Governance Program

Democracy Project

2012 Redistricting: Will the House be More Polarized than Ever?

October 2012

BIPARTISAN POLICY CENTER

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Executive Summary

Following the 2010 census, congressional seats have been reapportioned, and new district lines have been drawn. What are the results?

First, the number of competitive House of Representatives seats drawn in the new maps has dropped slightly from the old maps and dramatically over the past four decades. There are 101 competitive seats for the decade of the 2010s. There were 103 in the 2000s, 129 in the 1990s, 135 in the 1980s, and 152 in the 1970s.

Second, the new maps and the 2012 elections will likely see a continuing drop in the number of "misaligned" seats. Three decades ago, there were many House districts that strongly elected Republican presidents, but those same seats elected Democrats to Congress. Similarly, there was a bloc of districts that strongly elected Democratic presidents, but elected Republicans to Congress. The number of misaligned seats has declined precipitously, and with the newly drawn lines in 2012, the numbers will likely drop to a handful.

What is the significance of a drop in the number of competitive and misaligned House seats?

Lower turnover and fewer moderate members of Congress.

Competitive seats account for nearly half of the House seats that change hands from one party to the other over a decade. Fewer competitive seats in the newly drawn maps will likely lead to less turnover of House seats in the next decade.

Competitive seats also tend to elect members of Congress who are slightly more to the middle than the average member of Congress in their party. A small drop in competitive seats will likely lead to a small amount of additional polarization with fewer moderate members.

The continuation of the dramatic drop in misaligned seats will also lead to less party turnover of House seats over the coming decade. In the 1990s, 36 seats changed party hands over the course of the decade because of the process of realignment, with another 26 following in the 2000s. With the number of these seats dwindling to nearly zero, Americans will likely see less turnover in the next decade.

Misaligned seats produced the most moderate members of Congress. Members of the House who represented constituents who voted strongly for presidents of the opposing party made up a large fraction of the moderate members. The continued decline of these types of seats will mean fewer moderate voices in Congress.

Research has shown that redistricting itself is not the sole or even the major cause of party polarization in the United States. But with the drawing of new lines in 2012, the Bipartisan Policy Center sees that over the next decade there will likely be more polarization of votes along party lines, and there will be fewer House seats that turn over from one party to the other.

Redistricting 2012

The redrawing of congressional district lines for this decade is complete. The lines drawn by legislatures, courts, and commissions will be in place for the 2012 congressional elections. For the most part, these lines will remain in place until the 2022 congressional elections, although in recent decades, a few states' maps have been changed mid-decade by court order or occasionally by mid-decade redistricting by state legislatures.

The completion of the 2012 maps marks a good moment for the Bipartisan Policy Center (BPC) to assess how this latest round of redistricting unfolded; how it compares with redistricting maps put in place for the 1970s, 1980s, 1990s, and 2000s; and to gauge the effects of the recently drawn maps on the turnover of House seats and party polarization in the House of Representatives.

In particular, this report looks at how many competitive seats have been created and at how many seats that strongly favor one party in presidential elections are currently held by members of the opposing party, or "misaligned" seats as BPC calls them. Both of these categories of seats—competitive and misaligned—are likely to produce members of Congress closer to the middle of the political spectrum.[1] And both categories of seats added together make up the vast majority of seats that change party hands over the course of a decade.

Overview of Redistricting 2012

The main focus of this report will be on competitive seats for the House of Representatives in light of the most recent round of redistricting. To that end, it's important to keep two salient facts in mind:

(1) The number of competitive districts has declined slightly from the previous decade and declined more dramatically over the past several decades.

(2) The number of districts with underlying characteristics that favor one party, but that are represented in Congress by the other party, has been in steep decline; these misaligned seats, which were plentiful 20 years ago, are almost nonexistent today, and the new 2012 maps will likely cause a further diminution of these seats.

The significance of these findings is twofold. First, in the next decade, there are likely to be fewer congressional seats that change hands from one party to the other. The vast majority of seats that did change party hands are either in competitive districts or in strongly partisan ones held by the minority party in the district—that is, misaligned districts—and both of these types of districts are declining in number. This means that today's already high incumbent reelection rate—bemoaned by many political observers—may increase over the next ten years, according to BPC's analysis.

Second, the drop in competitive and misaligned seats is likely to produce fewer congressional moderates—from either party. Competitive seats produce slightly more middle-of-the-political-spectrum members of Congress than the average member of Congress from the same party.[2] Now, with a slightly smaller number of competitive seats drawn for the next decade, Americans are likely to see an even smaller group of these more moderate members of Congress. More significantly, the dramatic decline in members of Congress holding seats in districts that strongly lean against their party is likely to have a considerable negative effect on the number of moderate members.

