Analyzing Elections

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Chapter 4: Money & Interest Groups in Elections

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Chapter 1: The Why and What of Studying American Elections

Bush v. Gore, September 11th, and American Elections

Both the fall of 2000 and the fall of 2001 were momentous periods for United States citizens. In November 2000 an extremely rare event occurred, a virtually tied election involving millions of voters, whose outcome was debated for weeks, finally resolved by the U.S. Supreme Court. In September 2001 terrorists attacked the World Trade Center in downtown Manhattan and the Pentagon in Washington, D.C. plunging the country into military conflict in Afghanistan and a confrontation with Iraq, as well as bringing to the forefront of political debate issues of domestic security, immigration, civil liberties, and civil rights. From the perspective of 2004, the happenings at the end of 2000 seem almost trivial in comparison to those of the fall of 2001. Yet, the events of November and December 2000 profoundly affected the response of the nation to the attacks on 2001. Because Republican George W. Bush was selected in the presidential contest of 2000, he made the initial policy choices on how the United States would respond to the terrorist attack. The officials in his administration (appointed with the consent of the Senate) similarly made initial policy decisions on how to deal with the terrorists (both domestically and internationally).

Statements by Bush’s Democratic opponent in 2000, Al Gore, Massachusetts Senator John Kerry and the other candidates for the Democratic presidential nomination in 2004, and other Democratic officials and party leaders suggest that there would have been differences in how the terrorist attacks would have been handled if Gore had won the election. In particular, Democrats criticized Bush’s response to the terrorist attack for focusing on Iraq and Saddam Hussein instead of Al Queda, the organization directly responsible for the attacks, as well as some of the measures taken by administration officials such as Attorney General John Ashcroft to uncover terrorist networks within the United States. While treading carefully to maintain support for the troops during the war with Iraq, a number of Democrats argued against the war and Bush policies in postwar Iraq. Questions were raised about the justifications for war with Iraq and whether enough effort was being expended to fight Al Qaeda. Massachusetts Senator John Kerry, the Democratic presidential nominee in 2004 noted in a speech before firefighters in March 2004 that he believed that Bush had “done too little [in the war on terror] and some things that he didn’t have to. When the focus of the war on terror was appropriately in Afghanistan and on breaking Al Qaeda, President Bush shifted his focus to Iraq and to Saddam Hussein.”

1Stout, David, “Kerry Criticizes Bush Record on Terrorism,” New York Times, March 15, 2004. For earlier criticism from Gore see Nagorney, Adam, “Gore says Bush’s war on terrorism is ineffective,” The New York Times, November 21, 2002: “Al Gore said today that the United States had failed to destroy Osama bin Laden and dismantle the network of Al Qaeda because President Bush spent the fall campaign ‘beating the drums of war against Saddam Hussein’ instead of prosecuting the war on terror. As a result, Mr. Gore said, Americans are as much at risk of a terrorist attack now as they were before Sept. 11. Mr. Gore said that while the administration had stumbled abroad in dealing with Al Qaeda, it had undertaken the ‘most systematic invasion of privacy of every American citizen that has ever been taken in this country’ with the
Democrats also criticized the administration’s policies on North Korea, which the Bush administration labeled part of an axis of evil. Would a Democratic administration have pushed for a confrontation with Iraq? Would a Democratic administration have dealt with North Korea differently? Would a Democratic administration have been as willing to investigate library use of its citizens or ask diving shops for lists of those who have taken lessons recently in order to uncover domestic terrorist networks? Would a Democratic administration have pushed for a tax cut in the face of increased war and domestic antiterrorist expenditures? While we can never experience the counterfactual of a Democratic administration responding to the terrorist attacks of 2001 and the problems of North Korea in 2002 and 2003, these statements by Democrats suggest that there would have been differences.

The occurrence of September 11th after the close presidential election of 2000 coupled with the success of President Bush in Afghanistan and the public satisfaction with his ability to handle the terrorist threat, helped the Republican party secure a majority in both houses of Congress in the midterm election of 2002, something that might not have happened if voters had been more concerned about domestic issues at the time of the election. Bush was able to use this majority to push forward further tax cuts in the spring of 2002, which lowered the rates for many wealthy voters. If Gore had been elected in 2000 and proved capable of handling the crises, Democrats might have seen expanded use of wiretapping and secret court proceedings in the war on terrorism. ‘We have always held out the shibboleth of Big Brother as a nightmarish vision of the future that we're going to avoid at all costs,’ Mr. Gore said, speaking heatedly and intensely in an interview here this morning. ‘They have now taken the most fateful step in the direction of that Big Brother nightmare that any president has ever allowed to occur.’” For other Democratic criticism of Bush’s response to the terrorist attacks in 2001 and 2002 see Sack, Kevin, “Former President Carter is ‘Disappointed’ in Bush,” The New York Times, July 25, 2001; Johnston, David and Eric Lichtblau, “Little Headway in Terrorism War, Democrats Say,” The New York Times, November 12, 2002; Milligan, Susan and Elizabeth Neuffer, “Kennedy criticizes Bush on Iraq policy,” The Boston Globe, September 28, 2002; Black, Eric, “Candidates are worlds apart; Wellstone and Coleman take opposite sides on most foreign policy-issues,” Minneapolis Star Tribune, October 20, 2002. Others argued that Democrats needed to criticize Bush’s war on terrorism more explicitly, contending that the statements of Gore and Democrats were “weak”, see for example, “Speechless”, The New Republic, October 7, 2002. In 2003 both before and during the war with Iraq, Democratic criticism was mixed, some arguing against the war, others in support. See for example VandeHei, Jim and Helen Dewar, “Democrats Lambaste Bush on Iraq,” The Washington Post, March 7, 2003; Crap, Christopher, “Dean says he backs troops, but not Bush war policies,” Manchester Union Leader, March 18, 2003; and Lester, Will, “Democratic leaders tout war support,” Associate Press Online, April 9, 2003.

2 For Democratic criticism of Bush’s foreign policy on North Korea, see Westphal, David, “Bush criticized for response to N. Korea; Democrats say reactor demands greater sense of urgency,” Minneapolis Star Tribune, February 7, 2003; Efron, Sonni and Barbara Demick, “Democrats say focus should be on N. Korea,” Los Angeles Times, March 6, 2003; and Kelley, Matt, “Bush sends bombers to Guam to keep eye on North Korea: Democrats demand U.S. talk directly to Pyongyang,” Ottawa Citizen, March 6, 2003;


the same success in the 2002 elections but with probably different domestic policy consequences.

The lesson from 2000 and its subsequent effects on American reactions to the terrorist attacks and American policy making as a consequence is that elections dominate American politics. The election calendar deeply influences the timing of public policy choices; economic decisions are impacted by elections and electoral outcomes; fights over the right to vote and how votes are counted have historically resulted in some of our most serious political strife and significant court decisions; and a considerable amount of financial resources and expenditure of effort and time is engaged in the electoral process. Our elected officials seem constantly driven by the next election campaign and every political event is interpreted by the media in the context of current or future campaigns. Despite claims of widespread cynicism about politics, low turnout, and high levels of voter apathy, almost all levels of American society are involved in elections from Buddhist Nuns in southern California to dairy farmers in Vermont. Understanding how elections work is crucial for understanding American politics and policy choices.

**Actors and Institutions**

In this book we investigate the American electoral process and the roles played by actors and institutions. In the 2000 presidential election the principal actors were of course the voters, the candidates, the members of the Supreme Court of Florida and of the United States, the election officials in Florida and other states, as well as a host of party and elected officials and interest groups. We will meet a lot of other actors in American elections and hear their stories in the chapters to come. Some of the people we will meet are elected officials like Diane Feinstein, who successfully defeated a recall attempt while mayor leading to a seat in the U.S. Senate; Jeb Bush, who had to learn to moderate on policy; Jesse Ventura, who challenged the entire major two party system and defeated it; Charlie Norwood, who tried to push through patient’s rights legislation; Harold Washington, who surprised many by becoming the first black mayor of Chicago; etc. We will discuss interest group leaders like Betty Friedan, the feminist who helped mobilize women and Don Smith, a union leader in Detroit, Michigan. We will meet Hollywood stars who actively campaign in elections such as Ben Affleck. But we will also talk about individuals such as Amanda Strom from St. Louis who didn’t believe her vote will make a difference and Fannie Jeffrey whose parents moved from Alabama in the early 1900s in order to have the right to vote that Ms. Strom did not use.

However, focusing only on the actors and their choices would give us an incomplete view of American elections and how they influence American politics. Our electoral institutions (the rules that determine who votes, the geographical areas represented by the elected officials, the ways in which votes are counted, which public officials are chosen through elections rather than appointment, whether elected officials in one branch of government must compromise with officials in another branch of government to choose policy) play crucial roles in how elections dominate American politics. For example, because we elect presidents through an electoral college system rather than by direct popular vote, the winner of the 2000 election was not the popular vote winner. That is, although George W. Bush received 50,456,002 popular votes to Al Gore’s total of 50,999,897, since Bush won more electoral voters (271 to 266), Bush became president.
Moreover, because we elect our president and Congress in separate elections, have an independent judiciary, and a federal structure of government with independently elected state and local officials, one single election outcome is unlikely to fully determine the policy choices of government. Although Bush was the winner in 2000, in early 2001 when Vermont Republican Senator James Jeffords declared his independence of the party and gave Democrats majority control over the Senate, Bush and his party recognized that in order to enact policies he preferred he needed support from Democrats in the Senate. For instance, initially Bush opposed an independent commission to investigate the reasons why the September 11th attacks were not anticipated fully by United States intelligence agencies, but agreed to a commission because of the wishes of members in Congress and other state and local elected officials. The legislation creating the commission was a carefully crafted compromise between Democratic and Republican members of Congress and the President.  

Furthermore, because of Jefford’s defection, Bush and the Republicans saw the Senate election of 2002 as an opportunity to change the balance of power in the Senate. They recognized that an Congressional election held between presidential elections could have consequential effects on the extent that a president can enact policies he or she desires. Yet, because only a third of the Senate was up for reelection, the balance of power in the nation and the types of policies that would be enacted hinged on contests in only those states. These states also vary in the rules that govern how parties nominate candidates and the rules that govern who is selected in the general election.

One of the most contested of the Senate races was in Louisiana where Democratic Senator Mary Landrieu ran for reelection. In the November general election, although Landrieu received more votes than any other candidate (a plurality), she received only 46% of the vote, less than a majority. In some states this would have meant immediate victory, but in Louisiana since she had less than 50% of the vote, she had to compete a second time in a runoff election against her closest opponent. Moreover, unlike other Senate races in November, Landrieu faced not just one Republican opponent with sizeable support in the general election, but three different Republican candidates, because Louisiana’s elections are nonpartisan without party primaries or nominating conventions to choose one major party candidate for the general election. Republican voters and party leaders divided between these candidates, resulting in none receiving as many votes as Landrieu, while Landrieu still did not receive a majority. But Republicans still had a chance to defeat Landrieu in the runoff election in December, which meant that until the runoff was held, how many Republicans and Democrats were actually in the Senate for the coming term was uncertain. Landrieu did win in the runoff despite strong campaigning from Bush and other Republicans, who united around her opponent.

The shared, but limited power feature of the American governmental system, coupled with separate elections, scheduled at different times, in states with different

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electoral rules, like Louisiana, can fundamentally affect American public policies. Even though Landrieu won reelection, the Republicans won a majority in the Senate in 2002, winning Senate seats previously held by Democrats in Georgia, Minnesota, and Missouri, while losing a Senate seat in Arkansas. If Democrats had held on to at least two of the seats in Georgia, Minnesota, and Missouri, Bush’s abilities to affect the agenda in Congress would have been reduced and his need to compromise on policy would have increased. National politics was very much dependent on state politics and state electoral rules and institutions.

Differences in electoral institutions over time have also affected American politics in important ways. Prior to the passage of the Voting Rights Act of 1965, many southern states used poll taxes and literacy tests to make it difficult for African-Americans to register to vote. White southern Democratic officials were more conservative than northern Democrats on civil rights and voting rights issues while agreeing with their fellow partisans on other issues, resulting in a defacto three-party system in Congress (Republicans, Southern Democrats, Northern Democrats). After passage of the Voting Rights Act and increased voting by African-Americans in the south (and north, where blacks were emboldened by the end of disfranchisement in the south), conservative Republicans either replaced southern Democrats in southern Congressional districts or southern Democrats became more liberal, depending on the size of the black voting population in their districts. The passage of the Voting Rights Act, changing the rules on who can vote, affected the policy positions of members of both parties and the policies that they supported.7

Thus, in a myriad of ways, the institutions that govern the electoral process in the United States affect which officials are elected and the policy choices that they make while in office. Without a thorough understanding of the role of electoral institutions, we cannot understand American elections. Each of the actors’ choices that we mentioned above and throughout the book is influenced profoundly by our electoral system.

**Plan of the Book**

The book is divided into three parts. The first five chapters of the book provide the building blocks of our analysis of the American electoral process. In the next chapter we begin our study of the actors and institutions of American elections with perhaps one of the hardest and most studied question in the electoral process – what motivates individual voters. We find that while the act of voting is irrational at an individual level, voters can be mobilized through the use of selective incentives and that the decisions of those who mobilize voters are strategic and related to the institutional structure of the electoral process. In Chapter 3 we add in to our analysis candidates and the major political parties. We discuss why candidates find it desirable to converge towards the center on issues, but nevertheless, also choose divergent positions, working through the major political parties. We consider how campaign contributions and interest groups affect candidates and voters in elections in Chapter 4. We discover that contributors reap advantages from giving to incumbents and that even rational voters may find that

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campaign contributions influence their voting decisions. In Chapter 5 we examine how the lack of complete information about political decisions of elected officials affects voters and candidate decisions. We see that voters have an incentive to use the electoral process to reward or punish elected officials for past decisions and to have available mechanisms of direct democracy to influence policy even if they do not use the mechanisms.

The next three chapters focus the analysis on two particular types of elections: Congressional (both Senate and House) and Presidential. The use of single member districts to elect members of Congress, which must be redrawn after each census, fundamentally affects who is elected to Congress and, as a consequence, Congressional policy choices. We consider the decision to run for Congress and the determinants of who wins these elections. Presidential election contests in American politics are so complex that they are discussed in two chapters – in Chapter 7 we examine the nomination process (presidential primaries) and in Chapter 8 we consider the Presidential election itself. We learn that the use of individual state primaries and the scheduling of these primaries fundamentally affects which candidates are chosen as party nominees. We also see how the electoral college affects how the major nominees compete for elected office in sometimes surprising ways. In chapter 8 we also consider why it is that voters might choose to have divided government (i.e. vote for one party to dominate Congress with the other major party controlling the presidency).

The next two chapters of the book consider the important roles played by minor party and independent candidates in American elections and the complicated issue of minority representation through the electoral process. Chapter 9 considers minor parties and independent candidates and discusses how these candidates can win even in a system built to favor the major parties and that their wins can affect how policies change over time. Chapter 10 both reviews the sad history of how minority voters were disfranchised in the American electoral system and the intricate issues involved in making sure that all voters are able to participate and work effectively through the American electoral system to influence policy. The final chapter of the book is brief, like this one, and an attempt to draw lessons about what we know about the American electoral process.

Chapter 2: Why Voters Vote (or Don’t)

Three Things


It should be no surprise that turnout is important in elections in American politics. In the 1998 Congressional elections (from which the quotes above are drawn), political analysts recognized the weight of turnout on the outcome of the election. Traditionally, midterm elections like in 1998 (elections without a presidential race) have low turnout and 1998 appeared to be no exception. All the talk among political activists was how to get their supporters to the polls and consequentially their candidates elected.

In 2000 and 2002 turnout was again a fundamental issue. In the presidential contest of 2000, states like Florida, where the election was close, received great attention from the candidates and the parties. The Democratic party aggressively encouraged black voters in the state and the turnout rate among blacks was a record 72%. This helped make the race close in Florida, so close that the outcome in the state was only resolved by a Supreme Court ruling. However, 2002 was different. Some experts believed George Bush’s brother, Jeb Bush, successfully won reelection as governor in 2002 because many of these black voters (who had participated in 2000) stayed home with a turnout rate in Florida in 2002 among blacks of only 43%. Similarly, in California incumbent Governor Gray Davis, who was widely expected to win reelection, won by only 5% because of low turnout from minority voters who supported him strongly in previous elections. And in Texas, Democrats who were counting on minority voters to support their candidates for governor, Tony Sanchez (Hispanic), and senate Ron Kirk (black) were unable to secure enough such votes to overcome the strong white vote for the Republican incumbent gubernatorial Rick Perry and Republican senate candidate John Cornyn.

Both Democrats and Republicans began planning efforts to increase voter turnout for the 2004 election almost as soon as the 2002 contest was concluded. At a November, 2003 training session in Florida (the third of a series of 12 events scheduled), Bush

\[8\] Although even a 100% turnout of blacks for Bush’s opponent could not have overcome Bush’s lead of 13% as the black population is only 11% of the state. See Yardley, Jim and Dana Canedy, “Some Democratic Losses Linked to White Defections,” The New York Times, November 9, 2002.
campaign spokesman Reed Dickens told the activists: “‘This is not a pep rally. You’re here to get homework for the next 12 months.’ . . . Brett Dowter, the executive director for Bush’s Florida campaign, said he is telling Florida’s 67 county party chairmen that they should aim for an 80 percent Republican turnout.” Although by the time Florida had its Democratic presidential primary in March 2004 Massachusetts Senator John Kerry campaigned vigorously there, emphasizing the importance of turnout for 2004. The presidential primaries of 2004 also showed the importance of differences in turnout rates across voter groups. In the earlier Georgia Democratic primary John Kerry managed to defeat North Carolina Senator John Edwards (who hoped to use his southern roots to win states like Georgia) leading to Edwards’ withdrawal from the nomination contest because six out of 10 blacks supported Kerry and blacks made up a larger percentage of the voters who turned out in the primary.10

Turnout matters. If some voters are more likely to turnout in elections than others, then candidates and political parties preferred by the voters who turnout are more likely to be elected as Sanchez, Kirk, and Edwards discovered. Abramson, Aldrich, and Rohde (2003) estimate that if turnout rates had been even across voters, Gore’s share of the 2000 presidential vote would have been 1.8% higher, perhaps enough to change the electoral vote in Florida given the closeness of the vote there.

In this chapter, we consider why voters participate and the role of turnout in American elections. We begin our study of turnout with three puzzles – a strange 45 year lag, a puzzle of declining turnout, and the paradox of not voting.

Three Puzzles

Puzzle 1: The Forty-five Year Lag

In 1919 women were given the right to vote in American elections with the ratification of the Nineteenth Amendment. The passage of the Amendment was made possible by the concerted efforts of women’s organizations, which had built substantial political clout. Soon after the passage, many believed that women’s new right to participate would result in policy choices reflecting the preferences of women. If a large group of voters begin to now participate it seems obvious that we would see public policy that is more reflective of the new voters’ preferences. Early on, there were some new measures that suggested this was happening – as Harvey (1998, page 4) reports a coalition of women’s groups was able to lobby Congress to pass legislation providing grants to states for pre- and postnatal care for children in 1921. Yet, this accomplishment and others like them seemed to quickly dissipate after 1924 and the landmark legislation passed in 1921 was not renewed when it expired in 1929.

Women organizations’ failures to influence policy continued. As Harvey points out, New Deal programs, although seemingly beneficial to women were designed to please “the concerns of more political powerful groups such as labor unions” rather than

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10 Edwards received a similar percentage of white Democratic support in the state but because whites made up a lower percentage of the voters who turned out, Kerry used his support among blacks to win. Eric and Mark Z. Barabak, “The Race to the White House; Kerry Hopes to Rally African Americans; The presumptive Democratic presidential nominee must persuade blacks to go to the polls in greater numbers to tilt the race in his favor,” Los Angeles Times, Tuesday, March 9, 2004.
women’s organizations. Programs for women and children were largely restricted to “needy” families only, while programs for male “breadwinners” like Social Security and unemployment insurance provided universal coverage. Harvey concludes (page 9): “After 1925, we simply do not see a sustained recognition of women as a significant group in policy making until 1970.” Why the long lag? Why did it take 45 years for women organizations to begin to affect public policy? Why did it take so long for their interests to be reflected in American elections? 11

**Puzzle 2: The Puzzle of Participation**

In the 1998 and 2002 midterm elections where activists argued turnout was everything – turnout was considered low. According to early estimates by the Committee for the Study of the American Electorate turnout was only 36% in 1998, which was the lowest in any election since 1942 when the nation was at war. In 2002, Abramson, Aldrich, and Rohde (2003) report that overall turnout was only slightly higher at 39.3 percent. Figure 2-1 presents how turnout in presidential elections has changed over time as a percent of those eligible to vote as measured by the U.S. Census Bureau (the data is from Abramson, Aldrich, and Rohde, 2003).

Notice that the percent of the voting age population eligible to vote is increasing during the period 1920 to 1940, but then declines during World War II when a significant percentage of the population was in the military and voting and political participation was more difficult to manage. In the 1950s, turnout returned to the pre-war levels. Yet, there is a significant decline in 1968, which (with the exception of a jump in 1992) continues to decline without an obvious explanation. McDonald and Popkin 2000 contend that part of the alleged turnout decline is due to errors in the measurement of the voting age population. In particular, they demonstrate that the census estimates include non-citizens who cannot vote and felons who have lost the right due to imprisonment in their estimates of eligible voters, populations that have grown significantly since the 1960s. Figure 2-2 presents data from their research corrected for these errors. Nevertheless, even when you account for these errors, turnout did decline in 1968 and has not generally returned to the levels of the 1950s and early 1960s.

Turnout is positively related to voters’ income and education (which are of course positively related to each other as well). For example, in the 2000 presidential election, self reported turnout rates of white voters with less than $15,000 income was approximately 39%, while for white voters with income of $85,000 or more the rate was 85%. Similarly, white voters who are not high school graduates report a turnout rate of 45%, while white voters with college degrees voted at a rate of 92.5%.

The puzzle of participation is that since 1960 both education and real per capita income have risen which seems to suggest that turnout should be rising given the fact that more educated

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11 Note that some dispute the implication that women had little influence on policy after getting the right to vote. For example, Kenny and Lott 199x contend that after women got the right to vote, government spending increased reflecting the fact that women were “poorer” and benefited more from government spending programs. They examine the effects of women suffrage in states that passed these measures before women were given the right to vote nationally. While this may be true, we still have the puzzle as to why women did not turn the right to vote into more equal treatment in general – that is, as Harvey points out government policies continued to be biased in favor of males.

and higher income voters are more likely to vote in a single election. Why is there this inconsistency? Brody 1978 has labeled this the “puzzle of political participation.”

Puzzle 3: The Paradox of Not Voting

“Amanda Strom, 24, is a University of Missouri at St. Louis optometry student who registered to vote three years ago – but hasn't voted. She is an active volunteer, helping with a group that readsies used prescription eyeglasses for donation to the poor. She volunteered this weekend for the ‘Sprint for Sight’ in Forest Park to benefit the blind. But she’s not persuaded that her vote would make a difference.” Karen Branch-Brioso, St. Louis Post-Dispatch, March 16, 2003

Strom is just the kind of voter that the Academy Award winning actor Ben Affleck tried to reach in the 2000 election. Affleck campaigned for Al Gore, appearing at numerous events, trying to appeal to young, disaffected voters. However, it turned out that Affleck, like Strom, also did not vote in 2000, as reported by the online magazine, The Smoking Gun on April, 24, 2001 and had not apparently voted since 1992. Affleck’s spokesman in response to queries cited a bureaucratic snafu, which prevented him from voting in New York state, his then current residence. Affleck is not the only campaigner who has encouraged others to vote while not always following their own advice – in 2002 the Governor of Minnesota, Jesse Ventura, while publicly pushing voters to participate, did not vote in his state’s December 10, 2002 primary election. “Ventura spokesman John Wodele said the governor acknowledged not voting in the Sept. 10 primary. ‘He regrets that he was not able to make it to the polls. He simply said his schedule got the best of him with all the other things going on that week and he couldn’t make it there,’ Wodele said.” Minneapolis Star Tribune reporter Mark Brunswick found that Ventura also failed to vote in the general election in 1996 even though he served as Honorary Campaign Chairman for the Independent candidate for the Senate that year. Ventura has not been the only well known elected official who has a past history of not voting. North Carolina Senator John Edwards also did not always participate in elections prior to running for the U.S. Senate.

Voting is a costly act – mainly in terms of time as Ventura’s experience shows. If a voter, like Strom, does not believe that her vote will make a difference, it is hard to argue that a voter should spend the time and effort. Affleck’s spokesman pointed out when asked about the actor’s failure to vote that “Fortunately the candidates he supported carried New York state without his vote.” Al Gore carried New York state with 60.2% of the vote. Tim Penny, Ventura’s preferred candidate in the primary election he failed to participate in, won with 96% of the vote. One of the things Ventura did instead of voting that day was attend a Minnesota Twins baseball game with a group from St. Joseph’s Home for Children. It is hard not to think that his choice made sense and more of a

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13 Some label this problem the “paradox of voting.” However, another problem (the tendency for majority rule to result in preference cycles, discussed in chapter 9) is also often called the paradox of voting as well. So to distinguish between the two, I use the term “paradox of not voting.”
15 Brunswick, Mark, “Ventura is among the many who don't go to the polls; His schedule on primary election day got the best of him, his office said;” Minneapolis Star Tribune, October 2, 2002.
difference in the lives of these children than the outcome of the primary, like Strom’s choosing to help the poor with eyeglasses, while not investing the time and effort into voting.

We can represent the choice of a voter like Strom, Affleck, or Ventura by using the concepts of utility and expected utility. Utility is a 19th century word that social scientists use to represent the satisfaction that individuals get from different possible things they might experience or receive. Economists generally talk about the utility consumers get from goods and services. Political scientists refer to the utility that voters can get from different public policy choices of the government. Social scientists assume that individuals prefer greater utility to less and wish to make choices that maximize their utility. We can think of Ventura as getting utility from various things – for example, attendance at the Twins game with the children from St. Joseph’s Home, the election in the primary of Penny as his party’s nominee for governor, or the election in the primary of Penny’s opponent Bill Dahn as his party’s nominee for governor. We can label these various utilities, calling Ventura’s utility from going to the Twins game as \( U_T \), Ventura’s utility from Penney’s election, \( U_P \), and Ventura’s utility from Dahn’s election, \( U_D \).

