produces inefficient districts under strict compactness regimes. I argue for a re-conception. If the sole purpose of redistricting is to convert a certain amount of votes into a certain amount of seats, then gerrymandering can be thought of as a democratic sin. And the baked-in biases of the current system—the “henrymanders”—would be acceptable features of a healthy democracy. But we know that this is not the only purpose for redistricting: if it were, then congressional districts would serve no agenda beyond functioning as inefficient proxies for proportional representation systems. Furthermore, as outlined in this thesis, that formulation ignores the host of non-partisan impacts that redistricting can have as well. In my account, instead of seeing gerrymandering as a sin, I view redistricting as a tool to pursue particular democratic aims. This idea should be liberating for those who believe that redistricting’s fundamental normative flaw is the degree to which it has disadvantaged Democrats and urban populations over decades. That redistricting has a broader project with more complex and competing interests than geography means that Democrats have broader license to overcome the structural factors that have long depressed their electoral fortunes. Moreover, it means that progressive policy aims—like legislative gender and racial diversity—can be baked into legislative districts themselves.

If redistricting is a tool, it is certainly a powerful one. Its consequences span far further than can be documented in any one study. Future research may consider additional avenues of representation that I have not touched upon or understand how other district characteristics—

beyond political competition—impact democratic outcomes. And, most critically, further study in political theory is needed to assemble competing arguments over handling these trade-offs.

While empirical in nature, this thesis has sought to document the myriad ways that redistricting impacts every avenue of democratic life and policy. In Chapter 1, I examine the role of districts in advancing a particular form of representative connection between individual legislators and their constituents. I find some evidence to support the notion that representatives from more homogeneous—and therefore safer—seats are more likely to align with their constituents' issue priorities. In Chapter 2, I broaden my focus to consider how redistricting schemes further impact the legislature writ large, and provide differential pressures toward gridlock and stalemate. Through the use of a natural experiment and observational analysis based on a variety of data sources, I find that safe seats cause extremism among legislators, and argue that this pattern contributes to legislative gridlock. This sets up a trade-off between districts that promote substantive representation at the level of the individual legislator and at the level of the legislature. In Chapters 3 and 4, I catalogue the impacts of redistricting on descriptive representation for minorities and women respectively. In contrast to a dominant finding in the literature, my analysis suggests that majority-minority districts may have uniformly positive consequences on both descriptive representation (as measured through the election of co-ethnics) and substantive representation (as proxied by the number of Democratic-leaning districts created). With respect to women, the story become more complicated. Conditional on running, competitive seats appear to create the most equal chances for women candidates across parties. But to maximize women's representation in Congress, redistricters may seek to increase the number of safe Democratic seats, which disproportionately favor women compared to other seats.

Perhaps because today's partisan asymmetries are so egregious, advocates of fair redistricting have been able to avoid answering these thorny questions and arbitrating between these trade-offs. But in the long-term, this practice will prove unsustainable: as I have argue in this paper, redistricting is fundamentally a philosophical matter without an objective solution. And the stakes on democratic outcomes and public policy are too high to ignore its nuances and complications. Until the literature—and policy reformers—take seriously this normative challenge, we are unlikely to see lasting solutions to the pernicious problem of gerrymandering.