Two decades ago, there were still many members of Congress in misaligned seats, members who represented districts that strongly voted for the presidential candidate of the other party. Most prominent among them were moderate to conservative Democrats, many of them Southerners, who represented constituencies that leaned decidedly Republican in presidential elections. A similar but smaller phenomenon saw moderate and liberal Republicans holding Democratic-leaning seats.

These members in misaligned seats tended to be the most moderate representatives in Congress. Again, though competitive seats lead to slightly more moderate members, the most conservative Democrats and the most liberal Republicans generally came from strongly misaligned districts. Today, those seats—and their members—are nearly all gone, and this latest round of redistricting may just eliminate almost all of those who remain.

In the final analysis, redistricting in the lead-up to the 2012 elections is likely to further the polarization that Americans have seen in Congress over the past 40 years. The maps as drawn are likely to produce fewer seats that change party hands and fewer moderate members of both parties.

Background: For the Decade Starting in 2012, Who Controlled the Redistricting Process? Who Made the Maps?

The Constitution requires an enumeration of the people every ten years and a corresponding reapportionment of congressional seats among the states and drawing of new district lines for the House of Representatives. For most of U.S. history, this process took place after each Census. But up until the 1960s, the redistricting process varied widely from state to state. Some states did not redraw their lines to reflect population changes. Other states may have drawn new lines, but they did not seek to create districts with equal populations. In a number of states, shifting demographics combined with little to no change to district lines led to districts with grossly unequal populations, where rural districts were often overrepresented at the expense of growing metropolitan areas.

The 1960s saw several legal developments that would radically change the way states conducted redistricting. The "Redistricting Revolution," inaugurated by *Baker* v. *Carr* and furthered by subsequent court cases, led to requirements that states draw districts with equal populations. After the passage of the Civil Rights Act, the Voting Rights Act, and subsequent court cases and administrative actions, redistricting led to the creation of a substantial number of majority-minority districts, which increased the number of first black and then Hispanic representatives in Congress.

As the period before the mid-1960s had a great variety in redistricting practices among the states as well as tremendous upheaval in districts that were redrawn mid-decade in response to litigation and legislation, BPC has focused its study on the redistricting in the four decades that followed: the regular end-of-decade redistricting that put new maps in place for 1972, 1982, 1992, and 2002. In this report, BPC compares those redistricting cycles with the changes that have just been put in place in the recently completed round of redistricting in 2012.

In the House redistricting processes leading up to the 1972, 1982, and 1992 congressional elections, Democrats were the majority party and had strong control of the redistricting process. For example, in 1972, 231 House seats were in states where Democrats controlled the redistricting process. In 1982 and 1992, there were 270 such seats. Republicans, on the other hand, have controlled the House redistricting processes for a majority of districts drawn in each of the last two redistricting cycles. But the outcomes that resulted from such control were different: The maps drawn for the decade of the 2000s produced a net gain of seats for Republicans. The maps drawn for the coming decade do not show such a partisan advantage.

After the 2000 census, Republicans controlled the redistricting process in a number of states with congressional delegations that did not have strong Republican majorities. With Republicans in charge of redistricting, they drew maps in a number of states that dramatically changed the congressional delegations of those states—sometimes from Democratic majorities to Republican majorities—or at the very least increased Republican numbers in the initial elections in the decade.

For example, Republicans were in the minority in their congressional delegation in Michigan before the 2002 redistricting. Democrats held 9 seats and Republicans 7. After reapportionment and redistricting, Republicans had 9 seats and Democrats only 6. In Ohio, control of redistricting changed the Republican delegation from an 11-to-8 majority to a 12-to-6 majority. And in Pennsylvania, Republicans increased their 11-to-10 majority to a 12-to-7 majority.[3]

By contrast, in 2012, while Republicans controlled the redistricting process in many states, they began the process with large majorities in the congressional delegations in many of those states, and the maps they drew do not look to expand those majorities, but rather to preserve their existing numbers. In Michigan, a 9-to-6 majority looks as if it may become a 9-to-5 majority after the 2012 elections. In Ohio, a 13-to-5 majority could end up a 12-to-4 majority or perhaps an even smaller majority for Republicans. In Pennsylvania, Republicans look as if they will make some gains, though smaller than those of 2002, with a 12-to-7 majority that could end up a 12-to-5 majority.[4]