The concept of expected utility is slightly more complicated. Expected utility is the utility that an individual expects to receive when there is uncertainty about the outcome. It depends not only on the utility the individual receives from each possible outcome, but also the probability that each outcome will occur. Ventura could not be certain prior to the election whether he would receive either \( U_P \) or \( U_D \); what he would receive would depend on the probabilities that Penny or Dahn will win. The appendix to this chapter shows how the expected utility benefits from voting for Ventura can be given as \( \Delta P \cdot B \), where \( \Delta P \) is the effect of Ventura’s vote on whether Penny is elected and \( B \) is the difference in Ventura’s utility between the election of Penny and Dahn, or \((U_P - U_D)\).

What is Ventura’s cost of voting? As we noted above, Ventura’s other option is to go to the Minnesota Twins game with the children from St. Joseph’s Home, for which he would receive the utility equal to \( U_T \), which is generally labeled as \( c \) for the cost of voting. Ventura should vote then if the following is true:

\[
\Delta P \cdot B > c
\]

(2)

What can we say about the size of \( \Delta P \)? In particular, what is the effect of one Ventura voting on the probability that Penny will win? Ventura’s vote can change the probability that Penny will win in two cases – 1) when the election is a tie without Ventura’s vote and his vote decides the outcome for Penny or 2) when the election is a one vote win by Penny’s opponent without Ventura’s vote and his vote makes the election a tie. If Penny’s opponent is winning by two votes or more without Ventura’s vote or if Penny is winning by one vote or more, Ventura’s vote does not matter and has no affect on the outcome. So unless the election is a tie or Penny’s opponent is winning by one vote without Ventura’s vote, \( \Delta P \cdot B = 0 \), regardless of the size of \( B \).

Needless to say many American elections are far from being decided on one vote, so in most elections \( \Delta P \cdot B = 0 \) and for any cost of voting, albeit very small, a rational voter should not vote. California Secretary of State Bill Jones draws the following analogy to explain why it isn’t rational to vote in an election that isn’t close when he asks: “Would you buy a ticket to a World Series game if you knew who was going to
Note that even though the 2000 presidential election was amazingly close nationally, because the relevant determinant of who won the presidency was the electoral college’s vote rather than the popular vote and Gore won Affleck’s home state of New York with a large margin, winning New York’s electoral votes whether Affleck voted or not, Affleck’s vote was unlikely to make a difference any more than Ventura’s would have in the Minnesota primary.

Yet millions of Americans, unlike Strom, Affleck, and Ventura do vote even when it is quite costly. Fannie Jeffrey is an example of a voter who participated in the 2002 midterm election when it would have been much easier for her to stay home. “Despite a recently broken arm and an ensuing fall, despite knee surgery that makes standing in line to vote nearly impossible, despite aches and pains that might keep others in their retirement home on a chilly November morning, Jeffrey, 92, zipped herself into her winter coat and cast her ballot in person yesterday, continuing seven straight decades of going to the polls. ‘You want to keep it up, the voting - it’s good to go and be a visible part of the community,’ says Jeffrey, a spirited former social worker whose discerning gaze still penetrates even behind fishbowl glasses. ‘As long as I can walk, I’ll continue to vote.’”

Turnout is amazingly high given the fact that so few elections are close. Why when it is clearly not rational? Why is Jeffrey willing to vote even though it isn’t rational? Why is she not like Ventura, Affleck, or Strom? This “paradox” is generally called the “paradox of not voting” [see Downs 1957, Riker and Ordeshook 1967].

Consumption versus Investment

The Consumption Benefits from Voting

We will begin our attempts to resolve our three puzzles with the last – the paradox of not voting or why does Fannie Jeffrey vote? Much ink has been used to try to explain why people vote [see Morton 1991 for a review]. One way to think of the paradox is that it emphasizes the “investment” benefits of voting (future benefits after the election) and ignores the “consumption” benefits of voting (present benefits from the act itself) [see Downs 1957, Riker and Ordeshook 1967]. That is, voters may get some benefits from the act of voting independent of the effect that the vote can possibly have on the outcome of the election. Voters may feel satisfaction or utility from fulfilling their “citizen duty” and their participation in the democratic process. Fannie Jeffrey clearly sees voting as her responsibility, that she is needed to be a “visible part of the community.”

To see how introducing consumption benefits from voting changes our voting equation above, define \( D \) as the consumption benefits that Jeffrey receives from the act of voting itself. Then it is possible that:

\[
\Delta P * B + D > c
\]

(3)

18 Gamerman, Ellen, “Ageless devotion to democracy – Hardships: On Election Day, the will of senior voters triumphs over advanced years and physical difficulties,” the Baltimore Sun, November 6, 2002.
19 Of course, we are ignoring that even at the individual level the act of voting is strategic – that is, if all voters behaved “rationally” then no one would vote and the effect of one vote would be sizeable. Thus, if we assume that voters recognize the endogeneity of the turnout decision, then turnout would not be zero. We address these strategic concerns subsequently.
While appealing as an explanation for voting and fitting in well with stories such as Jeffrey’s, this is not a very satisfactory solution to the paradox since it is what researchers call *ad hoc* – it is like saying the sun is in the sky because the sun is in the sky – people vote because they like to vote. Saying that individuals vote because they like to do so doesn’t help us much when we want to try to understand the forces that lead to more or less turnout over time (like in the puzzle of participation) or why giving the right to vote to a group of voters who do turnout does not always translate in a change in policy outcomes (like the 45 year lag). It may be a “theory” of why people vote, but it isn’t a very useful theory unless we have some understanding of what gives voters a “taste” for voting. Ideally, we would like to know why it is Jeffrey has a strong “taste” for voting that will get her to the polls for 70 years despite many difficulties, whereas Strom isn’t even interested in elections and Affleck and Ventura sometimes vote and sometimes don’t.

**Togetherness**

Ventura could safely stay away from the polls on primary day because he anticipated that many other Penny supporters would turnout, similarly Affleck’s bureaucratic snafu did not affect the outcome in New York in the 2000 election because many others did vote for his preferred candidates. Although they appeared to care more about the outcome of the election than Strom (since both were publicly campaigning for their candidates and engaging in other support besides voting), they could basically “free ride” on the choices of other voters who they knew would turn out and vote as they wanted (we will see how the temptation of free riding works shortly).

However, if the “other” voters in Minnesota or New York made the same calculation as Ventura or Affleck, then no one would vote and a single voter could affect the outcome. As a result, the investment benefits ($\Delta P \times B$) become huge as Ventura and Affleck’s one votes can be decisive! There is a simultaneous relationship between individual voting decisions and the closeness of an election [see Palfrey and Rosenthal 1984, 1985, Ledyard 1984]. This simultaneity can mean that some rational voters who calculate the complex relationship between their decision to vote and others’ decisions will vote for investment purposes (i.e. rational turnout is not zero when the endogeneity is taken into account).

Nevertheless, at the individual level it is hard to imagine that voters consider the endogenous nature of their investment benefits (that their own choices and the choices of others influence these benefits) in making turnout calculations since even when recognizing this endogeneity the difference between the investment benefits and the costs is small. Yet, for a group of like-minded voters, the calculation that the group can influence the outcome of the election and that other groups can similarly behave strategically is not very difficult. Evidently Ventura and Affleck knew that there were part of groups of like-minded voters and expected that these groups would make such a calculation and largely vote. In fact, in their campaigning they attempted to sway groups of voters to choose as they would.

The possibility that groups of voters who are like-minded can affect electoral outcomes is recognized by most political actors. In 1983, Harold Washington did the unthinkable – he became the first black mayor of Chicago. He accomplished this feat by first winning the Democratic primary in a three-candidate race – against two white Irish
candidates (from the machine that had ruled Chicago for over half a century). His success was extraordinary because no one, particularly his supporters, believed a black candidate could win in a majority white city like Chicago and one that had for so long been dominated by a cohesive political machine. As Grimshaw, 1992, page 170 relates there was a “widely held view” among both whites and blacks that Washington was unelectable. This meant that he had to both convince his supporters to turnout and that a vote for him would actually make a difference in the outcome.

Despite these obstacles, Washington entered the race anyway and worked hard to build support. Yet black voters continued to doubt his electability and it looked like he would lose on election day. Black voters knew that both white candidates had sizeable backing and they did not believe that Washington’s faction would be large enough to make the race close. How could Washington convince these black voters (who he needed) that he had a chance of winning and that their votes could make a difference? As Grimshaw reports, Washington held a large rally at a huge 12,000 seat pavilion. If attendance had been low at the rally, Washington would have failed, but if attendance was high the sight of the huge crowd would help convey the message that he did have the backing enough to make it worthwhile for his supporters to turn out. The make or break rally worked as the pavilion was filled beyond its capacity. On election day, Washington turned out black voters in record numbers. Washington turned out black voters in 1983 who had migrated from the south before the Supreme Court’s ruling in 1966 [Harper v. Virginia Board of Elections] which outlawed state poll taxes – individuals who probably had never voted in their lives [“Phone calls came in on election day inquiring about the amount of Chicago’s poll tax.” Grimshaw, page 171]. They voted because they expected that their vote as a group could make a difference, after they became convinced that Washington had a chance.

In the 1998 election for governor of Georgia, Roy E. Barnes also acknowledged the importance of black turnout and made considerable efforts to mobilize this group of voters as Sack recounts. The Georgia Democratic party made three telephone calls and two mailings to thousands of black homes. Barnes went to four black churches the Sunday before the election, accompanied by black political leaders. Black support for Barnes was strong and he won the election by 9% with 90% of the black vote. Although only 27% of the state’s registered voters were black, 29% of the voters in the 1998 election in Georgia were black as compared with 16% in 1994 and 25% in 1996.  

However, in 2002 when Barnes was up for reelection, Republicans turned the tide by turning out their own groups of supporters in record numbers such as white rural conservative fundamentalist Christian voters who were unhappy with Barnes but not generally politically involved. One Republican campaign manager described this group of voters as “people who typically don’t turn out.” Republican campaigners “recruited organizers and volunteers at Rotary Clubs and churches all over the state.” The campaign manager argued that it was the “personal touch of ‘neighbors calling neighbors’ that made the difference.” In contrast, Barnes was not able to get out the vote of the groups of blacks he had mobilized in 1998, who had been alienated by some of the choices he had made in office and his lack of support for black candidates. Barnes was

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defeated by Sonny Perdue, who became the first Republican governor in the state in 130 years by mobilizing new groups of voters who preferred him to Barnes.\textsuperscript{21}

But blacks and rural white fundamentalist Christian voters in the south or elsewhere are not the only groups of voters who are especially targeted with turnout appeals to vote as a group. In 1998 the AFL-CIO and other unions financed advertisements on Hispanic-oriented radio stations in New York and other large cities sending out the message to turnout on election day. The efforts of the union to mobilize its members were partly modeled on efforts they made in the 1997 New Jersey governor’s race. Goodnough reported that in New Jersey in 1997 the state’s AFL-CIO “registered more than 10,000 union members” and the union’s president stated: “We’re getting on the phone, we’re getting commitments and we’re holding our members accountable.”\textsuperscript{22} In the 2000 presidential election, Michigan labor leaders worked hard to encourage members to vote. In Lansing, the Service Employees International Union called 1,500 Union members an hour. In Flint, “Jessie Cloman, a city housing inspector, was setting up a ‘mentoring’ program in which 190 shop stewards have each been assigned 100 union members who have voted only once in the last six years.”\textsuperscript{23} Similarly, in Minnesota the union get out the vote effort meant that union members cast 30% of the votes in 2000, while only representing 17.7% of the eligible voters.

For the 2004 presidential race, Steve Rosenthal, former political director of the AFL-CIO formed a political action committee called America Coming Together (ACT). He is using tactics that resulted in the percentage of voters labeling themselves as from labor households to rise from 19% to 26% from 1992 to 2002 (while unions only represent 13% of the workforce). “ACT is hiring several thousand foot soldiers in 17 swing states, including Florida and Ohio. Guided by seasoned campaign officials and armed with handheld organizers loaded with voter lists of households likely to lean Democratic, the canvassers have started knocking on doors. They offer to register anyone who’s not already signed up. . . . they also try to engage voters on key Democratic issues like jobs, health coverage, and education. Canvassers then build a profile of each person willing to listen, entering their positions and other information onto the handhelds to construct a database. Over the next eight months, ACT . . . plan[s] to contact each receptive voter 5 to 10 times.”\textsuperscript{24}

Other interest groups are involved in election mobilization efforts as well. For example, in the 2002 Senate race in Minnesota, interest groups like the U.S. Chamber of Commerce, the National Rifle Association, and both right-to-life and free-to-choose groups on abortion had get out the vote campaigns aimed at their members and supporters.\textsuperscript{25}

Plainly at the group level, strategic concerns reflecting the investment benefits of voting matter in determining turnout levels. Black voters in Georgia turned out for


\textsuperscript{25} Gordon, Greg, and Tom Ford, “Voter turnout efforts hit peak; Interest groups across the spectrum work to energize their partisans,” \textit{Minneapolis Star Tribune}, November 5, 2002.
Barnes in 1998 when they thought he was more likely than his opponent to make choices they preferred and did not in 2002 when they felt that Barnes was not significantly effective in pursuing their interests. “Getting out the vote” – turnout decisions – are influenced by political elites like party leaders, candidates, union heads, and interest group leaders who recognize these strategic interests and go to particular groups of voters using group based strategies to convince these voters to go to the polls as a group. The implication is that somehow these group leaders induce their members to vote (and sometimes don’t) in order to influence the outcome of the election strategically as a group. While Fannie Jeffrey’s devotion to voting is clear, it is also clear that she too was part of organized effort to vote – she rode in a bus to the polling place from her retirement home in Collington retirement community in Prince George County, Maryland with 50 other residents. How do group leaders motivate voters like Fannie Jeffrey to be so devoted to voting?

Consumption and Citizen Duty Redux

Voting and the Collective Action Problem

Unfortunately, getting voters to act as a group raises a further reason why voters may choose not to vote (which we alluded to above) – the “collective action” or “free rider” problem. That is, the group would benefit if as a collective it acted together however, each individual in the group has an incentive to “defect” or “free ride” and rely on the actions of others in the group, which can result in the group failing to take the action desired. Affleck and Ventura could safely stay away from the polls because they knew others who had similar preferences would vote.

To see how voting can be a collective action problem, consider the following simple example with two voters in the 2002 Louisiana Senate runoff election discussed in Chapter 1, Karen and Bruno. We will consider a situation where acting together Karen and Bruno can change the outcome of the election to their benefit. We’ll assume that their preferred candidate, Mary Landrieu, is expected to lose by one vote to her opponent Suzanne Haik Terrell if neither Karen nor Bruno vote. However, if both voters vote, then Landrieu wins for sure. If only one votes then Landrieu is in a tie with Terrell (both have a 50% chance of winning).

Karen and Bruno prefer Landrieu to Terrell because the benefits they expect to get from Landrieu’s election are greater than the ones they expect to get if Terrell is elected. We use utility to represent their preferences. Assume that if Landrieu wins, Karen and Bruno both receive 100 units of utility and if Terrell wins they receive 25 units of utility. The utility difference between what they get if their preferred candidate Landrieu wins minus what they get if the other candidate Terrell wins then would be 100-25 = 75, the B term in equation (2). If the election is a tie between Landrieu and Terrell, then we need to calculate Karen and Bruno’s expected utility as we discussed above. In this case a tie election means that the probability of Landrieu winning is 0.5 and the probability that Terrell wins is also 0.5. Karen and Bruno’s expected utility when the election is a tie is then equal to (0.5)*100 + (0.5)*25 = 62.5 units of utility. That is, they expect to get 100 units of utility 50% of the time and 25 units of utility 50% of the time, which taken together gives them an expected utility of 62.5 units. But if Karen or Bruno votes, Karen or Bruno must each pay 50 units of utility, the cost of voting, c. Table 2-1
presents the utility payoffs received by Karen and Bruno for each of the four possible choice combinations they could make. The first number in each cell is how much Karen will receive given Karen’s and Bruno’s choices and the second number is how much Bruno will receive given Karen’s and Bruno’s choices.

If both Karen and Bruno vote then Landrieu wins for sure and both will receive 100-50=50 units of utility. If both do not vote, Terrell will win for sure and each will receive 25-0=25 units of utility. But if only one votes, then only one must pay the cost of voting and they receive different units of utility. For example, if Karen votes and Bruno does not, the election is a tie, and Karen receives 62.5-50=12.5 units of utility and Bruno receives 62.5-0=62.5. If Bruno votes and Karen does not, the election is also a tie, and Bruno receives 62.5-50=12.5 units of utility and Karen receives 62.5-0=62.5 units.

What will Karen and Bruno do? Karen and Bruno are in a strategic situation, a “game” and to figure out what they will do we need to find what is called the Nash Equilibrium of the game, a concept originated by Nobel Prize winning mathematician John Nash. A Nash Equilibrium exists when each actor in the game is making the best choice given what the others in the game are doing. In order to find the Nash equilibrium (or equilibria as sometimes there are more than one), we need to consider what the optimal responses are for Karen and Bruno given what the other is doing.

First we will consider Karen. Suppose that Karen knows for sure that Bruno will vote. Clearly, then, Karen would prefer not to vote since 62.5 utils is greater than 50 utils. So if Bruno is voting, Karen’s optimal response is not to vote. Suppose that Karen knows for sure Bruno is not voting. Now her comparison is between 25 and 12.5, and since 25 is greater, she should not vote. Therefore, regardless of what Bruno is doing, Karen should not vote. Similarly, if Bruno knows for sure Karen is voting, he will not vote and if he knows for sure Karen is not voting, he will not vote. Therefore, regardless of what Karen is doing, in this case Bruno’s optimal choice is also not to vote. The only equilibrium (where both are choosing optimally) is when neither votes, Terrell wins, and they each receive 25 utils. While both Karen and Bruno would be better off if each voted, each would receive 50 utils as compared to 25, the incentive to free ride, defect, when the other votes and get 62.5 utils leads both to the equilibrium where neither votes and each gets 25.

Karen and Bruno, then, will have difficulty acting together, collectively to elect Landrieu even though they both prefer to do so and both would benefit. Thus, while it is true that as a group the two voters can affect the outcome leading to more utility for both, each has an incentive to free ride leading to their least preferred outcome. For us to think about turnout as a group choice, we have to understand how groups are able to overcome these collective action problems. How are groups able to motivate voters like Fannie Jeffrey to ignore the advantage of free riding on the votes of others?

Voting and Private Selective Incentives

While Fannie Jeffrey had to take a bus and stand in line at the polls, sometimes voting comes to individuals or at least is sweetened with a payoff. In Wisconsin the governor’s race in 2002 was the most expensive it its history and part of the money spent by the Democratic party on behalf of their candidate Jim Doyle, was used to pay for soda, kringle pastries, and quarters for use in a bingo game at the Dayton Residential Care

26 Portrayed by Russell Crowe in the movie A Beautiful Mind.
Facility in Kenosha. After the game, the Democratic activists told residents they could vote upstairs by absentee ballot (unlike the voters like Jeffrey at the Collingwood retirement community who had to take a bus on election day). While the Kenosha voters got bingo and snacks, members of Culinary Local 226 in Las Vegas in August 2000 were invited to a rally with a raffle prize of $3,000 at two early voting sites where they could vote for the union’s preferred candidate and maybe win big bucks – the union leaders noted that in 1998 they had spent a greater amount on hot dogs and sodas, but were hoping that a raffle might attract more voters.

The Democrats at the Kenosha Wisconsin nursing home and the Culinary Union leaders in Las Vegas were using consumption benefits tied to the act of voting as a method to induce their members to vote and conquer the collective action problem. In the 19th century and particularly before the advent of the secret ballot, many state and local political parties (often run as political machines) gave out consumption benefits to individuals in return for their votes (consumption benefits that came close and may have crossed the line into bribes). In 1905, George Washington Plunkitt of Tammany Hall described how machine politics got out the vote by providing individualized benefits to their supporters [Riordon, 1994, page 64]: “If there’s a family in my district in want I know it before the charitable societies do, and me and my men are first on the ground. . . . The consequence is that the poor look up to George W. Plunkitt as a father, come to him in trouble – and don’t forget him on election day. Another thing, I can always get a job for a deservin’ man. I make it a point to keep on the track of jobs, and it seldom happens that I don’t have a few up my sleeve ready for use.”

How do private selective incentives work to overcome the free rider problem? Consider again the situation facing Karen and Bruno. Suppose they have a group leader like Plunkitt who gives them a chicken worth 25 utils if they vote. Their new payoffs from voting and not voting are given by Table 2-2 below. If both Karen and Bruno vote for Landrieu, they each get 100-50+25=75. That is, Landrieu wins and they each get 100 utils, they pay 50 utils for voting and they get 25 utils from the chicken Plunkitt give each of them. If only one votes, say Karen, then Karen gets 62.5 from the tie election minus the 50 utils from voting plus the 25 utils from Plunkitt’s chicken to equal 37.5 utils and Bruno, who did not vote, receives 62.5 utils. If both do not vote, they again receive 25 utils.

Now the Nash equilibrium is for both to vote. To see this, consider Karen’s optimal strategy if she knows for sure Bruno is voting. If she votes she gets 75 utils, if she doesn’t she gets 62.5 so she should vote. What about her strategy if she knows for sure Bruno is not voting? If she votes she gets 37.5 utils, if she doesn’t she gets 25. Again, she should vote. Regardless of what Bruno is doing, Karen should vote. Similarly, if Bruno knows that Karen is voting, Bruno should vote and if Bruno knows for sure Karen is not voting, Bruno should vote, so Bruno should vote regardless of what Karen is doing. The only Nash equilibrium is for both Bruno and Karen to vote.

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Bribery

Kentucky Republican State Representative Barbara Colter was cautious in her answers to the press about the May 2002 primary election she lost. “It’s very dangerous what we’re talking about . . . and I’ve got children,” she said. “Everybody was afraid. They had thugs running their campaigns.” What scared Colter were not only the approaches she received from individuals offering to buy votes for her, haul voters to the polls for her election, and include her name on a “ticket” of candidates who would get purchased votes, but the shooting incidents involving four people in the county clerk’s race. While buying votes with case of liquor in the eastern part of the state had a long history, voters were allegedly giving away their votes in 2002 for a new currency, “a handful of oxycontin”; a powerful painkiller, and drug dealers, not afraid of violence, were believed to be involved in vote buying. Plunkitt’s chicken, the bingo game in Kenosha, and the lottery in Las Vegas may seem innocuous, vote “purchasing” using private selective incentive is a form of bribery and at its worse can mean that the election itself has been “purchased.” Purchasing and selling votes directly with cash is illegal in all fifty states, although enforcement and penalties differ across states.

Drawing the line between what is an illegal purchase of a vote and what is not is sometimes difficult. Both the Kenosha and Las Vegas affairs were publicly criticized by opposition candidates as “vote buying” and in Wisconsin the Republican incumbent governor used the Kenosha event in his campaign ads to discredit his opponent as “crooked.” However, a special prosecutor declined to file charges in Kenosha, unlike in Kentucky where individuals have been indicted for vote buying in recent elections, largely because there was no proof that “vote buying” had actually occurred. In Las Vegas, the District Attorney said that the event “goes up to the line but doesn’t cross the line.” In Kenosha and in Las Vegas, while the events were clearly tied to the election and voting (by absentee in Kenosha or at early voting locations in Las Vegas), it was not required that an individual vote in order to receive the prize in the lottery or the kringles at the bingo game. According to the owner of the Dayton Residential care only two individuals at the bingo game actually voted and both denied “being induced by the bingo or any person in casting their votes.”

Because outright vote buying of the sort Kentucky state representative Colter was offered is illegal, most groups who provide private selective incentives do not require that the individual vote in order to receive them (or at least not on a large scale). Moreover, with the widespread use of secret ballots, even just knowing that an individual votes (which can be monitored) does not ensure that he or she made the choice the vote buying purchased. For example, in 1961 when Henry B. Gonzalez took on the white establishment in San Antonio to run for U.S. Congress, his Republican opponent, John Goode visited the Chicano precincts where Gonzalez had strong support, providing 10 kegs of beer and 200 dozen tamales. Yet he only received 16 votes. Gonzalez noted: “they drink Goode’s beer, they eat Goode’s tamales, then go to the polls and vote for

30 One resident, who legally could not vote since she is a convicted felon, did ask for a ballot but she did not vote and her ballot was locked in the adult care facility office.
Gonzalez. Furthermore, private selective incentives cannot explain why Fannie Jeffrey votes as she did not get to play bingo or receive kringle pastries or a lottery ticket. To understand Jeffrey and group mobilization today, we need to examine other selective incentives that groups can use.

**Voting and Social Selective Incentives**

Primarily the incentives voters receive to turnout today are social and related to their membership within groups that are recruiting them. Jeffrey went to the polls with her fellow residents, as a group of 50. It was a social activity, a day’s event for the residents. The Kenosha and Las Vegas events were also not only just about the treats and the lottery, but the chance to socialize as a group. Furthermore, while the group leaders cannot observe how the individuals vote because of the secret ballot, they and other members of the group can observe who votes and who does not, and because of shared preferences, assume that the votes are as the group prefers. When interviewed about how she was voting, Fannie Jeffrey refused to reveal her choices, “It’s my business!” she told the reporter. But many of the other bus riders said they voted for Kathleen Kennedy Townsend, the Democratic candidate for governor in Maryland (Robert F. Kennedy’s daughter) in 2002 and nodded their heads when Jeffrey did reveal that she had voted in the past for “all the Kennedys.”

To see how social selective incentives to voting might work, suppose that Karen and Bruno care about whether they choose the same thing (i.e. socialize). That is, suppose that if Karen and Bruno both vote or they both do not vote, they get an additional amount of utility, 25 units of utility from participating in a group activity. This is different from the utility they would get from the chicken from Plunkitt – it is utility that they get from acting together as a group, in a social situation. If they choose differently, either Karen votes and Bruno doesn’t or Bruno votes and Karen doesn’t, then neither gets added utility since they are not participating in a group activity. The new payoff matrix for the same of voting with social selective incentives is given by Table 6-3 below.