An even more striking case occurred in Texas—though not during the traditional 2002 redistricting, but in a mid-decade redistricting that Republicans passed after they took over the state legislature. This plan resulted in a gain of 6 seats for Republicans in the 2004 elections. In the 2012 round of redistricting, Texas Republicans once again controlled the process, and they began with a large majority in the congressional delegation, 23 Republicans and 9 Democrats. Texas added 4 congressional seats after the 2010 reapportionment, but Texas Republicans drew a map that is likely to produce *24* or *25* Republicans, compared with only 11 or 12 Democrats. Florida tells a similar story, with Republicans currently holding a commanding 19-to-6 majority in the congressional delegation, with a likely 17 Republicans and 7 Democrats (and 3 toss-up seats) after the November elections.[5]

The overall result of redistricting in the 2000s is that control of the redistricting process was beneficial to Republicans' prospects in the House of Representatives. Analysts estimate that 9 seats were gained at the initial redistricting plus another 6 from Texas's mid-decade redistricting.[6]

While the dominant theme of this redistricting cycle is Republican-controlled legislatures either seeking to preserve their congressional delegation majorities or possibly to expand them by just one, there were exceptions. A few states went beyond preserving or expanding by just one seat, resulting in maps that portend larger partisan changes in state delegations.

Republicans took over the state legislature in North Carolina for the first time in over a century, and their map is likely to make significant shifts to the Republican delegation. Currently, Democrats hold a 7-to-6 majority in the congressional delegation. With a new map in place, after the 2012 elections Republicans may hold as large a majority as 10 Republicans to 3 Democrats.[7]

Democrats controlled the process in very few states. But, in two states, they drew maps that gave them a chance for clear gains.

Democrats may make a small gain in Maryland, where they already have a commanding 8-to-2 majority in the delegation. After redistricting, Democrats have a good chance to make that a 9-to-1 majority.

A larger gain for Democrats may come from Illinois, which Democrats controlled. Though Republicans have an 11-to-8 majority prior to the 2012 elections, Democrats controlled the redistricting process and are predicted to make a several-seat gain. Current projections show a likely 9 Democrats, 6 Republicans, and 3 toss-up seats.[8]

In addition to North Carolina and Illinois, one other state's map will likely produce multi-seat gains for one party. California, which drew its lines via a nonpartisan commission for the first time, has produced a map that may lead to at least a two-seat gain for Democrats.[9]

Other partisan changes around the country are likely to be small. Arizona's map points to a small Democratic gain in the current delegation makeup. New Jersey seems to favor a one-seat Republican pickup. Washington state's map maintains the current delegation makeup and creates a new open seat, which is reasonably competitive. Iowa's map pits two incumbents against one another, and the overall result is likely to be either 2 Republicans and 2 Democrats or 1 Republican and 3 Democrats (as opposed to the current 3 Democrats and 2 Republicans). Idaho and Hawaii will likely see no change.[10]

And in states where there was divided control of redistricting, legislatures, or sometimes courts, officials drew lines that, at most, moved the partisan balance of the congressional delegation by only one seat. In Colorado, for example, maps ultimately drawn by courts may slightly favor Democrats and could lead to a shift of one seat into the Democratic

column. Similarly, Nevada might favor a Democratic pickup, but the results are not certain. Oregon will likely keep the same partisan breakdown.[11]

In sum, Republicans controlled the drawing of many more seats than Democrats, but the result in all of the states, was a near wash for the two parties.[12] The cumulative effect in 2012 is not likely to change the partisan breakdown of Congress significantly.

A second way to analyze which party benefitted from redistricting is to look solely at the underlying characteristics of the districts—regardless of who holds them. BPC examined all of the pre-2012 districts' performances nationwide in the 2004 and 2008 presidential elections. We also looked at the "two party vote" in each district and at how the presidential vote in each district compares with the national presidential vote. For example, if a district voted 60 percent to 40 percent for Barack Obama over John McCain in 2008, then the district performed about 6 percentage points above the national Democrats' performance. If we assumed a uniform swing of voters, then in a 50-50 presidential election, that district would likely produce a 56 percent to 44 percent (6 points above and below the average) result in favor of Democrats.

BPC also averaged the outcomes of the 2004 and 2008 elections. We then took the 2004 and 2008 election data and calculated how the new districts drawn for 2012 performed. We broke down the districts into categories of very solid Republican or Democrat, solid Republican or Democrat, competitive, and very competitive. We have analyzed those seats that we identify as competitive, and the headline for the 2012 election is a slight drop in the number of competitive seats created.

After the 2002 round of redistricting,[13] there were 236 districts that leaned Republican and 199 that leaned Democrat.

Breaking down the numbers even further, there were 178 safe Republican seats, 58 competitive Republican seats, 154 safe Democratic seats, and 45 competitive Democratic seats.