Notice how the payoff matrix differs from Tables 2-1 and 2-2. If both vote, as in Table 2-2, they each get 75 utils (100 from Landrieu winning minus 50 for the cost of voting plus 25 for acting together as a group). If one votes, say Karen, and the other doesn’t, say Bruno, then Karen gets 12.5 (62.5 for the tie election minus 50 for the cost of voting) and Bruno gets 62.5. If both do not vote, they each get 50 utils (25 from Terrell winning plus 25 for acting together as a group).

Now there are two possible Nash equilibria in this choice situation facing Karen and Bruno. Why? First consider Karen’s optimal strategy if Bruno is voting. In this case, she should vote as 75 is greater than 62.5. But what should she do if she knows Bruno is not voting? In this case, she should not vote since 50 is greater than 12.5. Similarly, Bruno should vote if Karen is voting and not vote if Karen is not voting. The game facing Bruno and Karen is a coordination game, they wish to coordinate on the same choice, either voting or not voting. The added utility from coordinating makes voting as a group now a rational decision but does not make that the only possibility. Voting as a group will be the outcome for Karen and Bruno if they coordinate on voting as a social activity. If they coordinate on not voting as a social activity, then participation

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for their group will be low.\textsuperscript{32} The problem confronting group leaders, then, is to coordinate the group of voters on the voting equilibrium instead of the non-voting equilibrium.

\section*{Incentives and Voting Today}

Not all young 24 year olds in the 21\textsuperscript{st} century have the same attitude toward voting as Amanda Strong in St. Louis who chose not to vote because she did not believe it would make a difference. Nora Galowitch of Allentown Pennsylvania, “eager to cast her very first ballot, barely beat the rush hour traffic” in order to vote on election day in November, 2002. Galowitch, also 24, registered to vote in June 2002 “at the urging of her cousin, who took a semester off from college to work with a campaign in the gubernatorial race. Who did she vote for? ‘It was Rendell [Democratic candidate for governor in Pennsylvania]. No doubt,’ Galowitch said. ‘My cousin would have kicked my butt if I didn’t.’”\textsuperscript{33} Galowitch’s experience is not unusual. Harvey 1998 reports that in (p. 37) “… a nationwide 1983 ABC-Harvard survey, 37 percent of respondents and 41 percent of regular voters cited as a reason for voting the statement, ‘My friends and relatives almost always vote and I’d feel uncomfortable telling them I hadn’t voted.’” Knack (1992, page 139) reports that 42% of respondents in a 1990 survey answered yes to the question, “Do you have any friends, neighbors, or relatives who would be disappointed or angry with you if they knew you had not voted in this year’s elections?” and those who answered yes were significantly more likely to vote than those who answered no. As with Fannie Jeffrey, voting is a social event for many.

At the individual level, voters often choose to vote based on individualized, consumption benefits – benefits which are particularistic to the individual and, today, largely social (albeit sometimes sugared with private incentives like pastries or lotteries). At the individual level voters are not directly motivated necessarily by the investment benefits of their actions but they may be motivated by satisfaction given to them from participating in a group goal that is indirectly related to the investment benefits. Political leaders of groups of like-minded citizens, like those in a particular ethnic group or in a union or some other interest group, recognize that for the group, the level of turnout can affect the outcome of the election. They recognize that voting can be an equilibrium when voting is a social activity. Group leaders then “mobilize” voters to participate by providing the selective, particularistic incentives to motivate their participation. When the investment benefits are high for the group, group leaders mobilize greater numbers of voters.

Finally, to some extent group leaders use what interest group scholars have called “purposive benefits,” which are selective incentives that emphasize the investment benefits for the group in terms of group goals. Group leaders work to instill in voters additional utility from the group achieving its goal, enough to overcome the incentive to

\textsuperscript{32} Notice that the situation for voters in Table 2-3 is similar to the situation facing diners in restaurants when choosing to tip. In some societies, tipping is not a norm, while in others, like in the United States tipping is expected. In the U.S. we have coordinated on the tipping equilibrium, while in some other countries, individuals have coordinated on a non-tipping equilibrium. Some might argue that as a result service is less in those countries where tipping does not occur since the reward for service is less tied to the act of service.

\textsuperscript{33} Nicole Radzievich, “Valley area voters flock to polls as hype, governor’s race turn up turnout; Polling places see steady stream of people all day long,” \textit{Morning Call (Allentown, PA)}, November 6, 2002.
free ride. Purposive benefits, unlike social selective benefits, work like private benefits provided by Plunkitt (the game facing two voters is similar to Table 2-2) and the only equilibrium, if these purposive benefits work, is for both Karen and Bruno to vote. The Las Vegas Culinary Union not only used a lottery to motivate voters, and a social gathering to give out the lottery, but also the group leaders were clear on how they expected their members to vote, against the incumbent and why – because she had voted on the county commission to permit Wal-Mart to expand in the county over union objections. Turnout, at the group level, can be related to the investment benefits of the group when group leaders motivate voters to vote for those investment benefits as well as the probability the election will be close and the perceived differences between the candidates.  

Voting Rationally and Turning Out Irrationally

Benefit versus Office Seeking Groups

If the group that is providing a voter with the selective incentive to vote is a group of like-minded voters, then by definition once the voter enters the voting booth, his or her preferences are the same as each other member of the group. If all the members of the Las Vegas Culinary Union agree that the Wal-Mart expansion in their county was a bad thing and want to vote this preference, then voting as mobilized by their union, means that those preferences are translated into action at the voting booth, even if the individual voter is really motivated mainly the social gathering and the lottery. So, theoretically, selective incentives can actually work positively to help this type of voter achieve his or her preferences.

But what if the group providing a voter with the incentives is not so cohesive – what if the individual’s investment motivated choice between candidates is different from that of the group mobilizing him? We can think of two types of groups that can provide voters with selective incentives – office-seeking groups and benefit-seeking groups [see Schlesinger 1994, Aldrich 1993, Harvey 1998]. Generally, we think of office-seeking groups as political parties or groups of candidates combined together to maximize votes in order to be elected (in Kenosha the Democratic party organized the bingo game to mobilize voters) and benefit-seeking groups as interest groups like the Las Vegas union, civil rights groups, women’s groups like NOW (National Organization for Women) who mobilize voters in order to seek certain policy outcomes.

Ordinarily, benefit-seeking groups use their ability to provide voters for office-seeking groups so that the elected officials choose policy positions that please (or are perceived to please by the leaders) the benefit-seeking group members. In the 1998 elections in the south, where black votes made such a difference as in the Georgia governor race mentioned above, it was clear that black leaders expected that their turnout would be rewarded. For example, in 1998 black South Carolina Representative James E.

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34 There are of course many other theories that attempt to “solve” the paradox of not voting as reviewed in Morton (1991). This research continues. For example, Feddersen and Sandroni (2001) consider how convictions might explain how voters are motivated to act as a group without explicit leader mobilization. Schuessler (2000) and Overbye (1995) model voting as an expressive act, which can be related to social interaction. Bendor, Diermeier, and Ting (2003) model voting using an evolutionary approach where voters myopically adapt their decision to vote over time.
Clyburn said of his newly elected governor, Jim Hodges: “He’s a smart guy . . . He knows where his margin of victory was, and I don’t think there’s going to be any problem getting our concerns addressed.” Benefit-seeking groups can also withhold votes from office seeking groups if they believe that the office-seeking group is not following their preferences and that the cost of mobilization is not worth the return, as Roy Barnes discovered in Georgia in his reelection attempt in 2002, when he did not get the same support from black groups as he did in 1998 and ended up losing.

Black voters in Georgia may have been dissatisfied with Barnes and simply withheld their support, but they did not take the option of forming a third party or supporting an independent candidate as other benefit-seeking groups have tried. By 1970 in Texas, Mexican-Americans had achieved some success in electing representatives such as Henry Gonzalez. However, many saw themselves as largely ignored and segregated out of state politics by the major parties. They chose to form a third party, La Raza Unida and ran candidates for office, competing directly with the major parties. Their candidate for governor, Ramsey Muniz, gathered 214,118 votes (6%), which while not a majority, almost resulted in the Republican candidate beating the Democratic favorite in an upset. La Raza succeeded in electing candidates to local offices in 22 Texas counties. Yet, La Raza died out as an independent party as its goals and its members became incorporated into the Democratic Party in Texas and its gubernatorial candidate was sent to prison on drug charges.

The examples above illustrate how benefit groups can mobilize voters either for office seeking groups and in return receive the benefits they want (as Clyburn has with black voters in South Carolina) or directly for their own candidates inducing office seeking groups to change their policies (as Mexican-American activists did in Texas) in response to the new competition. If, on the other hand, voters are mobilized to turnout by office-seeking groups who may not share all of the policy preferences of the voters, then they may not be making the same choices in the voting booth as they would if they were mobilized by benefit-seeking groups. Mexican-American voters in Texas were mobilized by the major political parties before La Raza Unida. Author Robert Caro in his noted biography of the early years of Lyndon Johnson, The Path to Power, tells how Johnson “sat in the city’s [San Antonio] Plaza Hotel behind a table covered with five-dollar bills, peeling them off and handing them to Mexican-American men at a rate of five dollars a vote for each vote in their family.”

36 Clyburn’s candidate Hodges also lost, although Clyburn blamed this on poor Democratic party mobilization techniques, see Will, George, “S. Carolina’s starring role,” Chicago Sun-Times, Thursday, December 5, 2002.
37 For the story of La Raza Unida, see the video Chicano! Also, see Richter, Bob, “Before there was clout, there was Raza Unida,” San Antonio Express-News, Sunday, September 9, 2001. We discuss minor parties in American elections in Chapter 9 and minority representation in Chapter 10.
While Johnson’s candidate at the time was a New Deal Liberal, Maury Maverick, who worked to bring benefits to Mexican-American voters, Texas remained a largely segregated state with Mexican-Americans suffering significant discrimination for many years with only gradual changes. Mexican-American groups did begin to mobilize voters and elect candidates they preferred as with Henry Gonzalez in 1961, and to take away the support from white candidates using the old mobilization techniques. But it was not until the 1970s when La Raza Unida formed and Mexican Americans challenged discriminatory electoral laws and conducted their own voter registration drives that significant policy changes to benefit Mexican-Americans began to occur within the state, a movement discussed more extensively in Chapter 10. If voters are not mobilized by groups seeking policy or benefit motivations such as ending discriminatory practices in schools but instead for five dollar bills given out by office-seekers, then office-seeking groups have less reason to respond to them. The voters will choose based on the consumption benefits since they have no electoral power to induce the office-seekers to provide them with the collective benefits. Figure 2-3 illustrates these differences in mobilization and the mobilization process.

It is important to recognize that it isn’t necessarily that the office-seeking groups are “evil” when they mobilize new groups of voters without providing these voters group benefits. Office-seeking groups have chosen policy positions to respond to already mobilized benefit-seeking groups and through this process built an existing group of supporters. Changing policy would be costly to the office-seeking group. If new voters can be mobilized without changing overall policy, through providing purely private consumption benefits to the new voters not related to a collective investment benefit, then the office-seeking group can win new voters without losing the old.

In the 19th century and the era of political machines, some voters were mobilized solely by office-seeking groups which provided them with simple, tangible, private benefits to vote that were often unrelated to a collective benefit for them as a group as Mexican-American voters in the 1930s in Texas. In the Chicago machine age experts argued that the machine could control a percentage of black votes in this fashion. Whitman and Weisman, 1974, page 80, quote former Chicago mayor Jane Bryne’s campaign manager Don Rose: “The Organization owns a lock on a solid 20 percent of the black vote. This is the vote the machine would deliver for a George Wallace against Martin Luther King.” Unless a group of voters does have political leaders who perceive the collective benefits of the groups’ voting power and use this to induce office-seekers to also note their voting strength, office-seekers have less incentive to please the group of voters in collective policy decisions. If only the office-seekers are mobilizing a group of voters, then collective benefits for the group are not likely to be supplied.

What determines how voters are mobilized? How likely is that voters are mobilized by benefit-seeking versus office-seeking groups?

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38 Before entering politics, Johnson was a school teacher in a Mexican-American school and also worked to provide benefits to these voters as well, as Caro argues, when it fit with his political ambition.

39 Of course, Johnson’s efforts were hugely accountable for the passage of the Voting Rights Act of 1965, which gave Mexican-American litigants the ability to challenge many of these laws.

40 George Wallace campaigned for the presidency on a segregationist anti civil rights platform while Martin Luther King’s contribution to the civil rights movement is well known.
The Forty-Five Year Lag Revisited

New Voters and Parties
We began this chapter with three puzzles. So far we have addressed one – we have developed an explanation for why voters may vote even when it appears that at the individual level they are making an “irrational” decision. We can also now provide a possible explanation for the forty-five year lag in women’s groups receiving policy benefits after such a promising start in the early 1920s. The answer may lie in the way that women voters have been mobilized electorally over time. As Harvey 1998 summarizes (pages 48-49): “…women’s benefit-seeking organizations first pursued and then dropped a strategy based on electoral mobilization; women were then mobilized to vote as a group solely by the office-seeking parties until the late 1960s, at which time women’s benefit-seeking organizations once again sought to leverage women’s votes into policy.” Harvey finds that, as a consequence, policy concessions to women and party leadership roles for women also lagged behind.

Figure 2-4 illustrates the situation that some women’s groups faced. We can think of the graph as representing positions of the political parties and women’s groups. Along the horizontal axis of the graph we measure policy on the issues that divide the two major parties, with positions on the left as liberal positions and positions on the right as conservative positions. D and R are the policy positions of the two major parties on these issues. The vertical axis measures policy on the issues that divide women’s groups and the two major political parties. W is the average policy position of women’s groups. Note that we assume that the women’s groups are on average in the middle between the two major parties on the issues that divide the parties. If W mobilizes the new women voters, then this group of voters will choose based on the differences between women and the two major parties. The parties will be forced to move closer to W in order to attract these voters. But if D and R mobilize the new women voters, then this group of voters will divide along the issues that divide the major parties and make choices based on these differences and there will be no pressure on the parties to choose policies favored by women’s groups. Harvey argues that this is what happened when women were mobilized in the 1920s – they were mobilized by the major parties instead of women’s groups and thus the parties had little incentive to move policy closer to the preferences of women’s groups.

Fixed Costs of Group Mobilization
While our analysis above provides an answer to the puzzle of why when women got the right to vote policy choices of the political parties did not change much, it raises the question of why women’s groups did not mobilize voters in the 1920s. The explanation lies in the difficulties involved in mobilizing voters. Although it seems clear that once a large group of voters are mobilized to vote their preferences, the group can then have an impact on policy – initial mobilization of a group of voters is not easy. Getting a large group of people to begin to choose irrationally at an individual level (engaging in a costly activity that has little personal benefit) to meet a group goal is not an easy thing to do. This is the “fixed” cost for a group leader of beginning group-based activity.
For mobilization by a benefit-seeking group of like-minded voters to be worthwhile it must generate a benefit level for the group that is sufficient to sustain the costs of the selective incentives provided to its members. For that to happen, the group has to be sizeable enough, through the votes mobilized, to have an effect on electoral outcomes. That is, unless a group of voters can have an effect electorally, then they cannot deliver any benefits by voting that can make selective social incentives profitable for the group. There is a minimum size of mobilized voters necessary for a group to have an electoral impact. Once a group reaches that size, however, the cost of mobilizing additional voters is small and decreasing with the number of members. The reason why the cost decreases is that the dynamic of mobilization works through the social networks established by the group – the more members the more spread out the cost of the selective incentives in mobilizing those members.41

The situation facing a group mobilizing voters is it is like the problem facing a “public utility” – a company offering a service that has high fixed costs such as an electric power plant, a cable television service, etc. Most of the cost of generating electric power is building the plant and providing the lines through a city or neighborhood from which customers can be connected to the plant. After the plant is built and the lines laid, then the cost of adding customers is small in comparison. Similarly, mobilizing a new voter within an existing group of mobilized voters is cheap. Starting a new group of mobilized voters is expensive.

Harvey 1998 argues that the women’s groups did try to mobilize voters after enfranchisement but they were at a serious disadvantage when competing with already organized and developed office-seeking party organizations who also worked at mobilizing women voters. While women’s groups had established strong associations of their own during their drive to achieve suffrage – because of disfranchisement these associations had not developed the procedures through which the group could express its preferences through the voting booth – procedures to select candidates, to establish common agendas, etc. Moreover, because of the efforts toward suffrage, the office-seeking party organizations were aware of the benefits of mobilizing the new voters directly. Harvey notes that often benefit-seeking groups manage to mobilize voters prior to office-seeking groups because they have better information about the likelihood that mobilization can work (that it is possible to build a group large enough such that group benefits exceed the sum of private costs). But in this case, women’s groups did not have this advantage since office-seeking groups were aware of the potential benefits from mobilizing women after witnessing the drive toward suffrage.

Once a group of voters are mobilized by one group, a competing group has to be able to provide a higher incentive to get that group of voters to make choices (turnout and voting decisions) for different motives. That is, if a group of voters, such as women, have been mobilized by an office-seeking group, like a party, to choose in order to meet the party’s interests then it is difficult to convince these voters to choose in order to meet a benefit-seeking group’s goals which may be contrary to the wishes of the party. It is difficult to socialize them into thinking of themselves as voting for different motives once they have established a social norm within the office-seeking group. And most importantly, it is more difficult than if the benefit-seeking group had acted before the

41 However, at some point the costs will increase as there is usually at least some members of a group who may find the act of voting so distasteful as to make the cost of mobilizing them prohibitive.
office-seeking group. Since mobilization of women was carried out by office-seeking
groups, it did not translate into policy benefits for women. Because the parties did not
need to get independent women’s groups’ support in order to get the vote of women, the
party did not need to provide women with policies in return for their votes.

The 1970s and Women

In the 1970s, things began to change. In 1966, the National Organization for
Women (NOW) was formed and in 1968 NOW’s President Betty Friedan began to
advocate an electoral strategy. In 1970 NOW and other women’s groups began to form
electoral coalitions. The consequence of the new mobilization by independent women’s
groups meant that the office-seeking groups needed to provide policies that advantaged
the benefit-seeking groups. Policies that favored women began to see enactment again.

The parties began to re-align themselves on women’s issues from 1970s on – to
move their policy positions. This has led to a oft noticed “gender gap” in voting where
women (particularly single women) are more likely to vote Democratic and white males
are more likely to vote Republican. Abramson, Aldrich, and Rhode, 2002, pages 100-101
report that in 1976 the male and female vote was split equally between the two
presidential candidates, Jimmy Carter and Gerald Ford. “But in every subsequent
presidential election, women have been more likely to vote Democratic than men. The
‘gender gap’ was 8 points in 1980, 6 points in 1984, 7 points in 1988, 4 points in 1992,
and 11 points in 1996. According to the Voter News Service survey, 54 percent of female
voters supported Gore, while 42 percent of the male voters did, a record gap of 12
percentage points.” Prior to the 1980s, gender differences in support for the parties were
not significant enough to notice. However, as the Democratic party began to support
policies favored by women’s groups more than by white males (for example, the Equal
Rights Amendment, equal pay, and affirmative action programs), voters responded to the
change in the liberal/conservative dimension and a gender gap between the parties
developed.

Of course, there were other forces that facilitated the increased mobilization and
may explain the change in how women vote. An alternative explanation for the changes
is that women’s preferences were not that different from men’s when first given the right
to vote and it did not matter how they were mobilized. Edlund and Pande (2002) argue
that an increase in the number of women who are single and financially independent but
in general poorer than males has resulted in an increase in the number of women who
prefer left-leaning policies which benefit those less financially well off. They point out
that a similar situation has resulted in Europe – using survey data they show that during
the same period a gender gap also emerged in Europe where women are much more
likely than men to vote for leftist parties. This suggests that the situation where women’s
preferences differed from men as in Figure 2-4 did not arise until recently. When Frieden
began to recruit women as voters in a benefit-seeking group, then their numbers were
large enough such that the parties (or at least the Democratic party) responded by
changing its policy positions. A recent poll by John Zogby suggests that the division
between single and married women in terms of party preferences will be larger for the
2004 than the gender gap of previous elections, suggestive that single women have a
greater preference for policies advocated by Democrats – abortion rights and greater
financial and health security for lower income workers – than married women. Zogby
summarized: “That gap is enormous – married and single voters live not on different planets, but different solar systems, when it comes to their politics and values. Republicans have a problem with single voters, especially single women. The Democrats’ problem is with married people, especially married women.”

Nevertheless, while the Democratic party has been more friendly to these left-leaning women, both parties have supported more pro-women policies (in terms of restraints on sexual harassment, employment discrimination, etc.) since women have been mobilized by benefit seeking groups than when they were mobilized by the parties directly. When left-leaning benefit-seeking women’s groups began to mobilize women voters, similar efforts were made by conservative-leaning benefit-seeking women’s groups as well and social issues have become more divisive for both parties.

Strikingly, both parties have remarkably increased the positions of power held by women, both elected and appointed, since women became mobilized by benefit-seeking groups. Figure 2-5 shows the number of women elected to Congress from 1918 to 2002. While more Democratic women have been elected to the House of Representatives, the Republican party currently gives a greater percentage of its women members positions of power within the House (membership on important committees and in party and House leadership roles). Figure 2-6 shows the percentages of women in such roles by party in the House of Representatives from 1976 to 2001. For example, in 1976 there were 14 Democratic women and 5 Republican women in the House of Representatives. Eight of the Democratic women had positions of power, while 2 of the Republican women held such positions. In 2001, there were 42 Democratic women and 18 Republican, with 17 Democratic women holding positions of power and 14 Republican women holding such positions. Republican President George W. Bush, as Democratic President Clinton before him, has appointed a number of women to powerful positions within his cabinet and women have served in a number of state elected positions in both parties. This evidence suggests that as women now are increasingly mobilized by benefit seeking groups, the parties are reacting by providing women with policies and opportunities for influence.

We still have not answered all our questions (if ever) about the mobilization of women in American politics. One important question in particular remains – why did women’s groups begin to mobilize in the 1970s? While the increased number of single women is part of the answer, the increased mobilization by women’s groups was reflective of a general trend of increasing mobilization by interest groups in this period. The answer is related to our third puzzle – the puzzle of declining participation.

The Final Puzzle – Why is Voting Lower Now than in the 1950s and 1960s?

The Decline of the Precinct Captain as Mr. Goodbar

In 1955, Richard J. Daley ran in the Democratic primary for mayor of Chicago. At the face of it, it seemed a tough time to try to become mayor of a major American city. After all, his opponent was two term incumbent Martin Kennelly. But Daley had an advantage. The Democratic machine had decided to drop Kennelly and Daley was their man. They would get out the vote to elect him. Chicago Tribune columnist Mike Royko,

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in his popular book, *Boss*, describes the campaign (1971, pages 89-91). Daley used party mobilization mechanisms (not much different from Plunkett’s fifty years before) to become mayor and to remain so till his death in 1976. Yet, during his years in office, campaigns changed through most of the country. With the technological advances of the post World War II period, candidates found themselves increasingly able to reach voters outside of the political party and form their own independent organizations. Technological developments also changed the nature in which the selective social benefits of voting are conveyed. The process of mobilizing voters became less the precinct captains cracking their whips or as Royko describes the process of voting in 1955 (page 91): “The Skid Row winos, shaky with the bars being closed for election, came out and got their bottles of muscatel. The elderly were marched wheezing out of their nursing homes, the low-income whites were watched by the precinct captains as they left for work in the morning and reminded that they had to stop at the polling place.”

Today there are two major differences in the way mobilization of voters is conducted:

- First, today much of mobilization is contact by telephone, through targeted television and radio ads, direct mail and most importantly candidate-and, some suggest, issue-centered. While certainly party-managed “get out the vote” campaigns continue with face-to-face contact, more and more mobilization is concentrated around a candidate or issue and benefit-seeking groups have a larger role than before. Mobilization is more capital- than labor-intensive. Although undoubtedly much door-by-door canvassing continues as it did in the 2002 elections as illustrated above, this is no longer the dominant way in which voters are reached and encouraged to turnout. Kozuke Imai (2004) estimates that personal visits (the traditional method of campaigning) increases turnout by 9.2% on average, while telephone calls increase turnout on average 6.5% and mailings only 1.5%.

- Second, as voters have increased in education levels and become more prosperous the appeal of the older selective incentives are less enticing to voters than before and the appeals of benefit-seeking groups, tied to collective benefits, have become more attractive. More educated voters can recognize the benefit from acting as a collective and are more willing to do so for the social benefit, purposive selective benefits. Benefit-seeking groups can appeal to educated voters by pointing out the benefits of coordination as a group. As education and income increase the ability of groups to use private selective incentives declines as well.

These changes in how voters are mobilized can help us understand why turnout declined in the United States after 1960. Rosenstone and Hansen 1993 estimate that approximately half of the decline can be explained by the decrease in party mobilization and the change to interest group mobilization. Benefit-seeking groups have had larger roles in mobilization because they have been advantaged by the rise of candidate- and

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43 Although perhaps not as much in Chicago as documented in the film *Vote for Me* where precinct workers are seen in acts not that much different from the senior Daley’s days. A recent expose in the Chicago Sun-Times on gang involvement in political campaigns shows that many of the same old tactics used by Plunkitt in New York are still used by politically connected gang leaders in Chicago, see Main, Frank and Carlos Sadovi, “Candidates lean on gang members to get out the vote,” *Chicago Sun-Times*, December 22, 2002.

44 Imai uses data from field experiments of Alan Gerber and Donald Green (2000). Surprisingly, Gerber and Green find that phone calls have a negative effect on turnout in their preliminary analysis of the data. Imai shows that the effect is do to inappropriate statistical assumptions in the analysis of the data.
issue-centered campaigns and the technology that made them feasible as well as the existence of a more educated and less needy set of potential voters. These groups speak to voters on the issues that motivate them—they tie the selective benefits to the collective goal, providing purposive benefits, which these voters appreciate. Mobilization simply to please an office-centered party precinct captain for some current or future simple private favor has less import in a more technologically advanced, educated population. The social and selective incentives that motivate political participation that interest groups such as women’s groups can offer to voters are more appealing in a more prosperous and informed electorate.

However, this change has meant in general a decline in turnout. Rosenstone and Hansen note that generally interest group mobilization has been focused toward other types of political participation (letter writing to members of Congress, for example) which they suggest has led to a decline in turnout. Additionally, when voters switch from turning out for the motivations provided by office-seeking groups which are less obviously tied to the individual’s investment benefit from voting to turning out for the motivations provided by benefit-seeking groups which generally have explicit ties to the individual’s investment benefit from voting, the cost of mobilization is higher. We have argued that voters are mobilized to participate in elections through private, selective, and social incentives. Parties for many years worked very well to provide this type of mobilization through private consumption benefits and social incentives as well. But as these consumption benefits have become replaced with more purposive benefits that are more directly tied to the collective benefits for voters by interest/benefit-seeking groups, the paradox of not voting can be more difficult to overcome. If a voter is not particularly interested in the collective benefit or believes that the group will act without him or her and she or he can “free ride” on the votes of others, then the associated social or purposive incentive provided by a benefit-seeking group can be less valuable. Educated voters can figure out when they are being manipulated. In some cases, the advances in education and technology have advantaged groups with policies favorable to them that were not previously mobilized by benefit-seeking groups, like women, but in general, less voters are participating. The paradox of not voting to some extent explains the puzzle of participation.

**Forcing a Square Peg in a Round Hole**

Recall that the main point of the puzzle of participation is that since education and income are positively related to turnout in a single election, and both have been rising since 1960, then turnout should be increasing, while even using the corrected data of McDonald and Popkin, see Figure 2-2, turnout declined in the 1960s and has stayed relatively steady since then.

One explanation for this puzzle is that the reasoning that turnout should increase ignores the fact that a relationship between turnout and income or education in a single election is not the same as the relationship between turnout and income or education over time across elections. In cross-sectional studies where education and income are positively related to turnout we are only looking at the effect of a voter’s relative income (income relative to the income of other voters’ income, position on the income distribution) on whether one votes. But when income and education change over time,
both a voter’s relative income and absolute income (changes in income holding one’s relative income constant) vary.

Changes in relative and absolute income or education can have differing effects on the costs and benefits of voting. An increase in absolute income or education (holding relative income or education constant) can increase the cost of voting as voting is mainly an opportunity cost of time and as these variables increase voters have greater opportunities with higher potential gains. Our earlier analysis also suggests that more educated voters are less likely to be mobilized using private selective incentives as well. Thus, the effect over time of an increase in absolute income and education on turnout is an increase in the cost of voting (which is mainly time), which should reduce turnout.

On the other hand, relative income (a voter’s position on the income distribution) also affects the benefits from voting, but in a complicated fashion. That is, one of the aspects of governmental policy is redistributive – many government programs tax more wealthy individuals to provide services for poorer (or middle class individuals). For example, government redistributes income when we use the estate tax or a tax on high incomes to finance food stamps or welfare checks. If voters perceive that the two parties differ in the extent they engage in such redistribution, then the investment benefits from voting for a voter will depend on his or her position in the overall distribution of income.

That is, suppose one party prefers a lot of redistribution from the wealthy to others while the other party favors little or no redistribution. Voters at the extremes (either wealthy or poor) have more at stake in the election (wealthy voters stand to lose a lot if the redistributive party’s candidates are elected and poor voters stand to gain a lot) than voters in the middle whose income is less likely to be affected by which party’s candidates win. As a result, those whose income is low or high relative to the overall distribution of income will have a greater investment benefit from voting than those whose income is largely unaffected by the government redistribution. The implication is that as a voter moves up the distribution of income from very poor to wealthy, if we could hold the cost of voting constant, turnout decreases at first as the voter’s income approaches the middle of the distribution, but then increases as the voter’s position on the income distribution continues to increase and the voter becomes more wealthy than most, a U-shaped relationship. Since education and income are closely related, we would expect a similar effect of education.

The empirical studies of income or education and turnout have generally looked for a simple linear relationship between the two and the positive relationship in the single election studies may be the result of trying to force a U-shape into a single line. Moreover, it is empirically difficult to distinguish between the effect of absolute real income on turnout (the cost effect) with the effect of a change in relative income on turnout (the benefit effect). When we look at the effect of income on voters’ turnout choices over time the two effects are mixed together. To really examine the relationships between these variables, we need to examine voting by the same group of individuals both over time and across voters and carefully estimate both the cost and benefit effects together, allowing for the relationship to have a U-shape. Filer, Kenny, and Morton (1993), in an analysis of turnout in United States presidential elections from 1948 to 1980, but at an aggregate level, provide some separation of the two effects of income on turnout decisions. They find that turnout does vary in a U shaped fashion with position on the income distribution, as predicted by the benefit effect, and that turnout declines
with increases in absolute real income, as predicted by the cost effect. The apparent conflict between the relationship between income or education and turnout in a single election and over time may simply be because the complexity is being treated too simply in the empirical estimation.

The Good, the Bad, and the Institutions

In one sense the analysis in the preceding section is good news – when mobilization is mainly by benefit-seeking groups, choices in the voting booth are more likely to reflect preferences. So if mobilization is more likely to be a result of benefit-seeking group activity, that may be good for policy. What can be good about black voters who turnout but whose mobilizers brag about getting them to vote for George Wallace over Martin Luther King when the mobilizers clearly imply that this would not happen if the voters chose according to their own preferences?

However, the decline in participation in the 1960s suggests that a significant subset of voters do not participate who once did. And their preferences may be ignored. Are they disregarded? The amount that these voters’ preferences will be overlooked will depend on their abilities to form into mobilized benefit-seeking groups if they so desire. If that is easily achievable, then ignoring these voters can have consequences for the parties and other office-seekers and we expect that they are not disregarded. Hence, it could be that these voters are not mobilized because they are generally happy or indifferent with the policy outcomes that are occurring. Alternatively, it could be that the cost of these voters mobilizing as a benefit-seeking group is prohibitive and thus their preferences can be safely overlooked by office-seekers.

To the extent that there are class inequalities, many researchers contend that when mobilization of the population is low, class inequalities are multiplied since voters with less total income are less likely to be able to mobilize enough to overcome the fixed costs they face. Office-seeking parties and candidates continue to allocate resources making the class inequalities greater and increasing the cost of mobilizing. Rosenstone and Hansen 1993 remark (page 245) that American history of disfranchisement of blacks in the south makes it clear how differences in voting power can affect class inequalities: “Inequalities in participation led to inequalities in influence, which led to inequalities in policy outputs, which led to inequalities in resources, which led once more to inequalities in participation and the beginning of another vicious circle. Jim Crow [laws in the south during this period limiting black civil and voting rights] was self-perpetuating because the disadvantaged did not – indeed, could not – participate.” The logic is that if low income and less educated voters are not mobilized to the degree that high income and more educated ones are, then, it is probable that inequality will increase through public policies that disadvantage these voters further making it even more difficult for them to mobilize to change policy. If there are actual laws and policies that restrict the right to vote as in the American south in the first half of the 20th century, then mobilization can be even more difficult and policy change highly unlikely. The civil rights and voting rights changes that did take place in the south in the latter half of the 20th century are extraordinary in retrospect.

Ideally, some benefit-seeking group entrepreneur will recognize the potential benefits and mobilize the group. But such mobilization can take a long time and even bloodshed as the Civil Rights movement demonstrates, in the meantime resulting in
permanent effects on disadvantaged groups. How can this type of outcome be prevented? One way is to use governmental policy, electoral institutions, to facilitate the efforts of benefit-seeking groups in mobilizing voters. One of the themes of this book is the importance of institutions in constraining and influencing political behavior. Institutions that increase the ability of benefit-seeking voters to mobilize as groups, decrease the likelihood that they will be ignored.

**Making Voting Cheap and Easy**

Regardless of whether voters are motivated for investment or consumption benefits, when the cost is high, they are less likely to vote. A major hurdle for voting in American elections is the requirement that voters register in advance. Only North Dakota has no registration requirements for voters although some states like Minnesota allow voters to register at the polls. Harold Washington’s campaign in 1983 was partly successful because in the fall of 1982 a voter registration drive “added about 125,000 black voters to the rolls, expanding the size of the black electorate by nearly 30 percent.” [Grimshaw, 1993, page 168].

**The Motor Voter Bill**

Recently, a number of measures to decrease the cost of voting by decreasing the barriers to registration and other factors that inhibit the act of voting have been instituted. Most notably, in 1993 Congress enacted the National Voter Registration Act (“motor voter” law), which took effect January 1, 1995. The Act required that states establish three types of registration procedures:

- States must enable individuals to register to vote simultaneously with their application for drivers’ licenses.
- States must provide for mail-in voter registration and the forms must be made readily available for groups to conduct registration drives.
- States must provide in-person registration at various agencies, including all public assistance agencies and agencies that serve primarily the disable; and were encouraged to provide such assistance at other agencies, such as schools, libraries, and licensing bureaus.

There have been court challenges to the law, yet it has survived intact. Has it been successful? Certainly, many voters have made use of its provisions. During the Act’s first year, 8 million citizens were enrolled or updated their voter registrations at motor vehicle agencies, 1.3 million registered in public assistance agencies, and 4.2 million registered by mail. Over 1.2 million were registered in both Florida and Texas. [See National Motor Voter Coalition, First Year Report on the Impact of the National Voter Registration Act, January 1, 1995 - December 31, 1995, 1996]

Nevertheless, it is not clear whether the law has significantly increased turnout. The first elections since its passage are not promising. Turnout in the 2000 presidential election, was below 50% (although as noted above, McDonald and Popkin contend that these numbers understate turnout rates). However, there is some evidence that the influence of black voters in the 1998 and 2000 elections, as discussed above, is a consequence of the motor voter law. Sack (1998), for instance, reports that “An analysis of selected precincts in the Atlanta area suggests that this year’s higher black turnout may have been a windfall from increased voter registration under the motor voter law . . .” It
remains to be seen if the motor voter act will have a consequential effect on voter turnout and the poor showing of minority voters in California, Florida, Texas, and Georgia discussed above suggests that the effect may be dissipating. 45

One important caveat to easier voter registration is that the motor voter act only applies to general elections, not to primaries. Many states have much more restrictive registration requirements on voters in closed primaries. For example, in New York a voter must register a year in advance to vote in a particular party’s primary. In general, primaries do have much lower levels of turnout than general elections. In the presidential primaries of 2000 only 4.85% of the voting age population participated. However, this is not a good measure of participation since the turnout rate in presidential primaries varies significantly across states depending on when the primary is scheduled – from 43% in New Hampshire (the first primary in the sequence and widely regarded as more important than many of the others) to 8.3% in South Dakota which held its primary in June. In contrast, turnout in the presidential election in 2000 in New Hampshire was 62.5% to South Dakota’s 58.2%. Turnout in Congressional primaries nationwide in 2000 was only 12.8% of the voting age population, however, this again varied significantly by state as many Congressional incumbents face no competition. In 1990, for example, there were only 139 Democratic Congressional primaries and 118 Republican ones – 31.95% of the contests in the first case and 27.13% of the contests in the second.

**Punching Out**

The image was amazing. A group of Broward county Florida election officials were peering at punch cards and trying to determine whether a vote had been cast for one candidate, for two candidates, or for none. The world watched on television as the decisions these local election officials in one state made could affect whether the president of the United States was George W. Bush or Albert Gore. The ballot was confusing and the method of voting was fraught with errors. How could it be that the results of an election of this magnitude would depend on such a flimsy voting technology? Furthermore, reports of other voting irregularities nationwide were heard – individuals turned away at the polls even though they had registered because of problems with voting lists, election officials unable to assist voters with their ballots, and voters’ names inaccurately stricken from registration due to problems with identification. If these votes had been counted correctly would the outcome of the election been different? Were some groups of voters more likely to be disfranchised through voting technology problems than other voters? Trying to figure this out became a hot topic in the media and academic research, with some evidence that Gore might have won Florida if these errors had not occurred. For example, Herron and Sekohn (2003) analyzed the extent that voters in Broward and Miami-Dade county engaged in overvoting – casting multiple votes for president on a single ballot. They found that in precincts with large numbers of blacks, Hispanics, and registered Democrats tended to have high presidential overvoting

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rates, suggesting that these votes were less likely to be counted than the votes in precincts predominantly white and Republican.\textsuperscript{46}

As with primary regulations, voting procedures such as ballot design, equipment used, precinct locations and election officials are local and state government decisions with traditionally little federal involvement leading to a wide variety of voting methods across states and localities within states. Figure 2-7 shows the distribution of voting equipment across counties in the United States (from the Caltech/MIT Voting Technology Project). Five types of voting equipment are used – hand-counted paper, mechanical lever machines, punch card ballots, optically scanned paper, and electronic voting machines. Researchers at California Institute of Technology and MIT estimated that 4 to 6 million presidential votes were lost in 2000, 1.5 million were not recorded due to problems with voting equipment, and up to 3.5 million Senate and governor voters were lost due to technology over the last election cycle for these offices. In general the worst problems in voting were found to occur when voters used punch cards, lever machines, and electronic machines; the most reliable voting mechanisms were hand-counted and optically scanned paper ballots. Furthermore, they note that the U.S. census bureau reports that in the 2000 election, 7.4\% of registered voters who did not vote (3 million people) reported that trouble with registration was the main reason and that 2.8\% of registered voters who did not vote (approximately 1 million people) reported that long lines, inconvenient hours, or polling places were the main reasons they did not vote.

The researchers recommended that optical scanning ballot systems or any electronic voting system that has been proven to perform well in extensive tests replace punch cards, lever machines, and older electronic voting equipment. They also recommended that more aggressive use of provisional ballots when a potential voter’s registration status is challenged at the polling place (part of the original Motor Voter Act). A voter who votes a provisional ballot votes as other voters do in the precinct but his ballot is sealed in a separate envelop, along with an affidavit from the voter declaring that he or she is eligible to vote. After Election Day, the registration status is verified and if the voter should have been allowed to vote her ballot is then counted (or discarded otherwise). If voters know that they can vote provisionally, then worries about registration may be less likely to deter turnout on election day.\textsuperscript{47}

In response to the controversy and reports such as these, on October 29, 2002 President Bush signed the Help American Vote Act, a bipartisan bill from Congress sponsored by Representatives Steny Hoyer (Democrat, Maryland) and Bob Ney (Republican, Ohio). The act required that states upgrade their ballot machines and make the polls more handicapped accessible and provided some resources to help states in this


\textsuperscript{47}July 2001 Report of the Caltech-MIT Voting Technology Project.
effort. Florida has replaced all of its punch cards with optical scanning or new electronic voting equipment. Between 2000 and 2004, nationwide electronic equipment increased in use from 12.5% to 29% and optical scanning increased in use from 29% to 32%. However, as of February, 2004, 307 counties were still predicted to be using the discredited technology. Kimball Brace, President of Election Data Services reported that an estimated 32 million voters (or 18%) would use punch card ballots in the 2004 Presidential election (in particular in Illinois, Missouri, Ohio, Tennessee, and Utah).48

The Help America Vote Act also instituted measures that stiffened rules on registration in federal elections (which may be seen as not helping America vote, but lessening fraud). That is, the act requires that each state create a computerized list of registered voters, that those registering to vote for the first time in a federal election provide a driver’s license number, the last four digits of a social security number or a statement they have neither, and that those registering to vote for the first time in a federal election by mail provide a copy of photo identification or proof of residency such as a pay stub, bank statement, or government document.

Voting by Mail, by Shopping, on the Net . . .

In late November 2003 events in Michigan looked bad for Massachusetts Senator John Kerry’s effort to gain the Democratic presidential nomination. Michigan’s presidential caucus was scheduled for February 7th, just two weeks into the primary and caucus season and with 128 delegates up for grabs (more than any of the nine states preceding Michigan on the calendar). But an October poll showed Kerry tied for third place in the state with Missouri Congressman Richard Gephardt with only 13% of voters supporting him (former Vermont Governor Howard Dean had 21%, retired Army General Wesley Clark had 15%, Connecticut Senator Joseph Lieberman had 12%, the remaining candidates divided the rest of the support).49 Wednesday, November 12th the Service Employees International Union and the American Federation of State, County, and Municipal Employees endorsed Howard Dean – who had a combined membership of 105,000 voters in Michigan.50 And on Saturday, November 22nd, the national Democrats approved Michigan’s Democratic Party’s plan to allow voters to participate in their caucus via the internet.51 Internet voting was particularly expected to further help Dean, whose poll numbers were significantly higher among those who would vote by internet and had built a large support base using the web and appealing to voters who were web-savvy (Dean led with 25 percent of the voters who said they would like to vote online, no other candidate had more than 14 percent of that vote).52 Could Kerry stop Dean from

winning the biggest state of the first half of the primary season Dean’s union support and internet using supporters?

Michigan’s use of internet voting was not the first in a presidential primary, 39,942 Arizonian Democrats voted online in their 2000 presidential primary (almost half of the vote in the primary). Internet voting is part of the general movement to extend the period over which an election takes place as well as expand the number of polling locations a voter can choose from in order to make voting convenient (satellite polling stations at malls, for example). In Michigan, internet voting was a two stage process, voters first applied for a ballot which was sent to them by mail with a unique user number and password. Then they could either mark the ballot and mail it in, or go online and vote using their user number and password. They could also vote in-person at the caucus site.

Mail-in balloting like that available to Michigan voters began to take hold in the 1970s, when states began to liberalize their absentee ballot laws. The enlargement of absentee balloting privileges is part of the general expansion of the voting franchise that took place after the passage of the Voting Rights Act of 1965. But liberalized absentee balloting has evolved, in a number of states, to an extended voting period. It began with a few local elections where officials despaired of declining turnout and interest in special ballot measures. According to Magleby 1987 the first such completely mail-in balloting took place in Monterey County, California for a small special district election in April 1977. Subsequently other localities experimented with mail-in balloting elections – as maintained by Hamilton (1988) thousands of sub-state, often nonpartisan, vote-by-mail elections had been held by 1988. Liberalization of early and mail-in balloting to voters at large at the state level occurred in the 1990s. At least 21 states had adopted these procedures by the end of 1998, although they are generally not mandated for counties but options available to local election officials. According to the Caltech/MIT Voting Technology Project the percentage of voters voting early nationwide has increased from 5% in the early 1980s to 14% in 2000.

The advantage of early voting is that it lowers the cost of participation and thus is supposed to increase turnout. In Arizona’s Democrats first experiment with internet voting, turnout was nearly eight times the level of 1996 and over twice that of 1992 (note however that the 1996 contest was uncontested). Like with the motor voter law, the hope of advocates is that mail-in and early balloting will, in particular, increase turnout of voters who normally are less likely to participate – voters with low income and less education (although as noted above the opposite has been predicted by some with respect to internet voting). Unfortunately, the early evidence does not support the hope on non-internet mail-in and early balloting. Oliver 1996 compared 1992 turnout levels across states as a function of absentee voting eligibility, mobilization efforts and types of voters. He concludes (page 510) that liberalizing absentee voting has increased turnout, but not from those groups less likely to vote. Instead the result has been an increase in turnout from registered voters, making their votes more “reliable” – less subject to the random factors that can affect turnout. Oliver also reports that the voters most likely to be so mobilized are elderly and Republican. Stein 1998 compares election day with early voters in Texas’ 1994 gubernatorial election and finds that (pages 67-68) in fact the

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voters who take advantage of early voting tend to more ideological and more interested in politics. Figure 2-8 shows the difference between the choice to vote early versus how partisan a voter is (how strongly the voter sees him or herself as a party member). Strong partisans are much more likely to vote early than those whose partisan feelings are weak. Stein points out that the results suggest that campaign officials are using early voting as a way of making sure they get out their core supporters at the beginning of the voting period and then using the remaining period to focus on swing voters and moderates. If this is true, then early voting may increase the political participation of these voters over time as campaign activists use the expanding period of voting for targeting different populations of voters at distinct times.

What about internet voting? Does it affect who votes and/or increase turnout in general? Supporters in Michigan argued that internet voting would empower younger voters who would be more likely to vote on the web. Pollster Ed Sarpolus predicted: “This might be the first election where the youth vote will determine the winner of the caucus and not the senior vote.” However, others objected that internet voting would effectively hurt minority and low income voters. All the candidates except for Dean and Clark objected to the use of the internet – as North Carolina Senator John Edwards maintained: “Until we have closed this digital divide, internet voting can have only one effect – disempowering the very poor and minority voters who have historically suffered discrimination at the polling place.” Yet, supporters contended that these voters would not be negatively affected, since all voters would be able to vote early via mail-in ballots and there were over 1500 sites around the state where voters could get free internet access. Mark Brewer, the executive chairman of the Michigan Democratic Party reasoned: “For the price of a 37-cent stamp, anyone in Michigan can vote from the comfort of their home.”

In Michigan internet voters were younger than regular caucus voters. The average internet caucus voter was 48.5, while the average non-internet caucus voter was 53.4. As we will see in the next chapter, what matters in terms of influence in voting is the identity of the voter who is at the median of distributions (that is half the voters are older or the same age and half are younger or the same age). The median age for an internet caucus voter was 51, the median age for a non-internet caucus voter was 54. Figure 2-9 presents a graph of the age distribution of internet and non-internet caucus voters. While the internet did attract on average younger voters than those not using the internet, the median age in the Michigan voting age population according to census figures is still younger than that population i.e. the median age is approximately 44. Moreover, given the limited amount of data, it is not possible to reach strong conclusions as to whether the voters who voted by internet would not have voted anyway using mail-in ballots or at the caucus sites given the competitiveness of the race for the white house at that time.

Internet voting was planned to be available to approximately 100,000 U.S. serving in the military and civilians living abroad in the presidential primaries and election of

57 The average age of the voting age population is 45.9 – close to the average age of internet voters.
2004 through the Secure Electronic Registration and Voting Experiment or SERVE. In 2000, almost one in three overseas armed forces personnel registered to vote did not receive their ballots in time. However, after outside security experts criticized the program, the Defense Department decided to cancel. Experts argued that hackers or terrorists could penetrate the system, change votes, and gather information about the users. In particular computer scientists were concerned about three major factors: 1) that there is no way to verify that the vote recorded was the same as the one cast by the voter, 2) it might be possible for hackers to determine how someone voted, and 3) stealth programs could gather data on voters who use public terminals.\(^\text{58}\)

Beyond the technical issues of the security of using computers for voting, there is also a subtle change in the nature of voting when it is conducted via mail-in ballots or other mechanisms like the internet where voters make their choices outside of a government office. As Romano 1998 observes: “The polling booth also guarantees privacy for voters. But when a person is filling out a ballot at home, they could be subject to intimidation. . . . ‘It could become difficult or uncomfortable for a person to cast a different vote than her family.’” If the act of voting is a function of social incentives, then when the act of voting is less private, mobilization of voters may increase. But when does a social, selective incentive become a “bribe”? Moving voting into private spaces makes the distinction between fraud and honest expression of preferences more difficult to determine. The incidents in Kenosha and Las Vegas were possible because voting was easy to do by mail (in Kenosha) or at the mall (in Las Vegas). Most state and local laws prohibit electioneering within polling places, but when the polling place is a mall, it is easy for a Culinary Union, for example, to hold a rally and a lottery to advance the cause of their preferred candidate at a mall or for the Democratic party to hold a bingo game with voting upstairs when voting is by mail. Before the Michigan caucus Public Broadcasting System media Correspondent Terence Smith visited a geriatric center where Michigan Service Employees International Union communications director Bob Allison was training workers to vote electronically for Howard Dean. Allison related to Smith the benefits he saw from internet voting: “The Internet to us has basically just been another tool that we’ve been able to use to get out and organize our members. I mean, ten years ago, we were going to work sites and were getting people registered to vote. Today, we’re able to go with laptops and we’re able to essentially have them cast…. Get registered right there on the spot.”\(^\text{59}\)

**Financing Turnout**

One of the roles that campaign contributions can play in elections is to increase the probability that voters turn out. How do campaign contributions enter in our explanation of why people vote? Campaign contributions clearly finance the expenditures of candidates and parties in mobilizing voters – the television and radio ads, the targeted mailings. Interest groups have a choice whether to provide campaign contributions or to mobilize voters directly. Interest groups who maximize expected

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58 The program would have been run by the Pentagon and been available to eligible voters whose homes in the United States are in South Carolina, Hawaii, or some counties in Arkansas, Florida, Minnesota, North Carolina, Ohio, Pennsylvania, Utah, and Washington. See Jesdanun, Anick, “Pentagon cancels Internet Voting system for November,” The Associated Press, Thursday, February 5, 2004.

59 The NewsHour with Jim Lehrer, Friday, February 6, 2004.
utility will compare the expected benefits from giving to a campaign with mobilizing its own members. Both campaign spending and mobilization are investments a group makes in achieving policy outcomes. Groups vary in their capacities. Some interest groups with large numbers of members who can be easily reached and contacted (like unions) may find it cheaper to mobilize members directly than to give monies for campaign ads. Mobilizing voters themselves is more likely to mean that they get their benefits as discussed earlier in this chapter.

Other interest groups may not have as many members and/or mobilization of their members may be difficult logistically (like some business interests). These groups may find it easier to give money to campaigns, which are used to mobilize voters. Alternatively they may actually use their resources to decrease the likelihood that their opposition votes, “demobilize.” Reducing the opposition by one vote is equivalent to turning out an additional vote in support and in some cases may be cheaper. In the 2002 federal elections in Baltimore, Maryland an unsigned flier appeared in minority neighborhoods declaring: “URGENT NOTICE. Come out to vote on November 6th. Before you come to vote make sure you pay your parking tickets, overdue rent and most important any warrants.” The election day was actually on November 5th. 60 Finally, we would expect that interest groups, like any other investor, will choose a diversity of methods given that the effect of each is uncertain and a diverse portfolio is less risky than for the group to invest completely in one type of strategy. So we would expect the AFL-CIO to both mobilize voters and give campaign contributions to candidates or parties (which it does). In Chapter 4 we discuss the use of campaign contributions in elections more expansively.

**Candidates, Parties, and Interest Groups**

In 2002 Jeb Bush won reelection to the governorship of Florida partly through the efforts of groups in the state to mobilize voters who supported his policies. Yet, when he first ran for governor he lost because voters perceived him as an extreme conservative. In a state where both parties have strong support, his achievement of election the second time he ran and reelection in 2002, despite his maintaining conservative positions on issues, is an example of the tension candidates face between moderation on policy to please voters in general elections while receiving the support and nomination of one of the major political parties. In the next chapter we examine Jeb Bush’s experience and this tension by considering the strategic choices of candidates and political party members in the election process.