After the most recent round of redistricting, there were 176 safe Republican seats, 58 competitive Republican seats, 158 safe Democratic seats, and 43 competitive Democratic seats.

Competitive Seats

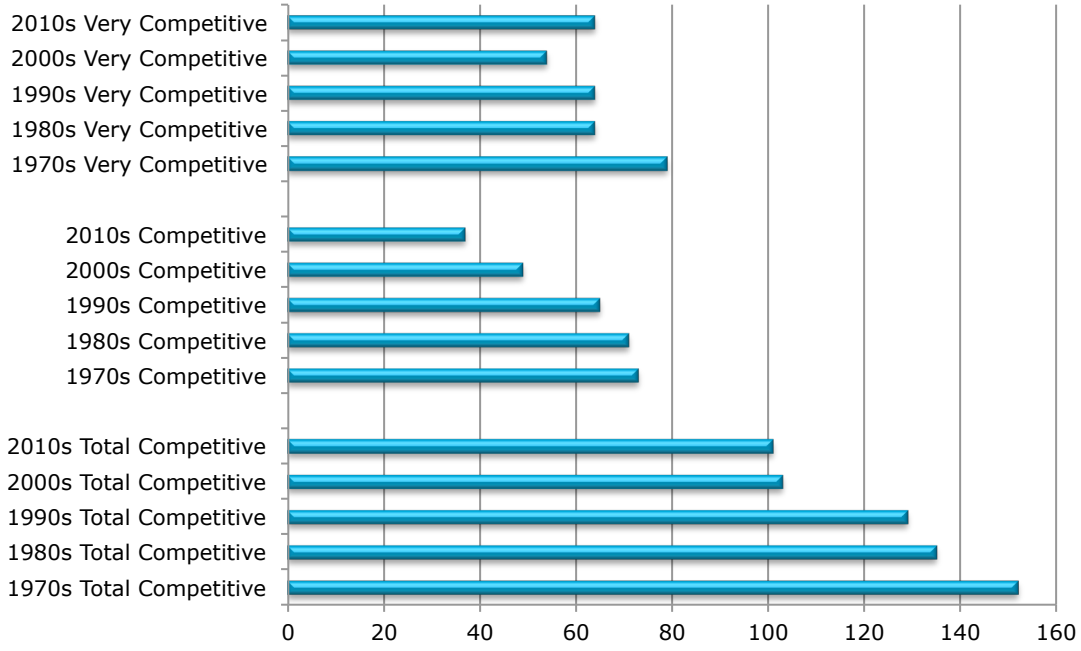
The maps drawn for the 2012 election have produced slightly fewer competitive seats than did the round of redistricting that governed the 2000s and many fewer competitive seats than did the 1970s, 1980s, and 1990s.

In the 2000s, the number of districts created that were competitive or very competitive was 103.

In the 2010s, the number of districts created that are competitive or very competitive is 101, a slight decline.

But the number of competitive seats for the 2010s is an all-time low for the past five decades. In the 1990s, 129 districts fit this definition. In the 1980s, 135, and in the 1970s, 152.

Congressional Districts by Competitiveness since the 1970s



The Importance of Competitive Districts

Competitive seats are important for two reasons: (1) They change parties more often, and (2) they are more likely to be occupied by moderates. Competitive districts produce most of the seats that turn over from one party to the other over the course of a decade. For example, in the 2000s, 106 seats changed hands from one party to the other at least once during the decade. Of those 106, 56 were competitive seats and 26 were seats that realigned to the underlying characteristics of the district. Similar patterns exist in each of the last four decades.

This is important because a declining number of competitive seats will likely reduce the number of seats that turn over from one party to the other, further entrenching the nation in polarization. With the continuing decline of competitive seats, turnover will only continue to go down.

A second reason that competitive seats are important has to do with the political leanings of the members of Congress who hold them. Members of Congress in competitive seats lean slightly more to the middle of the political spectrum than the average member of their party.

There may be a temptation to assume that very competitive seats would produce members who are perfectly in the middle of the political spectrum. This is not the case. In fact, these districts, if won by Republicans, produce members only slightly more toward the center than the median member of the Republican Caucus and, if won by Democrats, only slightly more toward the center than the median member of the Democratic Caucus. So the creation of many competitive seats might have only a small effect on pulling congressional members to the middle of the political spectrum. But, small as the difference is, there is some evidence of moderation among those members in office. Still, the effect on competitive districts on moderation is not nearly as great as the effect of members in one party holding districts that lean strongly toward the opposing party. Nonetheless, over time, fewer competitive seats will mean fewer moderate members, even if the effect is small.

Misaligned Seats

For many years in Congress, there have been a large number of misaligned seats—held by one party even though the home district strongly favors the other party in presidential elections.