As this manuscript is being written, it is anticipated that the 2004 presidential contest will be between Jeb Bush’s brother, incumbent President George W. Bush and John Kerry. In this chapter we discussed Steve Rosenthal’s efforts through the political action committee ACT to mobilize voters to support Democrats and John Kerry in the presidential election. Where does Rosenthal’s money come from and how does that affect the electoral process? We will consider these issues in Chapter 4. Internet voting, union endorsements, and the efforts of Bob Allison in Michigan did not keep Kerry from securing the Democratic presidential nomination. How that happened is the subject of a much later chapter (chapter 7).

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60 Libit, Howard and Tim Craig. “Allegations fly as Election Day Nears,” Baltimore Sun, November 4, 2002. I thank Gary Jacobson for pointing out this example.
Appendix to Chapter 2

Below is an explanation of how equation (2) in the text is derived from expected utility. Ventura’s benefit from voting depends on how voting will affect his expected utility from the election. Suppose that if Ventura votes, the probability that Penny wins is equal to $P_V$ [the probability Dahn wins is equal to $(1 - P_V)$] and if Ventura does not vote the probability that Penny wins is equal to $P_{NV}$ [the probability Dahn wins is equal to $(1 - P_{NV})$]. Then if Ventura votes his expected utility, $E_V(U)$, is given by equation (1A) below and if he doesn’t vote his expected utility, $E_{NV}(U)$, is given by equation (2A):

\[
E_V(U) = P_V U_P + (1 - P_V) U_D \tag{1A}
\]
\[
E_{NV}(U) = P_{NV} U_P + (1 - P_{NV}) U_D \tag{2A}
\]

The expected benefit to Ventura from voting is the difference in his expected utility, the difference between $E_V(U)$ and $E_{NV}(U)$:

\[
E_V(U) - E_{NV}(U) = P_V U_P + (1 - P_V) U_D - P_{NV} U_P - (1 - P_{NV}) U_D
\]

\[
= (P_V - P_{NV})(U_P - U_D) \tag{3A}
\]

Generally, we label the term $(P_V - P_{NV})$ as $\Delta P$, which is the effect of Ventura’s vote on whether Penny is elected and the term $(U_P - U_D)$ as $B$, which is the difference in Ventura’s utility between the election of Penny and Dahn. We then can write the expected utility benefits from voting for Ventura as the term $\Delta P \ast B$ as in equation (2) in the text.
Chapter 3: Candidates and Parties

Brothers in Office

In 1994 two brothers ran for governor in southern states, Jeb (John Ellis) Bush in Florida and future President George W. Bush in Texas. Political observers and family members expected Jeb, the younger brother, to be the “more astute politician” and were surprised when George W. won, but Jeb lost. As Lyman and Navarro, 1998 report the results saddened the older brother: “George W. Bush said that he has a photograph from his inauguration that he finds himself looking at every now and then. In it, he is taking the oath of office while, in the background, his father can be seen wiping away a tear. ‘And there, on the other side, is Jeb,’ he said. ‘He’s looking happy and proud, but also something else, maybe a little sad, too. It’s a tough moment, tough for me to look at. I love my brother, you see.’”

Why didn’t both brothers win? Both brothers, Republicans, advocated conservative policies on many issues such as welfare, education, and crime, and in 1994 Jeb Bush ran a campaign emphasizing these positions. He made no effort to appeal to moderate voters or minority voters who were worried about the effects of these policies on minorities; “when one black man asked him what he would do to help him, Bush replied, ‘Probably nothing.’” In contrast, George W. Bush worked hard to court minority and moderate voters and to explain how his positions might appeal to them. He received an endorsement from a coalition of about 40 Dallas-area African-American, Asian-American and Hispanic entrepreneurs, lawyers, and executives. He ran radio ads on black-oriented stations accusing his opponent of giving less than 1% of state purchases and contracts to black owned businesses and promising greater support for minority businesses.

But Jeb apparently paid attention to his brother’s experience – in 1998 he ran for governor of Florida again and this time defeated the Democratic candidate, Lieutenant Governor, Kenneth H. McKay, Jr. decisively 55% to 45%. In his second race, Jeb sought out black and Hispanic voters unhappy with the Democratic party, particularly over policies in favor of abortion. He received endorsements from a black legislator and the mayor of Fort Lauderdale. Through these efforts he won 14% of the black vote statewide in 1998, unusual for a Florida Republican. He spoke in fluent Spanish about the Hispanic heritage of his children and his Mexican-American wife, Columba, campaigned for him. He emphasized positions that would appeal to more moderate voters in the state. In 2002, when Jeb Bush faced reelection, even in the face of strong Democratic opposition supported by the national party and dissatisfaction among blacks

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65 His brother George W. also won reelection in Texas, 69% to 31% and, as we noted in the Introduction, went on to win the 2000 United States presidential election.
with his policy choices while in office, the support he had built among moderate whites and Cuban Americans helped him win.\textsuperscript{67} Jeb Bush’s experience reflects what many believe is a truism about American elections – moderation wins and candidates for office are drawn to centrist positions on issues in order to win.

**Why Moderation Attracts in American Elections**

**Voters Preferences**

In order to understand why candidates like Jeb Bush are drawn toward moderate positions, we need to examine the determinants of voter preferences over candidates’ policy positions. In Chapter 2, we introduced the concept of utility as a measure of the satisfaction a voter like Ventura would get from the selection of his preferred candidate Penny over Dahn in the Minnesota Independence Party primary. But while voters might prefer one candidate over another based on candidate specific characteristics like personality, looks, accent, etc., Jeb Bush changed his appeal to minority voters not only by highlighting his wife’s Hispanic heritage but by also emphasizing policy positions that would appeal to these voters. With the Urban League of Miami, he founded and taught at a charter school in a minority neighborhood. He lobbied the legislature to cut unemployment taxes in 1997. Moreover, Bush took advantage of the willingness of minority voters in the state to support Republican positions on social issues. Democratic governor Chiles vetoed state legislation such as a partial-birth abortion ban, school vouchers, and parental notification of abortions and black legislators joined in with Republicans to overturn the vetoes. Bush reached out to these legislators and began to win over minority voters. The utility minority voter leaders perceived they would get if Bush was elected increased as Bush appeared to take and emphasize positions they liked better.

How did the utility of minority voters and their leaders change as Bush’s advocated policy positions changed? Consider for example a minority voter in Florida that we will call Charlotte. Suppose that we can represent the policy positions that candidates choose as represented along a single line, with positions at the left of the line as liberal and positions at the right of the line as conservative positions. We can represent Charlotte’s preferences over these issues by a line representing her utility as shown in Figure 3-1. Notice that Charlotte’s utility or satisfaction from policy is highest at the point we call her ideal point. As policy positions move away from this point, either become more liberal, movements to the left, or more conservative, movements to the right, Charlotte’s utility decreases. We assume that the effects on utility from movements away from Charlotte’s ideal point are symmetric. Symmetry means that if her ideal point is at 45, then her utility from policy at 50 is equal to her utility from policy at 40 (both 5 units away from her ideal point of 45).

We can place the candidates in the 1994 and 1998 Florida governor’s races on the policy dimension as in Figure 3-2. In 1994 Bush’s opponent was incumbent governor Lawton Chiles and in 1998, since Chiles could not run again because of term limits, Bush’s opponent was Kenneth McKay, Chiles’ Lieutenant Governor. We assume that Chiles (and later McKay) had a position on policy issues equal to 30, 15 units away from

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\textsuperscript{67} African- American support for Bush was low (6% of the vote in predominantly black precincts), but turnout in predominantly black precincts was low, 43% as compared to 54% statewide, see Allison (2002).
Charlotte’s ideal point. We assume that Bush in 1994 had a position on policy issues equal to 70, 25 units away from Charlotte’s most preferred position. Since Chiles is closer to Charlotte in policy, Charlotte receives higher utility from the election of Chiles and would vote for him. However, in 1998, Bush’s position on issues moderated, and he moved more toward the center, to 57, now only 12 units away from Charlotte’s ideal point. Assuming that McKay is at the same position on the issues as Chiles, Charlotte now prefers Bush and would vote for him.

**Why Did Bush Move?**

In our simple model Bush’s move to a moderate position caused Charlotte to change her preferences over the candidates. But Bush clearly moved not just because he wanted to get Charlotte’s vote but in order to be elected, which surely means more votes than one. Why not move to a more conservative position instead? Or an extremely liberal position? Why towards the middle? In order to understand why Bush moved toward the middle, we have to make some assumptions about the policy preferences of the other voters as well as Charlotte.

We will assume that the other voters are like Charlotte in that they also have preferences over policy with a particular most preferred policy position, or ideal point. And that each voter’s utility from policy is highest when policy equals that point and declines symmetrically as policy moves away from that point. Figure 3-3 presents an example of five such voters, Adam, Brigit, Charlotte, David, and Edith. The points A, B, C, D, and E represent the voters’ ideal points respectively. These voters’ preferences for candidates, like Charlotte, are determined by how close the candidates’ policy positions are to their respective ideal points. Notice that Charlotte is the voter with the “median ideal point,” that is, half of the other voters’ ideal points are equal to or less than her ideal point and half of the other voters’ ideal points are equal to or greater than her ideal point. Sometimes we call the voter with the median ideal point the “median voter.”

Figure 3-4 adds the policy positions of Chiles/McKay and Bush in 1994 and 1998 to the voter ideal points. Consider the election of 1994. In that election, voters Adam, Brigit, and Charlotte prefer Chiles to Bush and voters David and Edith prefer Bush to Chiles. Since Chiles receives more votes, he wins. Consider the election of 1998. Voters Adam and Brigit still prefer the Democrat, now McKay, and voters David and Edith still prefer Bush, but Charlotte now prefers Bush. Changing Charlotte’s vote did change the outcome of the election.

Of course, in a real election, there are many more voters than just five. We could add more voters or think of these five voters as representing groups of voters in Florida who are then mobilized to vote by their leaders as discussed in Chapter 2. The logic of the simple example holds even as we expand the number of voters. That is, the candidate whose policy position is closest to the median voter’s ideal point, is going to win the election. This brings us to one of the fundamental theorems in political science – the *median voter theorem*. According to the median voter theorem, if two candidates are competing for an office and they care only about winning, voters have preferences like Charlotte (i.e. they have unique ideal points and their utility declines as policy moves away from their ideal points), all the voters turn out, then the candidates will choose policy positions equal to the median voter’s ideal point. We can see this theorem in our

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68 See *Hotelling* (1929) for the seminal work on this theorem.
five-voter example. Suppose that all Chiles/McKay and Bush cared about was winning election. Then clearly the key is to be as close to the median voter’s ideal point as possible, because who ever is closest will win. Obviously, a candidate can get no closer than choosing the median voter’s ideal point as his policy position. Once one candidate has chosen that position, however, the other candidate has no choice but to locate at the very same position. The best the other candidate can do is have an equal chance of winning if we assume that voters who are indifferent between the candidates choose which to vote for randomly. Thus, candidates who care only about winning will converge at the median voter’s ideal point.

Notice that the candidates converge to the median voter’s ideal point no matter how the other voters’ ideal points are arrayed along the line. Suppose that we have a large number of voters, say 101. Assume that 50 voters have ideal points at 10, 50 voters have ideal points at 80, and one voter has an ideal point like Charlotte, at 45. In this case, even though almost half of the voters have ideal points at 10 and almost half at 80, the candidates will still converge to Charlotte’s ideal point. We can move the voters’ ideal points along the policy line, but as long as the median voter’s ideal point does not change, the candidates will still converge at that point. Thus, how the other voter ideal points are distributed does not affect at all where the candidates will locate as long as the median voter’s ideal point stays unchanged. It does not matter whether the other voters are both very extreme in their ideal points or very moderate – it is not the distribution of ideal points in terms of extremism that leads to moderation.

In our example with five voters, there is only one median voter, Charlotte. But if we had an even number of voters, then we could have two median voters. For example, suppose that we add a sixth voter, voter Frank, with an ideal point equal to 15. Now there are two voters whose ideal points are greater than or equal to 1/2 of the other ideal points and less than or equal to 1/2 of the other ideal points, voters Brigit and Charlotte. In this case, it turns out that the candidates will not necessarily converge to the same point, since any point between 40 and 45, inclusive, will get at least half of the votes. Candidates still converge, however, just not necessarily to the same exact point.

**Moderation: Virtue or Vice?**

**Candidates Do Not Moderate**

Thirty years before Jeb Bush ran for governor of Florida, Republican Senator Barry Goldwater ran for the presidency. Goldwater was not interested in moderation. In fact, when Goldwater accepted the nomination of his party at the Republican national convention in July of 1964, he declared that: “Extremism in the defense of liberty is no vice. . . moderation in the pursuit of justice is no virtue.” Goldwater’s unwillingness to moderate was spectacular – after his nomination he purged moderate Republicans from his campaign staff and drove a number to support Lyndon Johnson, the Democratic candidate. He also spectacularly lost (winning only 6 out of the 50 states and only 38.4% of the popular vote to Johnson’s 61%). While Goldwater is an extreme example of a candidate who refused to court the median voter, the key reality of American elections is that candidates in elections are generally different and offer distinct positions.

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Although Jeb Bush learned that he needed to choose more moderate positions and appeal to these voters in order to win in 1994, his policy positions were still different from those advocated by his opponent MacKay and neither candidate converged to the same policy position as the median voter theorem would predict. Once in office, he passed the school voucher plan that Chiles had vetoed, got longer prison terms for crimes committed with guns, and reduced taxes by $1 billion, policies that Democrats were against. Candidates do not converge and instead choose distinct positions.

What do Voters Think?

There are a number of ways to see how candidates diverge in policy positions. One way is to consider voter evaluations of candidates. Do voters perceive that there is a difference between candidates? The National Election Study conducted by researchers at the University of Michigan asks voters to rate candidates for president (as well as others) on issue scales that go from 1 to 7. For example, one issue might be how the government should deal with crime. On one extreme (the liberal side), is the option “Reduce crime by addressing social causes of crime” and on the other extreme (the conservative side) is the solution “Reduce crime by catching, convicting, and punishing criminals.” Voters are asked to estimate presidential candidates’ positions on issues like this. So, if a voter thinks that George W. Bush, for example, strongly believes that we should “Reduce crime by addressing social causes of crime” the voter would rate Bush at a 1. If the voter thinks Bush’s position is more moderate and between the two options, the voter would rate his position closer to 7. How do voters rate the candidates in this way? Do voters perceive a difference? Abramson, Aldrich, and Rhode 2002 report that in every presidential election from 1980 to 2000, the respondents who have answered these questions have on average rated the Democratic candidate as more liberal and the Republican candidate as more conservative than the policy position of the average voter on every issue scale used. Of course, many respondents do not answer all of these questions, reflecting the fact that many are uninformed about candidate positions, something we will address further in Chapter 5.

What do Candidates Say about their Positions?

Are voters’ perceptions about candidates’ differences supported by the candidates’ positions during campaigns? Project Vote Smart, a public interest group, has surveyed candidates for elected office on their positions on many issues. These surveys show significant differences between Republicans and Democrats. Figure 3-5 presents data on the percentage of Republican and Democrat candidates for Congress in 1996 who agree with the following: legalization of abortion, passage of a Constitutional Amendment requiring a annual balanced budget, and strengthening the Clean Air Act. As the figure shows, there are significant differences between the percentage of Republicans and Democrats who agree with these positions. Republicans are much more likely than Democrats to disapprove of legalizing abortion, favor passing a Constitutional Amendment requiring an annual balanced budget, and disfavor strengthening the Clean Air Act. These answers and the others compiled by Project Vote Smart show both that the difference between presidential candidates by party are also evident when examining the positions of members of Congress by party.
How do Candidates choose after Elections?

However, while candidates may advocate different positions, it may be that once in office they are not as different and moderate more. One way to determine if this is true is to look at the voting behavior of members of the House of Representatives and Senate by their party affiliation. Poole and Rosenthal have conducted such a study. They aggregate the choices that the members of Congress make into positions for each member in a box representing the possible policy choices. These positions for the 106\textsuperscript{th} Congress (1999-2000) are shown in Figures 3-6a,b. Poole and Rosenthal divide issues before Congress into a two-dimensional space. The horizontal dimension (left/right) captures the positions of members of Congress on economic issues such as general government spending levels and the vertical dimension (up/down) captures the positions of members of Congress on racial/ethnic issues. We discuss the policy choices of candidates in two dimensions in chapter 9. In general, the policy positions on the lower right-hand-side of the box are conservative positions, those on the upper left-hand-side are liberal positions on the issues. The important factor to recognize is that a Representative or Senator’s party affiliation is a strong predictor of her voting behavior. Democrats’ voting positions are almost totally to the left of Republicans’ voting positions. While there are a few moderates in the 106\textsuperscript{th} Congress – Chafee, Jeffords (in this graph he is still a Republican), Miller, Breaux, Morella, Goode, Traficant – the overlap between the parties is small.

In summary, there is a lot of evidence that candidates do not converge in policy positions in American elections, despite the attraction of moderation. Voters perceive the candidates in races as different, candidates espouse different positions, and they make different choices while in office. Moreover, the party of a candidate is a major predictor of the policy position a candidate will espouse and the policies he or she will vote for while in office.

A Battle for the Left

Not only do candidates diverge in policy positions in American elections, often candidates who are in the same party battle over which one is the more extremist or more divergent from the other party’s candidates. The contest between Bill Bradley and Al Gore for the nomination of the Democratic party for 2000 provides an example. In one of the debates between the two, Bradley was particularly infuriated. “That’s not true,” he “shot back” to Al Gore. What irritated Bradley was Gore’s claim that he had always supported abortion rights for women. Bradley knew that in 1977, Tennessee Congressman Al Gore “voted for a ban on federal funds for abortions for poor women except when the pregnant woman’s life was in danger. . . . In 1978, he reaffirmed his support for the Medicaid abortion ban and voted for an additional prohibition on the use of Defense Department money for abortions for military personnel and their families, again except when women’s lives were in danger. And in 1980, he voted to prohibit the use of federal money for abortion services under federal employees’ health insurance.”

Gore did cast some votes during this period that activists at the time considered “pro-choice” and was not part of the campaign of the time to pass a constitutional

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amendment to ban abortion. However, in August 1984 he wrote one constituent that it was his “deep personal conviction that abortion is wrong” and to another “Let me assure you that I share your belief that innocent human life must be protected and I have an open mind on how to further this goal.” (see Toner, 2000) Yet, in the fall of 2000, campaigning for the presidency, Al Gore was a staunch defender of abortion rights, claiming that while he may have been concerned about federal funding of abortion in the past, it didn’t matter, he had always supported abortion rights of women fully, maddening Bradley. Why did Bradley care so much?

Bradley cared because in order to secure the Democratic nomination for the presidency, Bradley had to face Al Gore in a series of Democratic party primary contests for delegates for the national Democratic convention. An important part of the Democratic party’s voters are feminist and abortion rights groups and both Bradley and Gore wanted their support. As Dao reported during the campaign: “... the two men have been wrestling for the support of just about every left-leaning Democratic group, including labor unions, abortion rights advocates, environmentalists, and African-Americans.”

How Parties Affect Candidate Positions

Bradley and Gore both knew that to win the presidential nomination of the Democratic party, they needed to compete in presidential primaries and for the support of the party members that would vote in these primaries. This meant going to all the active, groups of the Democratic party who vote in the primaries, many of which are seen as the more “liberal” wing of the party, such as the Progressive caucus, abortion rights groups, and African-American leaders. Similarly, the candidates for the Republican nomination for president also had to compete in primaries and appeal for support from all the active groups of that party who vote in the primary, many of which are seen as the more “conservative” wing of the party, such as right-to-life groups, the Christian Coalition, and the supporters of Bob Jones University in South Carolina. Does this explain why candidates from our two major parties diverge in policy?

Parties and Ballot Access

First it is important to understand the advantages for candidates of major parties as compared to those from minor parties or who choose to run outside of an organized political party (as an independent). The Constitution delegates most of the regulation of elections to states. Figure 3-7 illustrates how the flows of voters and candidates move through state electoral institutions.

Voter flows are illustrated on the left-hand-side and candidate flows are listed on the right-hand-side. There are two flows of candidates – candidates who compete for a party’s nomination in the general election and candidates who enter the general election as Independents. For a candidate to appear on a ballot as an Independent, she or he must satisfy state laws governing ballot access. These laws can differ significantly across states. For example, in Tennessee an Independent candidate for Congress need only supply a petition signed by 25 registered voters but in North Carolina an Independent

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candidate must have the signatures of 5% of the registered voters in the district, a
threshold that can be as high as 10-15,000.

The requirements involved in declaring candidacy for a party’s nomination also
vary by state by whether the party is classified by the state as a major or minor party. In
New Mexico, for instance, to compete for a major party’s nomination for Congress, a
candidate must have a petition signed by at least 3% of the party’s vote for governor
within the Congressional district at the last primary and to compete as a minor party
candidate submit a petition signed by at least 0.5% of the gubernatorial or presidential
vote at the last election within the district. While the percentage of the vote is less for
minor party candidates, since it is applied to the general election rather than the primary,
in effect, the signature requirements facing minor party candidates in New Mexico are
greater. In contrast, South Carolina has no petition requirements for candidates for any
party’s nomination regardless of party status.

What determines whether a party is major or minor? States usually designate
parties as major if their candidates have historically received a given percentage of the
votes in general elections. Typically, major parties have automatic access for their
candidates in general elections and minor parties have more restricted access, but this,
too, depends on the state. In Alaska, for example there are four different classifications
of parties – qualified, limited, new limited, minor/new party. Qualified parties are parties
that received at least 3% of the gubernatorial vote in the last election, limited parties are
parties that are organized within the state only for Presidential elections and received at
least 3% of the Presidential vote in the last election, new limited parties must submit a
petition signed by at least 1% of the Presidential vote in the last election, and Minor/new
parties must submit a petition signed by at least 1% of the state vote in the last election.
Most states, like Alaska make similar distinctions and requirements for a party to have
automatic status for its candidates in general elections; only Mississippi places no
requirements on political parties.

These differences can affect the competitiveness of a state’s elections. That is, in
states with lower barriers we would expect more candidates running for office and more
incumbents retiring from office. Ansolabehere and Gerber (1996) find just this, in the
1980s states with the highest barriers had triple the number of uncontested races
compared to states with the lowest barriers and that retirement rates for members of
Congress from states with low ballot access barriers were about three times higher than
members who represented high-barrier states. 74

Moreover, the ballot access laws make it easier for candidates to choose to run
within a major political party than to work outside of it, particularly if a candidate wishes
to run for the Presidency where ballot access is needed across the states. Many of the
ballot access laws give special status to the existing major parties or are based on past
vote totals. This is one reason why candidates find it optimal to run for major party
nominations as their first step in achieving elected office. For example, when Republican
Senate Majority Leader in 2003, heart surgeon Bill Frist, first decided to run for the
Senate from Tennessee in 1993 (his first try at elected office), the then Democratic
governor Ned McWherter, who had appointed him to a statewide commission, asked him
“What are you?” and Frist answered “Well, I’m not sure.” McWherter recalls telling

74 Ansolabehere, Stephen and Alan Gerber. 1996 “The Effects of Filing Fees and Petition Requirements on
Frist, “Well you got to make up your mind. This is a two party system.” Grann reports that friends of Frist state that he did “research” on which party label was more likely to get him elected and decided that he had a better chance as a Republican.75 Running as an independent or as a minor party candidate was apparently not considered by Frist (although we will consider that option in Chapter 9). Similarly, when North Carolina lawyer John Edwards begin to think about running for the U.S. Senate, he could not recall in which party he registered to vote. But he chose to run as a Democrat because of his strong disagreement with the stances of incumbent Republican Senator Lauch Faircloth who had a voting record that was as conservative as Jesse Helms’ and was a strong critic of Democratic President Bill Clinton.76

Other factors, which we will discuss later, are also important reasons why the two major parties dominate American elections such as our use of winner-take-all elections and the desire of elected officials for higher office (upward political mobility). Some candidates, like Jesse Ventura and his fellow Independent Party members, choose to work outside the major parties and variations in state electoral laws are also reasons why some may find that the best choice. However, most aspects of American elections like ballot access laws mean that the vast majority of candidates for elected office in the United States will compete in one of the major parties’ primaries in order to get a major party nomination. How does this competition work?

How Primaries Work

The first southern state to hold a Democratic presidential primary in 2004 was South Carolina. Because they were voting not long after New Hampshire and Iowa South Carolina voters could choose to influence the fate of the nine candidates on the ballot (although Missouri Representative Richard Gephardt had already withdrawn from the race, his name was still on the ballot). Polls predicted the race would be between two men. North Carolina Senator John Edwards hoped to get a win based on his status as a native son. Massachusetts Senator John Kerry hoped to build on his previous wins in Iowa and New Hampshire. The other presidential candidates hoped to keep their candidacies alive. Their fates hinged on the voters in the primary like 55-year old political science instructor Bob Peter of Seneca, 62 year old textile worker Roger Ruff in Prosperity, Clemson University student George Hollman in Columbia, and 45 year old accountant Jana Jayroe in Little Mountain. While most of South Carolina’s voters had made up their minds, an estimated 9% were still undecided two days before the election. What determines how they would vote and who would win in the primary?77

In order to answer this question, we consider a simple model of how primary elections work. Suppose that there are seven voters, Adam, Sona, Charlotte, David, Edith, Frank, and Matt. Voters Adam, Sona, and Charlotte are members of the Democratic Party and voters Edith, Frank, and Matt are members of the Republican Party. Voter David is not a member of either party; is registered as an independent or

75 See Grann, David, “The Price of Power,” The New York Times Magazine, Sunday, May 11, 2003, page 53. Like Affleck in Chapter 2, Frist did not register to vote until he was 36 years old. As Tennessee has open primaries, registration by party is not required in order to vote in primaries, something we will discuss shortly.


nonaffiliated. Assume that there are three candidates, Bush, who is the Republican frontrunner and is generally expected to be the nominee of the Republican party, and has a policy position equal to 70, Bradley, whose policy position is equal to 30, and Gore, whose policy position is equal to 55. Bradley and Gore are competing for the nomination from the Democratic Party. Figure 3-8 presents the voter ideal points and the policy positions of the candidates.

We will assume that the primary elections are “pure-closed” primaries, that is, only party members are allowed to vote in the respective party primaries. Not all states use this type of primary system and we will discuss how different systems might affect candidate policy positions later. In a pure-closed primary, the Democrat and Republican parties will first decide which candidates should be their choices for the general election. In the Democrat Party’s primary only voters Adam, Sona, and Charlotte can vote while in the Republican Party’s primary only voters Edith, Frank, and Matt can vote. In the general election, all seven voters can vote. Notice that in the Democrat Party’s primary, Sona is the median voter, while in the Republican Party primary Frank is the median voter. David is the median voter in the general election.

Who will win the Democratic Party’s primary? Bradley’s policy position is equal to the ideal point of the median voter in the party (Sona) and would seem the obvious winner. But if the Democratic Party voters selected Bradley, they clearly would be behaving myopically. That is, in the general election, Bradley would face Bush. Bush would defeat Bradley since Bush’s policy position of 70 is closer to the median voter in the general election, David (whose ideal point is at 60) than Bradley’s policy position. In contrast, Gore’s policy position at 55 in our example, while further away from Sona’s ideal point, will defeat Bush in the general election as it is closer to David’s ideal point of 60. Sona receives higher utility from Gore’s policy position than from Bush’s (which she would receive if she votes for Bradley in the primary). So Sona should vote for Gore over Bradley, even though Bradley’s policy position is closer to her ideal point. Sona should vote for Gore over Bradley because in our example he is more “electable.”

What about Bush then? Would Bush change his policy position? Clearly, he will find it attractive to choose a position closer to David’s ideal point. Interestingly, the closed primary system does not prevent the candidates from being attracted to the general election’s median voter’s ideal point. Bush, Bradley, and Gore, all will be drawn to centrist positions since they recognize that these positions increase the likelihood they will win the general election and the voters in their respective party primaries also recognize that more moderate candidates are more likely to win the general election. A primary system does not in itself lead to extreme candidates in the general election – moderation still attracts. However, our analysis is missing an important reason for candidate divergence, uncertainty.

**Uncertainty and Extremism**

In South Carolina’s 2004 Democratic presidential primary Bob Peter, Jana Jayroe, and George Hollman were concerned about electability like Sona in our example above. Jayroe had considered voting for Edwards or Kerry, and noted that she certainly wanted a

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78 In the 2000 presidential election of course Bush did face competition, notably from John McCain. For now, however, we will consider the case where there is just competition in one party for the nomination and then consider the implications of competition in both parties.
Democrat to win who could win in November. However, she felt that both Kerry and Edwards had taken positions that she felt were too far from her preferences and decided to choose Howard Dean, despite his low poll numbers. In contrast, Peter concluded that Kerry had the best chance of winning against Bush in 2004 and although he had originally supported retired Army General Wesley Clark, he decided to switch his vote to Kerry. And Hollman planned to drive home to Greenville, South Carolina to vote for Edwards because: “He represents the best chance of Democrats to beat Bush. He represents Southern values. He can win the south.” 79 How could Jayroe, Holman, and Peter, who all claimed to care about electability, reach different conclusions about which candidate they should vote for?

In the simple primary election example discussed above candidates Gore and Bush, and Bradley converged toward the ideal point of the median voter in the electorate because they knew precisely where that point was. But in a real election this is unlikely to be the case. In real elections, unexpected factors may affect who actually votes on election day and the true median voter in the electorate. For example, bad weather in one region on a presidential election day may affect the distribution of preferences of voters who participate in the election and the location of the median voter’s ideal point if that region’s voters’ preferences are different from the rest of the nation. In Missouri’s 2004 Democratic presidential primary held on the same day as South Carolina’s, despite being relatively early in the primary season, turnout was considered pitiful largely because of a recent snow storm. Such storms could affect rural voters more than urban ones since the distance to a polling location is further and more difficult. Kerry, who won Missouri, had greater support in urban areas while Edwards, who came in second had stronger support outside the cities, so arguably Edwards may have done better if not for the weather. County Democratic Elections Director Judy Taylor of Missouri noted about the low turnout and the weather: “We’re just not New Hampshire people. We’re just not used to winter.” 80 Even if turnout was predictable or unlikely to affect the outcome, other factors can create uncertainty in elections. Candidates may be unable to precisely measure voter preferences over issues and this may lead them to be uncertain as to the location of the median voter’s ideal point. As we discussed in Chapter 2, millions of votes are lost due to problems in voting equipment and ballot design, problems that candidates can rarely anticipate or control. Uncertainty is out there. If there is uncertainty about the median voter’s ideal point then it is difficult for candidates to converge at a common point – moreover, they may not find that is the way to win the most votes. Can uncertainty lead candidates in pure-closed primaries to choose divergent (more extreme) positions?

Assume in our simple example that both Bradley and Gore care only about winning. But now neither candidate nor the voters are certain about the identity of the median voter. Suppose that there is a 50% chance that the median voter is David and his ideal point is at 65 and a 50% chance that the median voter is Deborah and her ideal point is at 55. Where is the best place to locate to win the Democratic Party primary in this case? The candidates care only about winning. But the voters in the Democratic Party are clearly ideologically different from the voters in the general election and the

Republican Party. In order to understand where is the best place for either Bradley or Gore to locate, we can examine how the median voter in the Democratic Party primary, Sona, will choose. We know that if a candidate can appeal to Sona, then he or she will win the primary. Candidates Bradley and Gore will act “as if” they are trying to achieve Sona’s most preferred outcome. The candidates, who only care about winning, must adopt the preferences of Sona in order to win their party’s primary.

**Voter and Candidate Preferences in an Uncertain World**

Candiates Bradley and Gore now want to achieve Sona’s most preferred outcome. However, with uncertainty about the median voter’s ideal point, it is not so clear what the best strategy is for them to achieve their aim. Recall that we have assumed that Sona receives utility from different policy positions, and that her ideal point is really the policy position that gives her the highest utility. Similar to Charlotte’s preferences in Figure 3-1, we can graph Sona’s utility as a function of policy, see Figure 3-9 below. Table 3-1 presents the utility numbers from Figure 31-8. At point 30, Sona’s ideal point, her utility is equal to 500 utils and declines as policy moves away from 30. For example, at 25 and 35, Sona receives 495 utils. At 20 and 40, 485 utils, at 15 and 45, 470 utils, etc. Note that the decreases in Sona’s utility are increasing as we move away from her ideal point – her utility function has a concave shape (from 30 to 35, utility declines by 5 utils, from 35 to 40, it declines by 10 utils, and from 40 to 45, by 15 utils, etc.).

While the utility curve in Figure 3-9 tells us Sona’s value for different policy positions, when there is uncertainty about those outcomes, as in an election where there is uncertainty about who the median voter will be, we need to determine Sona’s expected utility. Recall from Chapter 2 that expected utility takes into account the probability that something happens as well as the utility that Sona gets if that happens. For example, in a two-candidate election say with candidates 1 and 2, for example, where P equals the probability that candidate 1 wins, 1 – P equals the probability that candidate 2 wins, U1 equals the utility that Sona gets from candidate 1, and U2 equals the utility that Sona gets from candidate 2, then the voter’s Expected Utility equals P*U1 + (1 – P)U2.

Suppose Bradley and Gore are located at 45 and 65, respectively as in Figure 3-10 below. Which candidate is better for Sona? As above, what Sona considers is how each candidate would do in the general election with Bush. Consider a contest between Gore and Bush – in this case since Gore is at 65 and Bush is at 70, regardless of whether the median voter is Deborah or David, Gore will win since his policy position is closer to both. However, in a contest between Bradley and Bush, Bradley wins when Deborah is the median voter and Bush wins when David is the median voter. We can use the basic expected utility formula to compare Sona’s expected utility from voting for Bradley with her expected utility from voting for Gore:

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\text{Sona’s Expected Utility from a Contest Between Gore and Bush} = (\text{Probability Gore wins})*(\text{Utility Sona receives if Gore wins}) + (\text{Probability Bush wins})*(\text{Utility Sona receives if Bush wins})
\]

\[
= (1)*(360) + (0)*(320) = 360
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What is Sona’s expected utility from a contest between Bradley and Bush? The expected utility is calculated the same way:
Sona’s expected utility from a contest between Bradley and Bush is greater than her expected utility from a general election contest between Gore and Bush and Sona will vote for Bradley. It is important to note that Sona does not vote for Bradley simply because Bradley is closer to her ideal point. Suppose Gore moved from 65 to 30, Sona’s ideal point, while Bradley stays at 45, then although Sona would receive higher utility if Gore would win, Gore would lose the contest with Bush since even if Deborah is the median voter in the general election, Gore will lose since he is further than Bush from her ideal point. Therefore, extremism is not always the best strategy, as Goldwater learned in 1964.

Note that our simple example can help explain why voters in the South Carolina Democratic presidential primary like Jayroe, Peter, and Hollman, who all cared about electability still made different choices. These voters both wanted to choose someone who could defeat George Bush and who would make policy choices they liked if elected. Jayroe saw both Kerry and Edwards’ policy positions as too far from her own ideal point to justify voting for them in place of Dean, who she believed also had a chance of beating Bush. Peter was willing to change his vote from Clark to Kerry in order to choose someone with a better chance of beating Bush since he believed both would be better as president than Bush. And Hollman chose Edwards both because he felt he was the best candidate and because he also believed Edwards could beat Bush.

Our analysis in the simple example assumes that there is no competition in the Republican Party as in the 2004 election. Why doesn’t Bush choose a position closer to 55 in order to always win the median voter’s vote? Bush will not converge because Bush will similarly try to appeal to the median voter in the Republican Party. Moving closer to 55 may increase Bush’s probability of winning, but would lower the utility the Republican Party’s median voter would receive. The Republican Party’s median voter will prefer a candidate who does not converge completely, just like the Democratic Party’s median voter preferred Bradley over Gore in Figure 3-10. However, as with the Democratic Party’s median voter, the Republican Party’s median voter will not prefer extremism for extremism’s sake – the Republican Party’s median voter will recognize that the ability to win the general election also matters. The competition in the primaries will lead to candidates who will choose positions that maximize the expected utility of the median voters in their parties’ primaries and when there is uncertainty about the location of the general election median voter’s ideal point, the candidates will choose divergent positions.81

The combination of uncertainty about the choices of voters on election day coupled with the need to get a major party’s nomination causes the candidates to diverge in policy positions. Bradley and Gore competed for the attention of the liberal wing of the Democratic party because of this combination of factors. This also explains somewhat the inability of John McCain, who was generally seen as more moderate than George W. Bush, to defeat Bush for the nomination of the Republican party in 2000.

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81 The formal analysis that explains the role of policy preferences of elites coupled with uncertainty in candidate divergence is found in the work of Wittman (19xx), Calvert (1985), and Aldrich (19xx).
Variations in Primary Systems

If You Don’t Like the Rules
In 1992 Tom Campbell lost the California Republican primary for the Senate to Bruce Herschensohn, who then lost to Barbara Boxer. The race between Boxer and Herschensohn was a contest between known extremists on the left and right (Boxer is generally rated as the most liberal member of the Senate and Herschensohn was a backer of a flat tax, offshore drilling, and restrictions on abortion). At the time it was not obvious which of the extremists would win. California had voted Republican for president in all but one election from 1952 to 1988 and Herschensohn had worked for Nixon and been a strong supporter of Reagan, both Republican presidents from California. But in 1992, after the controversy over the nomination of Clarence Thomas to the Supreme Court, there was renewed emphasis on women’s issues and Boxer had built strong support among Democrats, who had been making gains within the state. A revelation that Herschensohn had visited nude dancer night clubs at the end of the campaign, helped Boxer with voters on the fence, and she defeated him, 48% to 43%. Campbell, a Law Professor at Stanford University and a more moderate Republican who supports abortion rights, was convinced that he would have been defeated Boxer if he had won the Republican nomination and other moderates agreed.

From Campbell’s perspective the source of his failure was California’s use of the pure-closed primary – where only registered Republicans could vote. Campbell believed that if independents and moderate Democrats could have voted for him, he would have defeated Herschensohn in the primary and then gone on to defeat Boxer. A movement developed in California to change the rules, to open up the primary system. In 1996, voters in the state passed a referendum changing the state’s primary system and in 2000 Campbell entered the Republican primary for the Senate again under the new rules, and won.

Types of Primaries
In the analysis above we assumed that the primary the candidates needed to compete was “pure-closed” – that is, only voters who had registered in advance as party members could participate. However, as Campbell’s experience demonstrates the way in which voters are involved in parties’ primaries like ballot access laws and voting technology varies significantly by state. There are six different types of primary election systems: pure-closed, semi-closed, semi-open, pure-open, blanket, and non-partisan. The titles of each system give some clues as to how the systems vary in voter participation. In general, in pure-closed primary systems voters register a party affiliation in advance. Voters who affiliate as Democrats can only vote in the Democratic primary, etc. Voters who do not choose a party affiliation in advance are not allowed to vote in

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82 Minor party candidates got the remaining vote. In Chapter 9 we will discuss such candidacies and their effects on elections in more detail.
83 Note that these are the primary systems as used in non-presidential elections. In some cases, states with open primary systems used a closed primary structure for the selection of delegates in presidential primaries (as in California in 2000 where the presidential primary was “open” to all voters, but only party members’ votes counted in the selection of presidential candidates).
the primary election at all. States diverge in how early voters must declare their party affiliation. In New Hampshire, for example, voters only need to declare affiliation with a party 10 days in advance while in New York state new voters must declare their affiliation as much as one year in advance. Semi-closed primary systems are closed primary systems, but allow new or unaffiliated voters to vote in a party’s primary without declaring affiliation in advance.

Open primary systems allow voters to decide on election day in which party’s primary to participate. However, open primaries differ in the extent that voters must publicly declare a party affiliation in order to vote in a party’s primary on election day (semi-open primaries) or can choose which party’s primary to vote in secretly (pure-open primaries). South Carolina’s Democratic presidential primary was semi-open in that any registered voter regardless of party affiliation could participate but voters had to sign an oath stating “I consider myself to be a Democrat” before casting a ballot. In pure-open primaries the secrecy is maintained by giving voters ballots for all the parties’ primaries at once, but allowing voters to choose only one party’s primary in which to vote secretly. Typically, however, there is more than one nomination contest on a ballot. For example, voters may be deciding who a party’s nominee will be for governor as well as lieutenant governor, for senator as well as representative. In standard semi-open or pure-open primaries, a voter’s choice of party primary will apply to all the nomination contests on the ballot. But in blanket (or sometimes called juggle) systems, voters can choose contest by contest which party’s primary to choose in – perhaps voting in the Democratic primary for governor and the Republican primary for lieutenant governor.

Who Chooses Primary Systems, Voters or Parties?

As noted above, in 1996 voters in California attempted to change their primary system from pure-closed to blanket. However, the political parties challenged the change and the United States Supreme Court in California Democratic Party et al. v. Jones, Secretary of State of California, et al., ruled the new law unconstitutional (this ruling was made in June 2000, after Campbell won the March 2000 blanket primary). The Supreme Court ruled that a state cannot force a political party to allow non-party members to vote in their primaries unless the party chooses to do so – forcing the political party to allow non-members to vote when the party rules do not permit this is a violation of the political party’s constitutional right of freedom of association. Thus, a state cannot require a political party to have an open primary unless the party wishes to do so. The same is true for closed primaries. Connecticut’s election law required pure-closed primaries and in 1984 the Republican Party wished to allow independents to vote in their primary, holding a semi-closed primary. This was challenged by the state and the Supreme Court ruled in Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986) that the party’s associational rights were violated by Connecticut’s pure-closed primary law. Thus a state cannot restrict a political party from allowing non-party members to participate.  

As of this writing, the Connecticut Republican Party has never actually held a semi-closed primary. Note that while these two Supreme Court rulings appear to give parties complete power to determine who participates in their primaries, there are limits. White primaries where participation was restricted to whites only, used in a number of southern states in the first half of the 20th century, were declared unconstitutional in Smith v. Allwright, 321 U. S. 649, 1944, because “when a State prescribes an election process that gives a special role to political parties, the parties’ discriminatory action becomes state action under the Fifteenth
In some states, then, different political parties hold different types of primaries. Moreover, the California ruling has led to some discussion of challenges to open primaries in other states and plans for changes. Nevertheless, a significant number of states (for example Iowa and Minnesota) still use semi-open and open primaries and these states are unlikely to change their systems in the near future. As of Spring 2004, seventeen states currently use pure-closed primaries: [Arizona, California, Connecticut, Delaware, Florida, Kentucky, Maryland, Nevada, New Mexico, New York, Oregon (Democrats), Pennsylvania, South Dakota, and West Virginia (Democrats)]. Eight states have semi-closed primary systems: Alaska (some minor parties share a joint ballot, but the Republican primary is closed), Maine, Massachusetts, New Hampshire (new voters can choose a party at the polls), New Jersey, North Carolina, Oklahoma, Oregon (Republicans), Rhode Island, and West Virginia (Republicans). Semi-open primaries are used in 14 states: Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Mississippi, Missouri, Ohio, South Carolina, Tennessee, Texas, Virginia, and Wyoming. Pure-open primaries are used by nine states: Hawaii, Idaho, Michigan, Minnesota, Montana, North Dakota, Utah, Vermont, and Wisconsin. At this writing Washington state’s primary system is undetermined since the blanket system used previously was declared unconstitutional and the state legislature was still working on choosing a replacement system.

However, if you are counting above, you will realize that we are leaving two states out. As noted in Chapter 2, in Louisiana, parties do not have primary elections at all and we call the general elections “non-partisan.” Louisiana is the only state to hold completely non-partisan state-wide elections, however non-partisan elections are used for many local contests and for some state-wide special elections. Nebraska uses semi-closed primaries for elections to the House of Representatives and the Senate and closed primaries for all statewide offices, but the state legislature is elected in nonpartisan elections. Table 3-2 below summarizes the differences in primary election systems.

Opening Primaries and Party Control

Wisconsin’s Customs

How do these variations affect our conclusions above about the causes of divergence? That is, in states that use less closed primary systems party elites are less able to dominate voting in primaries. This will affect the identity of the median voter in the primary and may affect the degree of policy divergence that candidates find desirable. For example, in semi-closed primaries independents can vote in primaries. If these independents are likely to be voters whose ideal points are in the middle, more moderate than the ideal points of voters who are members of the parties, then if they vote in the primary the median voter in the primary will be closer to the median voter in the general election. In open primaries the trend toward moderation can be amplified if moderate voters from the other party “crossover” party lines when they vote in the primary. We call this type of crossover voting “sincere” because the voters are voting for the candidate closest to them ideologically. This is the type of crossover voting that Campbell felt would allow him to win the Republican nomination in 1992. Besley and Case (2003)
show that for the even year elections from 1950 to 1998 turnout in states with open primaries was 1 to 2 percentage points higher than in those with closed primaries, controlling for other factors that also affect turnout, suggesting that open primaries do attract voters who would not participate in primaries which require party affiliation in advance.

Does sincere crossover voting actually take place? While measuring crossover voting is difficult, much anecdotal evidence exists. Consider the situation in Wisconsin, with pure-open primaries, in the first half of the 20th Century. For nearly thirty years the LaFollette family dominated the state government. They were Republicans, but a large portion of their support came from Democrats and even Socialists because of their liberal policies. The state was virtually a one-party state at the time and Democrats had little chance of winning. As Berdahl 1942 reports (page 39): “. . . the LaFollette group always had to battle the conservative Republicans for control of that party, but usually won because Democrats, having no fight in their own party and little chance of success in the election, participated in considerable numbers in the Republican primary on the side of the LaFollettes.” Sincere crossover voting of Democrats did advantage candidates in the Republican party who were more moderate. It also allowed the Republican party to continue to dominate Wisconsin politics. But national politics began to intervene as the candidacy of Franklin D. Roosevelt revived the Democratic party nationally and Wisconsin Democrats began to feel hopeful. In the fall of 1932 most Democrats chose to support Democratic candidates and LaFollette lost control over the Republican party.

**Are Candidates More Moderate in More Open Primary Systems?**

Gerber and Morton (199x) and Kanthak and Morton (199x) calculate how primary systems affect the policy choices of Members of Congress. They measure the voting records of members of Congress with scores calculated by Americans for Democratic Action (ADA), a liberal interest group, which evaluates members based on how often they vote for bills preferred by the ADA. The ADA picks a set of votes on bills as proxies for the liberalism/conservatism of members of Congress. If a member votes the way the ADA prefers on all these bills, the member receives a score of 100 and if a member votes against the way the ADA prefers on all these bills, the member receives a 0. 

Gerber, Kanthak, and Morton compare the ADA scores to measures of voter preferences in the Members of Congress’ Congressional district calculated by examining the demographics of the districts and how their constituents voted in presidential elections. In a statistical analysis of the data, they demonstrate that states with semi-closed and semi-open primaries do select more moderate Members of Congress than in pure-closed systems, however, in pure-open primaries, the effect is less.

Figure 3-11 presents a summary of how primary systems affect candidate positions. In the figure the ADA scores are transformed to a 1-50 scale where 0 represents extremism (high ADA scores for Democrats, low ADA scores for Republicans) and 50 represents moderation (low ADA scores for Democrats, high ADA scores for Republicans). The bars represent the average transformed ADA score for Members of Congress elected from states under each primary system type. As the figure shows, semi-closed and open primary systems select more moderate members of

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85 Sometimes members of Congress miss votes due to absences. The ADA counts an absence as a vote for conservatism. The authors correct for this in their analysis of the data.
Congress. Besley and Case 2003 examine whether open primaries lead to elected officials closer in ideology to their constituents in state level elections. They also find that officials selected in open primaries are significantly more likely to have positions closer to their estimate of voter preferences (they do not separate out semi-closed primaries).

Campbell’s Enemy – Insincerity

Chris Lato, a Republican party spokesman in Wisconsin got a number of questions from Republican party members prior to the Democratic presidential primary on February 17, 2004. With Bush not facing a contest for the nomination for the Republican party, and Wisconsin allowing crossover voting, they wanted to know how they could best use their votes “to pave an easy victory for Bush.” According to Amy Rinaud of the Milwaukee Journal Sentinel when interviewed several Republicans who voted in the Democratic primary “were quite candid about their strategy to use Wisconsin’s open primary to try to add more votes to a Democratic candidate they felt could hand the easiest victory to President Bush.” At least 10% of the voters in the Wisconsin primary were Republicans, with more votes cast in the Democratic primary I some Republican strongholds than voters were registered as Democrats.86

The story of Wisconsin in 2004 is one reason why pure-open primaries may not lead to much moderation is that not all crossover voting is like the story of Wisconsin in the 1920s. Crossover voting may be non-sinicere, that is, voters in one party may strategically crossover to vote for a candidate in the other party that they believe their favored candidate is more likely to defeat in the general election. In our example from the Bradley/Gore contest in 2000, Republican voters who believed that Bush (or McCain, his closest opponent) had a better chance against Gore than Bradley, and were indifferent whether Bush or McCain wins the Republican nomination, may have found it desirable to crossover and vote for Gore if their state had an open primary. The evidence that voters engage in this type of strategic behavior is weak as it requires a large degree of coordination of voters and control.

As we saw in Chapter 2, just mobilizing groups of like-minded voters to vote for candidates they prefer is difficult, hence getting these voters to vote for candidates they dislike in a party they generally don’t affiliate with to strategically benefit their preferred candidate is much more so. However, there are examples of such group strategic manipulation from the political machine age when “paying for votes” was more prevalent. In New Jersey in the 1930s, for example, Berdahl notes (pages 42-43): “... the participation of Democrats in Republican primaries became so traditional that these ‘one-day Republicans,’ as they were called, were openly bid for by the managers of the respective Republican candidates, and this in turn encouraged deals of various kinds between the respective party leaders or bosses.” According to the observers the New Jersey “one-day Republicans” were not crossing over sincerely to vote for a candidate they preferred but one they thought their own nominate was more likely to defeat. While difficult, the potential for this type of involvement is one factor that caused party leaders in California to challenge their open primary law. Lato, the Wisconsin Republican party spokesman saw a different danger in the strategy of non-sincere crossover voting. As he

noted: “Crossover voting is this nifty idea that’s out there and a lot of people like to speculate on what impact it could have. But it’s not something the party has encouraged.” He concluded that it was better not to prolong the contest between the Democrats as they were “trooping across the country en masse criticizing Bush on a daily basis followed by an army of reporters. ‘It will be good to have just one candidate on the other side,’ said Leto. . . . ‘It’s not going to be an easy race.’”

Variation in Local and State Party Positions

National Parties as Confederations

In 1971 Jeb Bush graduated from the exclusive private boarding school, Phillips Academy Andover in Massachusetts and one of his classmates was future Rhode Island Republican Senator Lincoln Chafee. Yet, the old school ties did not prevent Chafee from challenging Jeb’s brother, President George W. Bush on many of his policies, and joining a small number of Republicans who voted with Democrats against Bush’s tax proposals. On Sunday, April 27, 2002 Chafee appeared on the CBS news program Face the Nation opposite one of Bush’s Republican supporters in the Senate, Lindsey Graham of South Carolina. Confronted with the apparent “family feud” between the Republican Senators, Graham noted that he understood the reason behind Chafee’s position on the issue. “I’ll be the first to admit, Lincoln, that I couldn’t get elected in Rhode Island any more than Chafee could win election in conservative South Carolina.”

States not only vary in the electoral rules that they use to select nominees for the major parties, there is a wide diversity within the United States over the distribution of policy preferences across states. Graham is right that voters in Rhode Island are significantly different from voters in South Carolina. McIver, Erikson, and Wright (2000) estimate ideology (degree of conservatism/liberalism) for 1997-1999 using polling data. This measure is shown by state in Figure 3-12.

Since all elected officials except for the Presidency and Vice-Presidency are selected in state and local elections, we would expect that the electoral coalitions that form within a state or locality are likely to vary as preferences vary. That is, we would expect that the electoral coalitions that form in contests for elected positions in a conservative state will be in general both more conservative than the electoral coalitions that form for elected positions in a liberal state. There are two important implications of the diversity and the predominance of elected officials from subnational constituencies: 1) the national parties are actually confederations of state parties and 2) sometimes a state and often a locality is dominated by one or the other of the two major national parties and that there are subnational state factions or coalitions within these state parties that typically vie for elected offices.