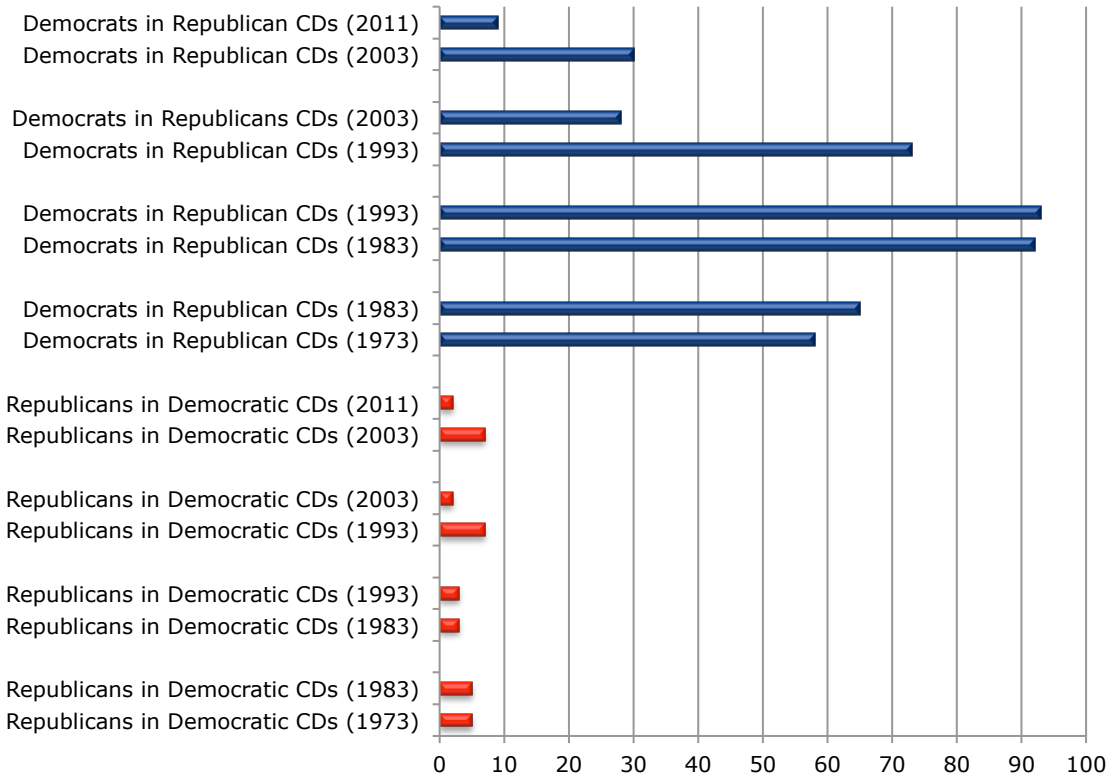
Take the case of Chet Edwards. A longtime Democratic congressman from Texas, Edwards won many elections in a district that strongly favored Republicans. In 2004, Representative Edwards won reelection in a district that voted 70 percent to 30 percent for President George W. Bush over Senator John Kerry.

The party system that dominated U.S. politics from the 1930s to the 1990s was one in which the political parties were not nearly as ideologically polarized as they are today. The majority of the Democratic Party had a very substantial wing of white Southern members who were very conservative and not always in agreement with the more progressive wing of the party on many issues. In this system, it was possible to distinguish oneself as an "Alabama Democrat," which meant something very different than being a national Democrat. As Southern Democrats began to vote for Republican presidents, they still often retained loyalty to conservative Democratic representatives. This phenomenon was not limited to the South, but the largest share of these seats were Southern. Similarly, there were Republicans representatives—primarily in the Northeast—who represented districts that voted strongly for the Democratic Party.

Much of the story of America's party system over the years is about the realignment of the two parties as more and more ideologically homogeneous and about voters who vote more and more consistently for the same party in both congressional and presidential elections.

However, as late as 1992, there was still a very large bloc of Democrats representing Republican-leaning districts and a smaller but clearly present bloc of Republicans representing Democratic-leaning districts.

Misaligned Congressional Districts Since the 1970s



In 1992, 93 Democrats represented districts that had voted significantly for Republican presidential candidates. And 3 Republicans represented districts that had voted significantly for Democratic presidential candidates. While always a smaller number, as recently as 2003, 7 Republicans did represent Democratic districts.