Why is it that the national parties are confederations of the state parties? Why not just have two types of political parties (national parties and state and local parties) without an explicit connection between the two? American national mass based political parties formed as confederations of state and local parties in the early 19th century mainly to facilitate the mobilization of voters in national elections. Martin Van Buren of New York recognized that because of the expansion of the franchise and the changes in the

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way electors were selected, the coalition needed to be built as a confederation of the states, bottom up.\footnote{Much of Van Buren’s success was in increasing turnout and mobilizing voters, as discussed by McCormick 1960 and Aldrich 1995. Van Buren’s success was also facilitated significantly by the expansion in the nation’s transportation and communication systems, which made possible organization on a scale not previously possible.} Van Buren built what was to become the Democratic party and successfully saw the election of Andrew Jackson in 1828. By then 90% of presidential electors were directly chosen by voters. Other political leaders followed Van Buren, forming confederations of affiliated state parties meeting in conventions [Whigs and Anti-Masonic parties in 1831]. The first national nominating convention of a major political party was held in 1832 when the Democrats met to re-nominate Jackson for president. A party system dominated by two major parties emerged in 1832 when the Whigs united with Henry Clay’s group of former Republicans. The modern American political party was formed.

Aldrich 1995 reviews how Martin Van Buren strategically chose states where existing organizations were most developed and most likely to efficiently build a national alliance to form the first mass based national political party. Many American public policy decisions are made by state governments. In the early 19th century, it might even be argued that state rather than national legislation dominated domestic policy. As with national government policies, at the state level there are winners and losers. It should be no surprise that in the competition over choosing state policies state level factions or political parties formed. It is these factions or parties that Van Buren and later the Whigs used to organize into major national political parties. What was in it for the local and state factions from joining the alliance? Federal patronage. As Epstein 1986 notes about the post civil war period (page 134):

“Despite their primarily state and local concerns, the old party organizations [machines] not only derived electoral advantage from the Republican and Democratic labels of the national alignment, as state and local parties still do, but they could also benefit from the addition of national patronage to state and local sources. To seek such patronage from Washington, the old organizations were indeed willing to join forces to choose their party’s presidential nominees and then help to elect them.”

This system of confederation has changed a good bit over time as civil service laws have decreased the influence of patronage, yet the need to mobilize voters nationally and to be able to secure ballot access nationally means that national parties need to rely on the efforts of state and local party organizations, organizations who have acquired the status of major party in their states and localities, who can provide the national party with resources and candidates as well as voters.

\textbf{State Parties and Ideology}

Because of the diversity across the nation in ideology, we would expect that some states and many localities would be dominated by one or the other of the two major political party. Figure 3-13 from Erikson, Wright and McIver shows the relationship between state ideology and state partisanship. State ideology is measured along the vertical axis and state partisanship is measured along the horizontal axis. Higher values on the partisanship measure represent more Republican states and higher values on the
ideology measure represent more conservative states. If partisanship and ideology matched each other perfectly, we would see the data clustered along a line connecting the bottom left hand corner of the graph with the top right hand corner of the graph. Many states are clustered along this diagonal, such as Illinois, Wyoming, California, Arizona, Minnesota, etc. But other states are significantly away from the diagonal, particularly the southern states, such as Arkansas, West Virginia, Louisiana, Oklahoma in the top left hand corner. These are states where the Democratic party is strong but most voters are more conservative than we would expect given the strength of the Democratic party. New Hampshire shows the opposite tendency of higher degrees of liberalism than one would expect given Republican strength in the state with Vermont showing some of the same effect, although not nearly as strongly. Note how Rhode Island and South Carolina, as Graham pointed out are at the two different extremes in terms of ideology, however, not as far apart in partisanship although South Carolina is more Republican.

The variation in preferences by state and party control means that to be a successful Democratic candidate in a southern state like Louisiana requires a different policy choice than being a successful Democratic candidate in a northeastern state like Massachusetts or Delaware even though the strength of the Democratic party in the two states is approximately the same. Thus, we should not be surprised to find that for the year 2001, the ADA gives Louisiana Democratic Senators Breaux and Landrieu scores of 55 and 85, respectively, and Massachusetts Democratic Senators Kennedy and Kerry scores of 100 and 95, respectively. Similarly, Republican Chafee has an ADA score of 70 (more liberal than Breaux in Louisiana), while Republican Graham of South Carolina has a score of 5.

Yet, even though Democrats in Louisiana are more conservative than those in Massachusetts and even some Republicans in Rhode Island, Democrats in Louisiana are still more liberal than Republicans in Louisiana. In the House of Representatives, Democrats have two members from Louisiana (Jefferson, John) with ADA scores of 80 and 40, respectively and Republicans have five members from Louisiana (Vitter, Tauzin, McCrery, Cooksey, Baker) with ADA scores of 0, 0, 5, 0, and 0. Massachusetts has no Republican House members and their members of the House’ ADA scores range from 85 to 100 (similarly Rhode Island only has Democratic House members with ADA scores that average at 90). Delaware, which is also close to Louisiana in degree of Democratic control but with an ideology rating that corresponds to this partisanship level more, has one Republican member of the House with an ADA score of 30. In contrast Delaware’s two Democratic Senators ADA scores are 90 and 100. Clearly being Democrat or Republican in the northeast implies a greater degree of liberalism than in the south.

However, given the dominance of conservatives in southern states like Louisiana it is still surprising that voters are also strongly Democratic. In Chapter 10 we discuss some of the historical and institutional reasons for this variation. Despite the differences between Democrats and Republicans in the south and the northeast as shown by these figures, it is important to remember from the analysis of Poole and Rosenthal discussed in Chapter 3, that almost every Democrat in the Senate and House (regardless of his or her region) is more liberal than almost every Republican in the Senate and House (regardless of his or her region).
Canceling Out
Since each state has two Senators who are elected in state-wide elections, then in states where the two major parties are relatively equal in balance, it is often possible for the same state to have Senators with vastly different voting records. For example, Iowa Republican Senator Charles E. “Chuck” Grassley votes the way the National Right to Life Committee (an antiabortion interest group) prefers on bills they consider important 100 percent of the time, but his vote gets canceled out by Iowa Democratic Senator Thomas “Tom” Harkin, who votes there way 0 percent of the time. Grassley was first elected to the Senate in 1980, and recently reelected in 1998, Harkin was first elected in 1984, and recently reelected in 2002. Neither Senator has varied much over these years on their abortion positions. Moreover, abortion is not the only thing they disagree about. According to the National Hispanic Leadership Agenda, Grassley supports bills they approve of 0 percent of the time and Harkin 100 percent, further canceling each other out. The canceling out is a little less on the environment, the League of Conservation Voters say that Harkin votes their way 89 percent of the time while Grassley does 11 percent. The National Rifle Association says Harkin is a 0, but Grassley is a 100. Similar differences exist in all states with divided delegations with the Democratic Senator always having a higher ADA score than the Republican.

Why might voters in a state like Iowa put up with two senators who cancel each other out in this fashion? If the strength of the two major parties are about evenly divided in the state, and with party elites influencing the nomination process, we might expect a median voter, whose preferences are in the middle between the two parties’ elites, to balance out one party’s senator with another, in order to “moderate” between the two parties. In Chapter 8 we discuss the incentive for voters to balance between the two parties in their votes for president and Congress.

Ambition, Ideology, and Divergence

Upward Political Mobility
Our analysis of how ballot access laws and primary elections work provides an explanation for the policy divergence we see in American elections – the fact that Democrats and Republicans are different. Since there is always some uncertainty about independent voter preferences and future choices, ambitious candidates who care nothing about policy in itself, but wish to be the nominees of one of the major parties, tend to choose positions that diverge from the median voter toward the ideal points of the party elite. However, this control by party elites can be mitigated in states with looser ballot access rules and more open primary systems. There can also be variations in the positions taken by candidates reflecting state and local variations in ideology.

Yet even in localities and states with less formal party influence or where the ideological preferences of voters are more conservative or more liberal than the national average, the influence of national or state major parties can be strong because of higher office ambitions held by elected officials. When Tom Campbell ran for the U.S. Senate he was a member of Congress. Most of US elected officials don’t just run for one office. City council members run for the state legislature. State legislators run for Congress or Governor or other statewide offices. Members of the House of Representatives run for
the Senate or Governor or other state offices. Governors, House members, and Senators run for President. While occasionally we elect a Dwight Eisenhower, who had no elected office experience, most of our elected officials had previous elected experience, including professional wrestler Jesse Ventura, for example was a local elected official before becoming governor of Minnesota. Retired Army General Wesley Clark who had no previous elected experience failed in his attempt to win the Democratic presidential nomination in 2004.

Table 3-3 lists the New York members of the House of Representatives elected in 1998 with their previous jobs. Of the 31 Representatives from New York only three had not previously held governmental positions prior to running for Congress (Carolyn McCarty, Sue Kelly, and Amos Houghton). Most were state legislators before they ran for Congress: twelve were members of the NY State Assembly and three were members of the NY State Senate. Ten held local or regional political office. Two held executive positions in state government and one was a staff member in Congress. This upward mobility continues even after many leave Congress. Between 1960 and 1990 nearly 40% of the voluntary retirees of the House of Representatives left to seek higher political office despite the fact that most members view serving in the House as a career in itself.\(^8^9\) We call this tendency “upward political mobility.” It is evident that many of our elected officials see political office as a career where one moves “up the ladder” of the political hierarchy.

**Political Mobility and Party Influence**

The desire for upward mobility reinforces the need for candidates to achieve support from the political elites within their parties at higher levels as they seek higher office. Consider for example, how ambition to seek a position in the Senate might influence the policy choices a candidate makes in the House of Representatives. A member of the House, in running for re-election, has to face the voters in his or her district (some small states have only one district, however). Our analysis above suggests that the House member, when running for election to the House, will need to make policy choices in order to please the median voter of his or her party median in his or her district. But a candidate for the Senate must choose a policy position to please his or her party median in the state. The party median in a single Congressional district may be different from the party median in his or her state. Our examination would imply that members of the House who have policy positions closer to the party median in their states should be more likely to attempt to run for the Senate.

Francis, Kenny, Morton and Schmidt 1995 investigate this hypothesis. The policy positions of members of the House of Representatives are measured using ADA scores. Figure 3-14 shows the relationship between a House Member’s ADA score and the party position in his or her state on the ADA scale. If the House Member is 0 to 5 from her party’s voters, then this means that her adjusted ADA score is 5 or less points away from that preferred by the voters in her party as estimated by Francis, et. al. If a House Member is 25 and over from her party’s voters, this means that her adjusted ADA score is 25 or more points away from that preferred by the voters in her party. As the figure demonstrates, both House Members who are more extreme than their party’s voters and

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89 See Schansberg 1994, Table 1.
those that are more moderate are less likely to run for their party’s nomination to the Senate or in the general election.

The relationship reported here demonstrates how parties influence candidate positions through progressive ambition. House members who wish to seek higher office are more likely to seek to achieve that ambition if they have chosen policy positions closer to their party’s position in their state. A similar relationship exists for local and state elected officials – progressive ambition for a future higher position will encourage them to make policy choices at local and state levels to please party elites at higher levels. Thus, the influence of party elites electorally extends beyond a single race but influences choices that politically ambitious officials make at lower level offices. This means that electorally driven party differences at higher levels will influence the policy choices of elected officials at lower levels if these elected officials wish to seek higher office. Party and electoral driven policy divergence for governor will influence the choices elected party members make in the state legislature or as mayor. Similarly, party and electoral driven policy divergence for President will influence the choices elected party members make as governor or as Senator.

Note that in our analysis we are assuming that voters and party elites look to past policy decisions of those who have served in office as a guide to future policy choices of elected officials, that voters choose “retrospectively” based on the past decisions of elected officials rather than “prospectively” based only on the promises that elected officials make about their future choices. In Chapter 5 we will discuss why voters and party elites might find it optimal to use a retrospective voting strategy.

**What’s Left Out So Far?**

A lot. So far we have yet to mention much about how interest groups and campaign contributions affect elections beyond mobilization or how voters might handle the lack of information they have about elected officials policy positions. As we noted above for the 2000 Senate race the Republican party in California used a blanket primary system and Tom Campbell won the nomination. But he had to win the general election and for that contest, it turned out that money, not primary system type, was important. In the next chapter we explore why.
Chapter 4: Money & Interest Groups in Elections

“MEMORANDUM FOR THE PRESIDENT
FROM: HAROLD ICKES
In order to raise an additional $3,000,000 to permit the Democratic National Committee to produce and air generic tv/radio spots as soon as Congress adjourns . . . I request that you telephone Vernon Jordan, Senator Rockefeller and Bernard Schwartz either today or tomorrow. You should ask them if they will call ten to twelve CEO/business people who are very supportive of the Administration . . . to have breakfast with you, as well as with Messrs. Jordan, Rockefeller and Schwartz, very late this week or very early next week.
The purpose of the breakfast would be for you to express your appreciation for all they have done to support the administration, to impress them with the need to raise $3,000,000 within the next two weeks . . . and to ask them, if they, in turn, would undertake to raise that amount of money.”

The Desperate Man
An Incumbent President is up for re-election. He had won the presidential nomination easily enough at his party’s convention and the campaign had started out well, giving him a good lead over his opposition. But in one of the states that he counted on, and needed, his campaign was in trouble. The party’s state committee told him that they needed funds from the national committee, but the national committee was out of funds. The desperate president “summoned a group of monied men . . . to a hush-hush White House breakfast where he told them that if they gave him the money he needed they’d have nothing to fear from him during his second term.”

This president was not Bill Clinton and the year was not 1995 as in the memorandum above from Harold Ickes. The president was Theodore Roosevelt, the year was 1904, and the state where his campaign faced trouble was his home state of New York. The monied men were Edward Henry Harriman, Hamilton Mck. Twombley, Henry Clay Frick, and Thomas Lamont. And evidence exists that financiers and railroad magnates such as these did contribute mightily to the campaign – 72% of the contributions were reportedly from corporations. According to Harriman (as quoted by Lukas 1997, page 392), the monies given to Roosevelt in response to his request “enabled the New York State Committee to continue its work, with the result that at least 50,000 votes were turned in the city of New York alone, making a difference of 100,000 votes in the general result.” Moreover, Harriman did not just expect that Roosevelt would turn a blind eye to business dealings that before had faced scrutiny and difficulty from government regulators, but that his friend and ally, Chauncey M. Depew (who was

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91 See Lukas 1997, pages 392-393.
worried about his re-election bid for the Senate) would be appointed Ambassador to Paris after the election.\textsuperscript{92}

What about Clinton’s breakfast that Ickes was trying to arrange – referenced in the memorandum quoted above? Clinton was equally as desperate as Roosevelt. In 1994, Republicans won a majority of the seats of the House of Representatives for the first time in 40 years. Republican’s success meant that the Democrats no longer controlled Congress and many pundits began to pronounce Clinton’s presidency as a one-term wonder. Did Clinton’s breakfast similarly involve promises of favors? Schwartz, like Harriman, began his career in New York’s financial district. Harriman owned railroads and Schwartz owns Loral Space & Communications. In 1994, Schwartz wrote a check for $100,000 to the Democratic National Committee and two months later he joined Secretary of Commerce Ronald Brown on a trip to China. Schwartz denied there was a relationship between the check and the trip. “On the plane, Schwartz said he asked Brown if he could arrange a private meeting with Zhu Gao Feng, the vice minister of China’s Ministry of Post and Telecommunications. In a meeting with Chinese telecommunications officials, Brown publicly praised Loral’s Globalstar cellular telephone system.” Loral eventually landed an agreement with China resulting in $250 million annually. Schwartz denied that the contribution and the contract were connected and Schwartz was cleared by Charles G. LaBella the prosecutor investigating campaign finance violations.\textsuperscript{93} In 1997, Schwartz was the largest single individual contributor to the Democratic party. From 1991 to 2003 Schwartz contributed $5.6 million to Democratic candidates.\textsuperscript{94}

To be fair, Republican leaders also have strong ties to those that donate large sums of monies. The Washington Post reports a number of examples of both Republican and Democratic leaders providing access and influence for big campaign contributors. For instance, according to the Post, on October 27, 1995 the Republican National Committee “Chairman Haley Barbour sent a letter to [Bob] Dole, who was the Senate majority leader, asking him to meet with then-Pfizer chief executive Williams C. Steele Jr. The pharmaceutical company had given $100,000 to the GOP committee.”\textsuperscript{95}

\textsuperscript{92}As Lukas discusses, Theodore Roosevelt denied that the promise had been made. Edmund Morris, in his noted biography \textit{Theodore Rex}, does not mention the incident.

\textsuperscript{93}“Clinton-Loral: Anatomy of a Mutually Rewarding Relationship,” Jill Abramson and Don Van Natta, Jr., New York Times, May 24, 1998. Abramson and Van Natta summarize how Schwartz lobbied the president to approve Loral’s launching a satellite over the objections of other administration officials. They report: “After Clinton was sworn into office in 1993, Schwartz cherished his many invitations to the White House. But he cited one perk that eluded him. ‘I’d give my eye-teeth to stay in the Lincoln Bedroom,’ he said.” Concerns over security leaks through Loral’s dealings have led to a Congressional enquiry. Specifically, the technology used for telecommunications by civilians can also be used by the Chinese military. Republicans charged that Loral was lax in ensuring that the secrets in technological design that could benefit the military were secure resulting in leaks of technological secrets to the Chinese military. See also Loeb, Vernon, “Back Channels: The Intelligence Community; More Money, Less Disclosure,” \textit{The Washington Post}, Tuesday, May 30, 2000.


\textsuperscript{95}Eilperin, Juliet, “Old Memos Detail Link of Money to Influence,” \textit{Washington Post}, Saturday, May 17, 2003. More recently, the financial ties between Vice-President Cheney and his former company Halliburton
Questions about the influence of campaign contributions are not limited to the federal government. After Jeb Bush was reelected as governor of Florida, he began a process of privatizing state government in order to reduce costs and the size of government. However, in that process, many of the private companies given government contracts were big Republican donors in 2002. “If you look at the contract you can almost tell who it’s written for if you look at the contributors’ list,” charged Cindy Hall, president of the Florida AFL-CIO.96

From before Teddy Roosevelt to the present, campaign contributions and monied men (and now women) have played important roles in American elections.97 In this chapter, we examine how interest groups and their contributions are involved in American politics. While evidence suggests that Clinton did grant access to Schwartz and Dole to Steele, it turns out that giving in return for favors is a risk for contributors and elected officials and this fundamentally affects both how contributors give and to whom they contribute and what they are promised. First, though, we will discuss who contributors are and the ways in which their contributions are made.

Who Makes Contributions?

As of March 2004, thirty-three year old Houston lawyer Paul Dickerson had not given any of his money to George W. Bush’s campaign for reelection in 2004. He is not a multimillionaire, a high-powered executive of a major business, or even a partner in his law firm. Yet he has attended campaign “appreciation” events at the President’s Crawford, Texas ranch and on Ellis Island, NY. At an event in Houston attended by the first President Bush, Dickerson was tapped for the honor of introducing the former president. Has the Bush family wasted their time on Dickerson? Hardly. Dickerson is one of 187 “Rangers” who have each raised $200,000 from individual contributions to the president’s reelection campaign. How did Dickerson become so important to the Bush campaign?

Interest Groups

When most people think about campaign contributions they think of organized interest groups not people like Paul Dickerson. Organized interest groups are certainly important in campaigns, as we saw in Chapter 2 groups like the AFL-CIO are heavily involved in mobilizing voters for elections. They also contribute money to election campaigns. There are two basic types of interest groups – economic and non-economic. Economic interest groups represent four different kinds of economic interests – business (e.g. Chamber of Commerce), labor (e.g. American Federation of Labor and Congress of Industrial Organizations, AFL-CIO), agriculture (e.g. Farmers Union), and professional (e.g. American Medical Association, AMA). Non-economic interest groups take three forms – general public interest groups (e.g. League of Women Voters), single-issue

groups (e.g. National Rifle Association, NRA), and ideological groups (e.g. Christian Coalition).

Organized interest groups generally work to affect American politics at all levels of government from involvement in political campaigns such as mobilizing voters, to lobbying members of Congress and the President to pass legislation or take actions preferred by the group, to lobbying members of the bureaucracy who sometimes make policy decisions as delegated by Congress and the president, to using the courts to attempt to overturn policies or decisions they do not prefer. Whether interest groups take actions as a group in elections or after elections requires that groups have members who are willing to provide resources both physical and financial to those efforts. With a few exceptions (union members who work in a closed shop where union membership is required of all employees), membership in interest groups is voluntary. As we saw in Chapter 2, when a group of individuals wish to take a common action that benefits all members and the members have the opportunity to choose whether to participate, each member (or potential member) has an incentive to free ride on the actions of others. Organized interest groups face a collective action problem.

How do organized interest groups overcome their collective action problems? In general, most groups use selective benefits as we argued to mobilize votes in elections. Many of the selective benefits that these groups provide are social or purposive or both, as with voter mobilization. But interest groups, because they often require more out of members than just voting, also provide informational and material benefits to members. Informational benefits are things like special newsletters, periodicals, training programs, conferences, etc. For example, U.S. Term Limits publishes online a newsletter called No Uncertain Terms and commentaries under the heading Commonsense. Material benefits are things like goods and services, even money. The American Association of Retired Persons (AARP) provides members with insurance and discount purchasing programs.

Do these selective private incentives work? Obviously interest groups exist, have resources, members, and offer private selective incentives suggesting something must be afoot. Walker (1983) surveyed over 500 voluntary associations (he excluded corporations and labor unions). He found that the main sources of revenue were dues and member contributions for all groups, with these sources comprising the highest percentage of revenues for economic groups (89.2%). However, he argued that these contributions were not evenly shared and a small number of members provided the bulk of the groups’ resources. For non-economic groups, Walker found that a large share of monies come from nonmembers such as individual gifts, foundations, and governmental organizations. In particular, he observed that citizen groups receive 42.9% of their contributions from these non-member sources. Walker’s analysis suggests that while member dues and contributions do make up the bulk of revenues for interest groups (more so for economic than non-economic), some members or non-members provide disproportionate amounts, no doubt reflecting differences across members and other revenue sources in the benefits that contributors perceive the groups providing.

As noted above, one perhaps surprising source of funding of interest groups is governmental organizations. Walker found that interest groups in the nonprofit sector received 14.6% of their funding from governmental organizations and citizen groups received 8.9% from this basis. Why is the government an important source of funding for interest groups? Many nonprofit and citizen interest groups have been used by
elected officials to implement policies and provide services in place of new government agencies or as auxiliaries to government agencies. For example, much licensing of professions has been delegated by state and local governments to interest groups. Executive branch agencies have also supported interest groups in order to mobilize support for their undertakings. The Chamber of Commerce was created in large part by the Secretary of Commerce during the Presidency of William Howard Taft. More recently, many government programs have called for citizen involvement in executive policy making.

Organized interest groups provide campaign contributions through the Political Action Committees or PACs that many of them form. A PAC is a private group whose purpose is to raise and distribute monies for use in election campaigns. Just as with interest groups, PACs are of two types – economic and non-economic and face a potential collective action problem. PACs can also be either “connected” or “non-connected.” Connected PACs are formally connected to an interest group, corporation, labor union, or other existing entity and can draw upon the resources and members of that entity to fund the organizational costs of the PAC. Gais (1996) finds that 71% of PACs were connected in 1992. Non-connected PACs are independent and must attract outside contributors to pay their expenses. As a result, connected PACs have an easier time with the potential collective action problem since they already have a membership and resources.

**PACs versus Individuals and Collective Action**

While PAC contributions are the most talked about form of campaign contribution and some evidence exists that these contributions are overstated in the news media, a greater portion (the majority) of campaign spending is from individual contributions, raised by people like Paul Dickerson. For example, the Federal Elections Commission (FEC), in its report on contributions to Congressional candidates for the 2002 election as of March 31, 2002 states: “Contributions from individuals totaled $250.6 million and continue to be the largest source of receipts for Congressional candidates, representing 58.2% of all fundraising as of March 31. PAC contributions totaled $121.1 million or 28.1% while candidates themselves contributed or loaned a total of $37.8 million which was 8.8% of all receipts.” The remaining amounts were from other candidates or from party committees.

How did Dickerson get involved in raising individual contributions for Bush? Dickerson went to college with Travis Thomas, Bush’s national finance director. At a barbecue in the summer of 2003, Thomas convinced Dickerson to become a volunteer fundraiser for the campaign and commit to trying to raise $100,000 for the Bush campaign. Dickerson recalled: “A bunch of us are at a time in our careers when friends help us out. I figured I’m his buddy and I should help him out”. Dickerson already had a

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talent for networking according to friends (with a Christmas card list of over 350 people). 99

Yet, Dickerson’s experience shows that while the majority of contributions are from individuals, these contributions are sometimes given through an intermediary who is serving as a volunteer fundraiser for the candidate. The Bush campaign assigns a tracking number to fundraisers committed to raise $100,000 and contributions given with their number is given credit to them. The contributions are generated usually around “events” attended by Bush, his wife Laura Bush, or other members of his family or the administration such as Richard Cheney. The big fundraisers like Dickerson then recruit others (starting with friends and family and building to cold calls on strangers) to commit to raise smaller amounts by selling tickets to the events, etc., such as $5,000, $10,000, and $25,000 in return for being listed as “hosts” for the events on the program for the events. The contributions are logged under Dickerson’s tracking number. “‘It's friends of friends of friends of friends, like a daisy chain,’ said Jeanne L. Phillips, a veteran fundraiser for the Bush campaign in Texas and a former United States ambassador. ‘We go hand to hand and neighbor to neighbor. We ask everybody.’” 100

The Internet and Campaign Finance

When the campaign finance reports came out in July for the second quarter of 2003, many experts were shocked. Former Vermont Governor Howard Dean had raised more money than Senators John Kerry, John Edwards, Joseph Lieberman, and Representative Richard Gephardt (who had been expected to be a strong leader in fundraising with his ties to organized labor). Dean raised $7.5 million from 59,000 contributors.101 How did Dean do it?

The internet. But while many use the internet in campaigns (Dickerson had a Bush/Cheney campaign email address which he used to contact potential contributors), Dean allowed for the online supporters to become an active part of the campaign. It meant losing some control. He allowed supporters to build their own web pages and to post largely uncensored messages on an online campaign diary that campaign staffers used to communicate with online supporters. Online supporters became active freelance fundraisers, like Bush’s Rangers, but a more fluid, changing group of individuals communicating mainly through the web. As Dean said about his online supporters: “They would never support you if you just sent e-mail and told them what the daily message is.”

Other candidates have followed Dean’s lead in trying to expand use of the web to attract contributions. Supporters of retired Army General Wesley Clark used the web to raise $2 million to draft him into the campaign. “It’s tough to keep up with the demand,” Ben Green said. “We’re getting inquiries daily, as opposed to once a month or once a

week.” Green’s firm Crossroads Strategies has handled web based campaigns for Senators John Kerry, Hillary Clinton and others.  