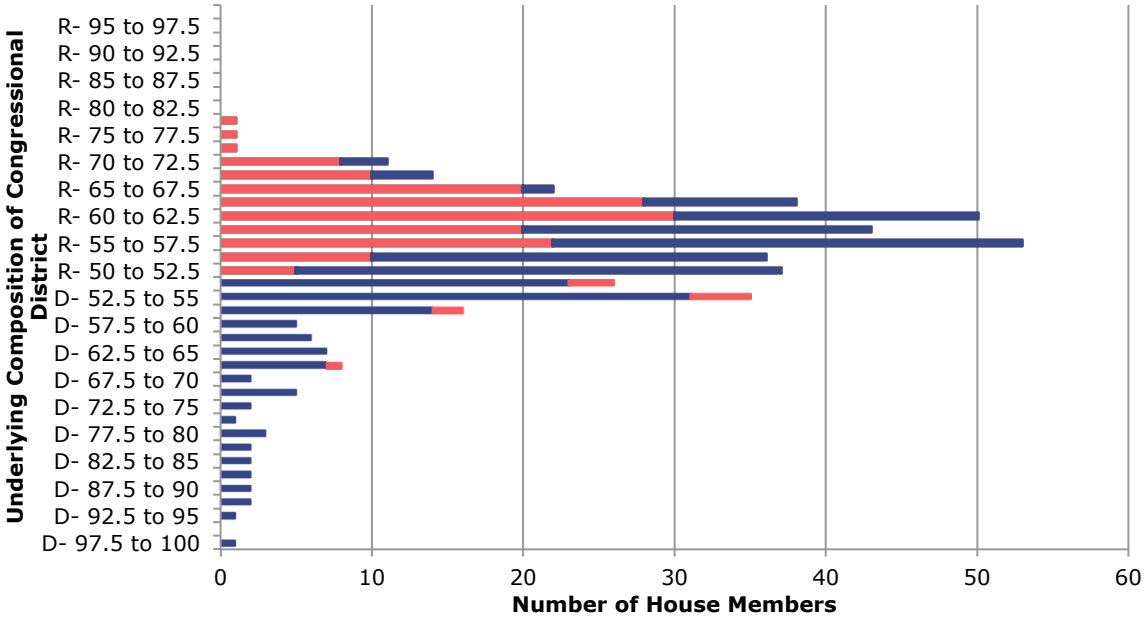
The number of misaligned seats has declined dramatically over the past two decades, and they are likely to decline even farther after the 2012 election.

Redistricting itself did not cause this longer-term realignment of the parties, but new maps may only exacerbate the situation.

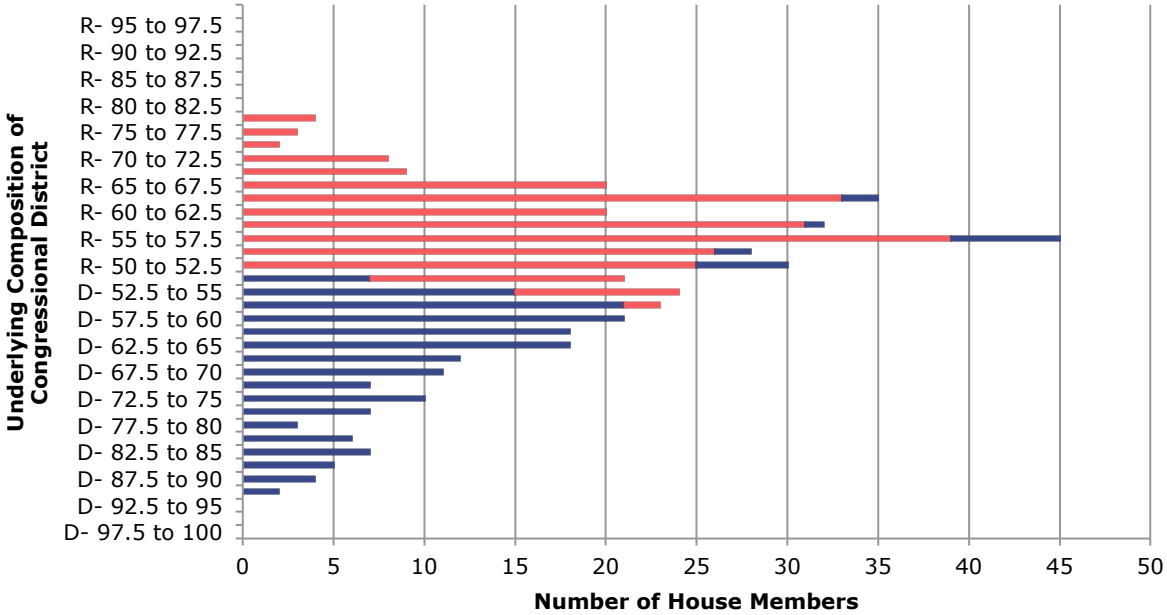
The 93 seats held by Democrats in Republican districts dropped to 30 in 2002 and, today, sits at 9. Republicans dropped from 3 in 1992 to 2 today.

And the redistricting map looks to produce even fewer members representing misaligned districts. The number could be as low as 2 or 3 Democrats and zero Republicans.[14]

Congressional Districts by Competitiveness and Party Control 1993 (1983-1993)



Congressional Districts and Competitiveness by Party Control 2011 (2003-Present)



Blue represents Democratic House members and red represents Republican House members in both charts on this page.

The Significance of Misaligned Seats

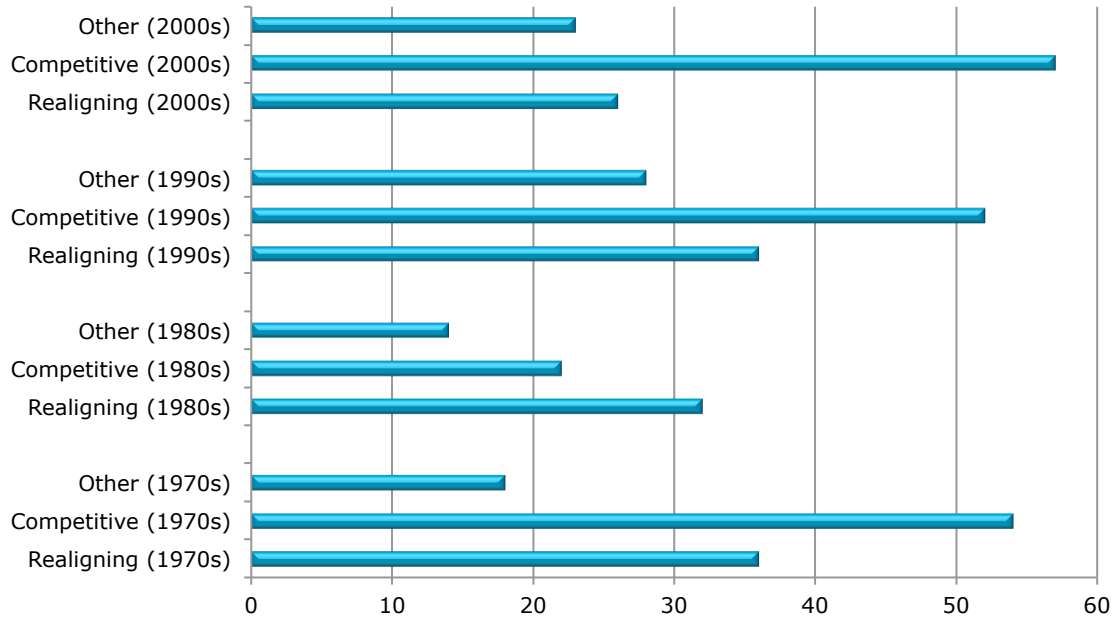
The decline of misaligned seats, like the decline of competitive seats, will negatively impact the number of seats that turn over from one party to the other in the coming decade. And the decline of these seats is likely to be accompanied by a decline in the number of the moderate members who typically hold these seats.

TURNOVER

In each of the decades of the 1970s, 1980s, and 1990s, over 30 seats changed from one party to another due to realignment. A member of Congress who held a congressional seat in a district favored by the opposing party was replaced by a member whose party politics was consonant with the district. In the 2000s, over 25 seats realigned.

As the number of misaligned seats has dwindled down to a handful, by definition there will be almost no seats that turn over because of party realignment. Almost all have already turned over.

Seats that Changed Party at any Point During the Decade and the Reason for that Change



MODERATES

Unlike the small effect on moderation seen from competitive districts, members in misaligned seats are among the most moderate members of their caucuses.[15] Of the top 50 most moderate members in Congress in 1992, 35 were from misaligned districts.[16] While the drop in competitive seats may produce fewer slightly moderate members, the dramatic drop in misaligned seats is likely to produce many fewer moderate members.

Conclusion

The redistricting maps put in place for 2012 and the decade ahead illustrate the continued trend toward political polarization that has been progressing for the past 40 years. The combination of a smaller number of competitive seats with the near disappearance of misaligned seats means that, over the next decade, Americans will likely see lower turnover of seats from one party to the other and see that the disappearance of moderate members of both parties will continue to decrease.

Notes on Methodology

1. *Calculating Competitiveness.* Competitiveness is calculated by using the results of each presidential election that occurred during the decade in question following the post-Census redistricting. The total votes received by the Republican and Democratic presidential candidate in each congressional district during each election in the decade is divided by the total number of votes received by both candidates in that district for the election in question, producing the "two party vote" competitiveness score for each election of the decade. The "two party vote" number is adjusted to simulate a 50-50 election by finding the difference in the national vote percentage of the Democratic and Republican presidential candidate in each election year for the decade in question and adding or subtracting half of the difference to the "two party vote" number. For example, in the 2008 presidential election, the Democratic candidate received 69,499,428 votes (or 53.688344 percent) and the Republican candidate received 59,950,323 votes (or 46.311655 percent) for a percentage difference of 7.375589 percent. Dividing this in half (3.6883445 percent) and subtracting it from the "two party vote" number of the losing candidate (the Republican) and adding it to the winning candidate's (the Democrat's) produces a number for the expected competitiveness in each district for each election in a 50-50 election. The 50-50 score for each district is averaged for the entire decade, producing the overall competitiveness number for the congressional district in each decade. This methodology is similar to that employed by the *Cook Political Report*, although BPC uses slightly different elections to determine decade averages. For more details, please see "Swings States and Electoral College Strategy" by John C. Fortier and Timothy J. Ryan in *From Votes to Victory: Winning and Governing the White House in the Twenty-First Century,* edited by Meena Bose, Texas A&M University Press, College Station, 2011.

2. *Presidential Elections by Decade.* For the 2000s, the elections of 2004 and 2008. For the 1990s, the elections of 1992, 1996, and 2000. For the 1980s, the elections of 1984 and 1988. For the 1970s, the elections of 1972, 1976, and 1980.

3. *Defining Competitiveness Scores.* A "competitive" district is one in which one party's decade average in 50-50 presidential elections is between 52.50 percent and 54.99 percent. A "very competitive" district is one in which one party's decade 50-50 average is between 50.00 percent and 52.49 percent. A "solid" district is one in which one party's decade 50-50 average is between 55.00 percent and 59.99 percent. A "very solid" district is one in which one party's decade 50-50 average is at least 60.00 percent.

4. *Defining a "Party Change."* A "party change" occurs when a seat controlled by one party changes to the control of another party, whether by election (both general and special) or the incumbent member's switch from one party to another while holding the seat.

5. *Defining a "Misaligned District."* A "misaligned district" is one in which a congressional district is either "solid" (55.00 percent to 59.00 percent) or "very solid" (60.00 percent and above) for one party but is represented by a member of the opposing party.

6. *Defining a "Realigning District."* A "realigning district" is one that has experienced a "party change" during the decade that aligns the member's party affiliation with the district's underlying competitiveness score at the decade's conclusion. For example, a district that is "very solid" Republican (60.00 percent and above) and was represented by a Democrat at the decade's beginning but which is represented by a Republican at its conclusion is considered a "realigning district."

7. *Defining an "Other" District.* A district characterized as "other" is one in which a "party change" occurred during the decade that is neither attributable to realignment nor to the district's classification as either "competitive" (52.50 percent to 54.99 percent) or "very competitive" (50.00 percent to 52.49 percent). For example, a district that is classified as "very solid" Republican and is represented by a Republican member at the beginning of the decade but which ends the decade represented by a Democratic member would be classified as "other."

Endnotes

[1] Brunell TL and Buchler J (2009) "Ideological Representation and Competitive Congressional Elections." *Electoral Studies* 28: 448–452.

[2] Ibid., 448–457.

[3] Bipartisan Policy Center (BPC) analysis of redistricting in selected states, using the *Biographical Dictionary of the U.S. Congress* for figures on past and current delegation composition and the *2012 Cook Political Report "Race Rankings"* for projected future composition.

[4] *2012 Cook Political Report's "Race Rankings"*

[5] Ibid.

[6] Seabrook NR (2010) "The Limits of Partisan Gerrymandering: Looking Ahead to the 2010 Congressional Redistricting Cycle." *The Forum* 8(2), Article 8.

[7] *2012 Cook Political Report's "Race Rankings"*

[8] Ibid.

[9] *2012 Cook Political Report Redistricting Outlook*

[10] *2012 Cook Political Report's "Race Rankings"*

[11] Ibid.

[12] *2012 Cook Political Report Redistricting Outlook*

[13] For these purposes, the Texas and Georgia mid-decade redistricting is included in the 2002 maps. The underlying composition of districts derives from a BPC analysis of congressional districts since the 1970s. More information is provided in the methodological notes accompanying this report.

[14] Based on BPC analysis of current election projections compiled by *The Cook Political Report*.

[15] Brunell and Buchler, 448–452.

[16] BPC analysis of the "50 Most Moderate Members of Congress for the 102nd Congress," using Poole-Rosenthal Rank Ordering Data.