The stories of Bush’s Rangers and Dean’s online supporters show how unorganized individual campaign contributions can be combined in ways that can mean a sizeable difference in a campaign and how individuals can realize that they are working as a group. For example, the “Democratic National Committee . . . e-mailed an advertisement to 1.4 million Democrats that called for an investigation into claims that White House aides had leaked the name of a Central Intelligence Agency agent. It then asked supporters to finance a drive to put the ad on television. The committee raised enough money to air the ad in Pennsylvania.”

Federal Campaign Finance Regulations

Dickerson and other Rangers for Bush had helped him build a campaign chest of $160 million dollars by March 2004, almost as much as both the former President Bush and Bill Clinton both spent in the 1992 election. Bush opted out of public financing and thus there is no total limit on the sum he can raise. However, his contributors are limited in how much they can give Bush by federal regulations and he must publicly report what he receives. How did these regulations on campaign finance come about? For many years campaign finance was unregulated. Then corporations and banks were forbidden to give money to presidential and congressional candidates in 1907, unions were added later. Congress passed the Corrupt Practices Act of 1925 with an attempt to limit contributions of individuals. However, the limits placed on contributions were so unrealistically low that no one was ever prosecuted. With the rise of national media, and its use in campaigns during the 1950s and 1960s, pressure built to regulate campaign finance. Congress passed the Federal Election Campaign Act of 1971 (FECA), amended in 1974, which provided partial public funding of presidential campaigns, required full public reporting and strict limits on all contributions and expenditures in federal elections. The FEC was created to collect and provide the information as well as enforce the law.

Nevertheless, the law was controversial – in particular, limiting campaign contributions is contended by some to be an unconstitutional infringement of the right to free speech. Senator James Buckley (who we will discuss in more detail in Chapter 9), among others, challenged the law, and in Buckley v. Valeo, 1976, the Supreme Court declared that spending limits and ceilings on how much of their own money candidates could spend as well as others to agitate for or against candidates independent of a candidate’s campaigns were unconstitutional. Limits on individual and party contributions to candidates were constitutional. However, in 1979 Congress amended the FECA to allow party organizations to engage in unlimited campaign spending for state and local party-building and mobilization of voters. In Colorado Republican Federal Campaign Committee v. Federal Election Commission, 1996, the Court ruled that party organizations were not subject to limits on spending for other reasons as well. Monies spent by the parties in this fashion as well as monies spent by groups or individuals

independent of candidates has been called “soft money” and not subject to FECA regulations while money spent by the candidates and parties focused on promoting a candidate in a particular election has been labeled “hard money” and has been subject to the regulations. However, almost anything related to a campaign could be paid for with soft money under the court rulings as long as it was not an ad that explicitly told voters to vote for a particular candidate.

A result of these rulings is the increasing use of soft money by parties and other spending by interest groups and individuals in campaigns that focused on issue advocacy instead of candidates and thus not subject to federal regulation. Table 4-1 presents a summary of hard and soft money raised by the national political parties for elections from 1991 to 2000. As the data show, both types of campaign money increased in size with soft money increasing as a percentage of the total (presidential election years of 2000, 1996, and 1992 generate larger spending levels than the other non-Presidential election years). While the national Republican party has raised a larger amount of money, both hard and soft, than Democrats, a greater percentage of Democratic resources have been from soft money.

Soft money obviously allowed parties and interest groups to spend more in elections than permitted under federal regulations as long as the monies were not used expressly to advocate a particular candidate in a particular election. However, in many cases it is difficult to determine where express advocacy begins. Should a get out the vote drive by a state party before a general election where the party’s candidate needed a high turnout to win be viewed as not related to the candidate’s campaign simply because voters are recruited by the party rather than the candidate? Should a message funded by a business man criticizing a Congressional incumbent be viewed as not related to the incumbent’s challenger’s campaign simply because it does not mention the election taking place the next day or the challenger’s name? In surveys and focus groups voters in the 2000 election saw both types of efforts as equivalent to explicit campaign advertising. The soft money loophole suggested to many that the regulations that limited campaign contributions in FECA had been effectively eliminated and could only be re-instated in actuality by regulating soft money.

In March of 2002, Congress passed and President George W. Bush signed, the Bipartisan Campaign Finance Reform Act (BCRA) of 2002 (Also called the McCain-Feingold Act after the two senators who sponsored the bill). This act limited the size of contributions and required full public disclosure of the sources for monies that go directly to candidates as well as the soft money previously spent by parties. Specifically, in Congressional elections individuals may give no more than $2,000 per candidate per campaign, with primary, runoff, and general election campaigns considered as separate. Nonparty PACs are limited to $5,000 in contributions per candidate per campaign and parties may give no more than $5,000 to a candidate for the House of Representatives and not more than $17,500 to a candidate for the Senate. The $2,000 individual contribution limit also applies to presidential primary candidates and presidential candidates who accept public funds for the general election. Note that the limits are increases from the previously set limits of FECA. Contributions from foreign sources are illegal in federal elections. The new law was immediately challenged and reviewed by the Supreme Court.

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104 See David B. Magleby, Dictum Without Data: The Myth of Issue Advocacy and Party Building, Center for the Study of Elections and Democracy, Provo, UT.

**The Provisions of BCRA**

With respect to soft money, BCRA regulated soft money in five principal ways:

1) National parties are prohibited from soliciting, receiving, or transferring or directing to another person or committee any funds that do not comply with FECA’s dollar limitations, source prohibitions, and disclosure requirements.

2) State and local parties are prohibited from using soft money to finance federal election activities which are defined to consist of:
   a. Voter registration activities within 120 days before a regularly scheduled election for federal office;
   b. Voter identification, get-out-the-vote activity or generic campaign activity conducted in connection with an election in which a candidate for federal office appears on the ballot;
   c. Public communications that refer to a clearly identified candidate for federal office and promote or oppose that candidate; and
   d. Services provided by party staffers who spend more than 25% of their time working in connection with a federal election.

3) Political parties are prohibited soliciting funds for or donating funds to tax-exempt organizations, which participate financially in federal elections.

4) Federal candidates and office holders are prohibited from soliciting, receiving, spending, transferring, or directing soft money in connection with any election for federal, state, or local office.

5) State and local candidates and officeholders are prohibited from spending soft money on public communications that support or oppose federal candidates.

BCRA also created a new legal category of communication called “electioneering communication.” Such communication is subject to federal disclosure regulation and corporations and unions are banned from directly financing it if it is: 1) a broadcast, cable, or satellite communication; 2) refers to a clearly identified candidate or federal office; 3) is broadcast within 60 days before a general election or 30 days before a primary; and 4) is targeted on the candidate mentioned by being aired in the candidate’s constituency.

**The Millionaires’ Amendment**

Dean’s ability to raise money on the internet seemed to translate into electoral support in the fall of 2003 as the first caucuses and primaries of the presidential nomination season approached. A poll in Iowa taken during the Thanksgiving period showed Dean with 29% of the vote, Gephardt with 21% and John Kerry as third with 18%. Kerry was out of money. But that didn’t mean he was out of the race. He would loan the money to his campaign if he had to, and he did. He shopped for a mortgage on his home on Louisburg Square in Boston and loaned his campaign $850,000. Overall, he ended up using $3.5 million in personal cash to keep his campaign going to February.

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105 124 S.Ct. 619.
2004. Would Kerry have been able to stay in the campaign without the ability to make such sizeable loans using his own resources? What does this mean for potential candidates who don’t have the capability to make such loans or valuable houses to mortgage?

At the same time that Kerry was spending his own money trying to get the Democratic presidential nomination, former securities trader Blair Hull, worth about $500 million, was using his largesse to try to get the Democratic nomination for the Senate from Illinois, the seat of retiring first term Republican Senator Peter Fitzgerald. By late February 2004 he had spent over $20 million and was ahead in the polls. But he lost to a young state senator, Barak Obama. Obama benefited from negative information that emerged about Hull (like Affleck and Ventura, see Chapter 2, he hadn’t bothered to vote in recent elections and his ex-wife had sought a civil order of protection against him). However, he also benefited from one of the provisions of BCRA, the Millionaires’ Amendment, sponsored by Illinois Senator Dick Durbin. The amendment limits how much self-funded candidates can spend on their own campaign based on the voting age population of the jurisdiction. It also raises the limit on individual contributions for candidates who face self-funded challengers up to $12,000 depending on how much the self-funded candidate spends of his or her own money. As a result Obama was able to raise $3 million dollars from 480 individual donors who contributed more than the standard limit of $2,000. Without the millionaires amendment, these donors could have contributed only a total of $960,000 – the millionaires amendment allowed Obama to get more than $2 million extra dollars, which was more than a third of his total campaign spending.

Even with the Millionaires Amendment, Obama spent about 1/6 of the money that Hull did in the election – yet he won with 53% of the vote (Hull came in third). Being able to self-finance does not ensure victory, which is good for Obama since in November 2004 he will face another millionaire in the general election, Republican Jack Ryan, a wealthy investment banker who gave up his career to be a teacher. The November contest promises to be exciting. At his victory celebration, Obama was ready – “I’m fired up! I’m fired up!” he shouted. But Ryan is ready for him – he pointed out after his victory in the Republican primary: “... the Republican Party is back and we’re unified, ready for the general, and we will win in November.”

Shadows in the Law

A camera zooms out from a picture of billowing smoke stacks to reveal a factory with Chinese writing on it. “During the past three years, it’s true George W. Bush has created more jobs. Unfortunately, they were created in places like China,” a voice says.

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The video of the factory is showed in 17 states in March of 2004. But this is not an ad by John Kerry, the Democratic presidential candidate who is frantically trying to raise money after having largely depleted his reserves during the hectic primary season. Kerry, while also running some ads of his own, doesn’t have the resources to match the ads being run by Bush with the $159 million Bush had raised in the last nine months. In the first two weeks of March, Bush’s campaign spent nearly $20 million on campaign ads against Kerry while Kerry spent just under $2 million during the same period. So others were running ads for Kerry. This ad was paid for by a new group called the Media Fund started by Harold Ickes and using soft money (a large contributor is George Soros, who like Bernard Schwartz has historically been a big campaign contributor for Democrats). Republicans and Bush were angry over the ads. Hadn’t BCRA outlawed this kind of thing? “This is another example of bitter partisan groups blatantly using illegal soft money to create a shadow Democratic party in order to defeat President Bush,” said Scott Stanzel, a Bush campaign spokesman.\(^\text{10}\)

The Media Fund is not the only group using soft money in this fashion. At the same time their ad came out, a similar group, also receiving funds from Soros, MoveOn.org revealed ads criticized Bush’s decision to go to war against Iraq. More groups are raising monies for future ads as well – as of March 11, 2004 America Coming Together (whose mobilization efforts are discussed in Chapter 2, set up by Steve Rosenthal, former political director of the AFL-CIO and whose executive board includes Sierra Club Executive Director Carl Pope) had raised more than $12.5 million and America Votes (whose founding members include the Sierra Club, League of Conservation Voters, Defenders of Wildlife and Environment 2004) more than $3 million.\(^\text{11}\) While the vast majority of the groups taking this route are anti-Bush in their political stance, at least one pro-Bush soft money group, Grassfire.org has also run an ad defending the president’s policy to overthrow Saddam Hussein. The ad states: “It’s now clear that we didn’t know the whole truth before we went to war: mass executions, unspeakable torture, women brutally raped, children hanged while their parents watched by a dictator who brazenly threatened the world. That’s the truth. But the truth doesn’t matter . . .”\(^\text{12}\)

Are these ads legal? It turns out that BCRA does allow for some corporations organized under Sections 501(c)(4) and 527 of the Internal Revenue Code to run such ads using soft money. However, this exception does not apply to a “targeted communication” – a broadcast, cable, or television ad, which promotes or opposes a candidate and is aired to the candidate’s constituency. Yet there is also a loophole here as well for organizations created for political, not business purposes; that do not have shareholders or other persons affiliated so as to have a claim on the corporation’s assets or earnings; and that do not accept contributions from business corporations.\(^\text{13}\) So it


\(^\text{13}\) The Supreme Court rules in Massachusetts Citizens for Life, 479 U.S. at 264, that these types of corporations could not constitutionally be prohibited from using corporate treasury funds in federal elections.
would appear that these 527 organizations just might be exempt from the limitation on soft money in the BCRA.

Still, they may not be exempt from the FECA. Senators John McCain and Russell Feingold have pointed out that the FECA requires that any group whose *major purpose* is to influence federal elections, and receives contributions or spends at least $1,000 for that purpose, should register with the FEC as a political committee and be subject to the contribution limits. What is the major purpose of organizations like MoveOn.org under federal law? Are they “shadow parties” and thus should be regulated as McCain argues or simply organized for general political purposes, not explicitly and only for elections? As of this writing the FEC is planning on addressing this issue and other soft money questions in April of 2004. Moreover, early reports suggest that 527s are having some trouble meeting their funding goals and some argue that this reflects the fact that these groups are not connected to candidates: “‘My view is that most soft-money donors are not going to move money to outside groups to keep it flowing into federal campaigns because the incentives for giving this money are not there,’ said Fred Wertheimer, the president of Democracy 21, who spearheaded the lobbying effort to pass the Bipartisan Campaign Reform Act. ‘The two biggest reasons this money was contributed was either to seek influence with federal office holders, who were soliciting money and to gain access to them in the process. That’s now gone because federal officeholders can’t solicit money.’”

Regardless of how the FEC rules on the role of 527s such as ACT, MoveOn.org and Grassfire.org in campaigns and soft money in general, there can be no doubt that campaign monies – hard money such as that raised by Dickerson, online contributors, and contributed by PACs – will continue to play a major role in elections. In order to understand what that role is, we need to have a theory about why people give campaign contributions and how they influence electoral outcomes. We consider these questions in the next section.

**Giving to Elect or to Receive?**

There are two major questions that any theory of campaign contributions in politics must answer:

- What are the motives behind contributors? That is, why are campaign contributions made?
- How does campaign money influence voters’ choices and electoral outcomes?

There are two ways to think about the motivations behind campaign contributions – that they are “policy or electoral-induced” or that they are “service-induced”. Policy- or electoral-induced campaign contributions are given to elect a candidate such that the overall policy outcome will be closer to the contributors’ preferences. Service-induced campaign contributions are given to secure special favors or services for the contributor from officials once elected. Often these favors or services are simply the ability to directly communicate or otherwise lobby an elected official, or “access” the elected official.

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Our examples above present both types of motivations and show that they are intricately related. Harriman claimed he expected a favor or service if Roosevelt was elected and some suspect that Schwartz’ contacts with Chinese were set up because he was a big contributor to Clinton. But both Harriman and Schwartz gave to help elect candidates they preferred as well. Harriman, was a stalwart Republican, but did face a dilemma in that Roosevelt was more progressive than mainstream Republicans (later breaking away to form the Progressive “Bull Moose Party”) and Roosevelt’s 1904 opponent Alton B. Parker was a conservative Democrat. But even “the spokesmen of high finance supported Roosevelt in the persuasion that ‘the impulsive candidate of the party of conservatism’ was preferable to ‘the conservative candidate of the party which the business interests regard as permanently and dangerously impulsive.’”

Schwartz is a long time Democrat. “His grandfather was a Tammany Hall functionary who died while campaigning for Democrats. Schwartz’s political sensibilities were shaped by the party that sent his family a turkey and two bags of coal every holiday season and the policies of President Roosevelt [FDR, not TR].” Clearly, Schwartz partly supported Clinton for ideological reasons.

There are also multiple answers to the second question about campaign contributions above, how do campaign contributions influence voters and electoral outcomes. In more than two candidate races, like the Louisiana Senate race we discussed in Chapter 1 where Democrat Landrieu faced more than one Republican challenger, campaign contributions can act as a coordination mechanism for voters, signal which of the Republican challengers has received significant support and may be more likely to win. We will discuss the role of coordination in multicandidate elections in Chapter 9.

But campaign contributions clearly are used in two-candidate contests and seem to have some effect on voting behavior when coordination is not the issue. Voters may be influenced by campaign spending because it provides them with information. Or the advertising generated by the monies may have an effect on how voters’ preferences over candidates are determined by altering their views of the candidates along some non-policy dimension. Campaign spending may simply be used to increase the ability of voters to vote on election day, leading to an increase in turnout or participation (by providing rides to the polls for voters, etc.).

Interest groups and campaign contributions are complex things – which is one reason why we have waited till chapter 4 to bring them into our analysis. Getting a handle on all the intricacies of how they work is difficult. The easiest way to go about it, is to start small and think carefully about one piece of how they are involved in elections and gradually add in other pieces. We’ll take that strategy. We are going to leave aside how voters are influenced by campaign contributions and focus on one type of motivation for giving campaign contributions – policy-induced contributions.

In this chapter, we will first “black-box” how campaign contributions influence voters by simply assuming that campaign contributions do increase a candidate’s vote

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115 Interestingly, Harriman’s son W. Averell Harriman later became the Democratic governor of New York as well as Ambassador to the Soviet Union and England. He and his wife, Pamela Digby Churchill Harriman (also one time Ambassador to France), were credited with re-invigorating the Democratic party during a period of decline.

116 Tammany Hall is the name of the Democratic political machine which dominated New York City politics for many years. These examples illustrate the role of political parties in campaign contributions, a subject we will discuss shortly.
totals in elections. Then we will consider the other type of campaign contribution – service-induced contributions. Then we will open the black box and examine how voters might be influenced by campaign contributions.

Giving to Elect

What are ‘black-boxed” voters?

A simple way to think about the influence of campaign contributions on elections is that the probability that a candidate is elected is just the share of campaign contributions he or she receives. For example, suppose there are two candidates, Barbara Boxer and Bruce Herschensohn, as in the 1992 California Senate election discussed in Chapter 3. Boxer has campaign contributions equal to $X_B$ and Herschensohn has campaign contributions equal to $X_H$. We want to assume that the candidate with the most money is most likely to win. So we want to come up with a way to make the probability of winning depend on who has the most money.

An easy way to this is to just assume that the probability that Boxer will win, which we will call $P_B$, is equal to $X_B / (X_B + X_H)$ and the probability that Herschensohn will win, which we will call $P_H$ as equal to $X_H / (X_B + X_H)$. We assume that if both $X_B$ and $X_H = 0$, then $P_B = P_H = 0.5$ (or 50%). So if the candidates have equal amounts of money, the election is a toss-up. Notice that using this simple formula, then if Boxer has the more money than Herschensohn, Boxer has a higher probability of winning. If Boxer has all the money, Boxer’s probability of winning is 100% or 1, if Herschensohn has all the money, then Boxer’s probability of winning is 0% or 0. Notice that $P_B = 1 - P_H$; for example, if Boxer is likely to win with a 75% probability then Herschensohn will win with a 25% probability. The implicit assumption is that voters respond to campaign contributions and that the larger the share of contributions a candidate has, the greater the probability that that candidate will win. Remember that we are ignoring parties and voters just for a little while and will add them in later.

We will assume that candidates want to maximize their probabilities of winning, which is then the same as maximizing their share of campaign contributions. We will also assume that candidates choose policy positions in a single dimension issue space as in chapter 3. But now the candidates are choosing positions in order to generate campaign contributions, which then generate votes (the process through which we have “black-boxed”).

How Policy Motivated Campaign Contributions Work

Policy or electorally motivated contributors care about policy by definition. In May, 2003, Florida lawyer Thomas A. Culmo, a partner at Culmo & Culmo in Miami and president of the Dade County Trial Lawyers Association, was angry about some of the public policies President George W. Bush was advocating, in particular his proposal to cap pain and suffering damages in medical malpractice cases. As a result he and other lawyers were looking ahead to the 2004 election, looking to provide campaign money for the Democratic candidates who hoped to win their party’s nomination and defeat Bush. He predicted that other lawyers would also become involved in providing Democrats
monies as well as raising funds from others: “I think we’re seeing lawyers increasing their intensity both financially and timewise.”

We can think of the contributors like Culmo as having utility functions over policy much as we discussed about voters in Chapter 3. They have an ideal point over policy and as policy moves away from that ideal point, their utility or satisfaction from policy declines, just like voters. Contributors, however, do not give their votes to the candidates but money. And they have different amounts of money to give – different budgets. Suppose, for example, that the Sierra Club is considering contributing to the election, with ideal point as shown in Figure 4-1 and utility as given in Table 4-1. Assume that the Sierra Club has $2,000 it can give to the candidates. In Figure 4-1 Boxer is located at 50 and Herschensohn is located at 60 (Herschensohn advocated offshore oil drilling and Boxer was opposed). How will the Sierra Club distribute their monies? The Sierra Club is going to give contributions in order to maximize their expected utility (see the discussion of expected utility in Chapter 2). That is, the Sierra Club wants to maximize the following:

Sierra Club’s Expected Utility = \( P_B \times 185 + P_{H} \times 170 \)

One thing is obvious – the Sierra Club will only give to one candidate. In order to see why this is true, suppose that the Sierra Club gives equally to candidates Boxer and Herschensohn. Assume that there are no other contributions. The probability that each candidate will win is equal to 0.5 since \( X_B = X_H \), or the election is a toss-up. The Sierra Club’s expected utility equals \( 0.5 \times 185 + 0.5 \times 170 = 177.5 \).

Is the Sierra Club behaving rationally? Suppose the Sierra Club gave all its $2 million to Boxer? Then Boxer has $2,000 and Herschensohn has $0 (assuming there are no other contributions). The probability that Boxer will win is now equal to 1, while the probability that Herschensohn will win is 0. The Sierra Club’s expected utility will increase to \( (1) \times 185 + (0) \times 170 = 185 \), which is greater than 177.5.

Our example is of course extreme because it assumes that the Sierra Club’s campaign contributions are pivotal, that whoever gets their money will win. But the majority of campaign contributions come from individuals in small amounts. Ansolabehere, de Figueiredo, and Snyder, 2003, estimate that the average individual contribution is only $115. Big individual givers are limited to the campaign contributions limit of $2,000 per campaign per candidate, $1,000 per year per candidate. For even small electoral campaigns that total hundreds of thousands of dollars, it is hard to imagine that an individual giving a campaign contribution expects his or her contribution to be pivotal. Ansolabehere, de Figueiredo, and Snyder contend that this is suggestive that campaign contributions are primarily consumption driven, much as individual voters are sometimes argued to vote for expressive or consumption purposes.

However, as we discussed in the introduction there is evidence that individual campaign contributions are given in a coordinated fashion by entrepreneurs like Dickerson who use their family and friends much as we discussed groups using selective incentives in order to motivate voters. For example, contributors get to participate and be listed as “hosts” of events with the candidate and/or his surrogates as Dickerson organized. Candidate organizations and fundraisers use these selective incentives joined

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with purposive incentives to convince individuals to contribute as a group – a group that can be pivotal.

Our analysis suggests that contributions given to elect favored candidates are given to only one candidate in the race. Is this true? In the 1992 presidential election, only approximately 10.5% of the campaign contributors to Bush and Clinton gave to both candidates, suggesting that it is rare for contributors to give to more than one candidate in an election. However, it is accurate that interest groups sometimes give to Republicans in one race, say for governor, and Democrats in another, say for president. And joint contributions like this may have increased with the role of soft money. The Supreme Court noted in the McConnell that “in 1996 and 2000 more than half of the top 50 soft-money donors gave substantial sums to both major national parties.” But were these contributors giving to elect as in the Sierra Club example above? The Supreme Court majority did not seem to think so. They quoted former Arkansas Senator Dale Bumpers who said: “giving money to both parties, the Republicans and Democrats, makes no sense at all unless the donor feels he or she is buying access.” How does buying access work?

**Giving to Receive**

**What is Received?**

In the analysis above, we examine contributors who give campaign monies in order to elect the candidate that is closest to their own preferences. But often the contributors are not interested in overall policy positions of the candidates but in special favors or influence that a contribution might give them in the future as Harriman is reported to have expected and some argue was Schwartz’ expectation as well. Contributors don’t typically relate the quid pro quos they arrange for contributions (it is no accident that we have to go back to the early 20th century to find Harriman’s frank revelation of his quid pro quo contribution to Rosenthal). However, the general access that contributors get to elected officials is fairly obvious. For example, Florida plaintiff attorney Ira Leesfield was an early contributor to Bill Clinton in 1992. “Later, because of his relationship with Clinton, Leesfield... got to stand close to Clinton, Yitzhak Rabin and Yasser Arafat when the Israeli and Palestinian leaders signed the historic peace accords in 1993. When President Clinton hosted a white-tie state dinner at the White House for King Juan Carlos of Spain, Leesfield was there - sitting between Barbara Walters and Meg Ryan. Leesfield fondly recalls sleeping in the Lincoln bedroom, serving on two presidential commissions and brunching with Clinton and Barbara Streisand at the actress’ Malibu home during the 2000 Democratic National Convention. He even gave the president a Yom Kippur passage on repentance - called ‘On Turning’ - that Clinton read at the National Prayer Day breakfast in 1998 as part of his mea culpa for the Monica Lewinsky affair. Bumpers and the Supreme Court majority in McConnell believe that the giving of soft money to both political parties suggests that contributions

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118 See for example the literature reviewed in Morton and Cameron (1991).
119 124 S. Ct. at 674.
120 Haggman, Matthew, “Oval office dreams, Driven by ideology, friendship and visions of clout, South Florida lawyers are hitting the phones to raise money for presidential candidates,” Broward Daily Business Review, May 19, 2003.
are given in return for something — quid pro quo favors or at a minimum access in a way
that the average individual cannot receive, not just to elect a preferred candidate. How do
these motives affect how contributors and politicians behave?

When interest groups give contributions with the expectation that there will be a
service rendered in the future, a quid pro quo, then the contributor is giving campaign
monies in order to receive a private good from the candidate once elected. One way to
think of the political service or favor is that it is one of many such “private” goods that
the contributor can purchase with his or her campaign contribution.\footnote{We mean “private” in
the sense that the goods are divisible and depletible, not that they are produced in
the private sector. The formal work analyzing service-induced campaign contributions is reviewed in
Morton and Cameron (1991).} These goods are
small enough in magnitude that they do not generate much opposition from other
supporters or voters (like a small subsidy for a manufacturer of a new fuel-substitute or a
small grant to a university for a research program on student math skills). The
contribution is the “price” of the service.

We can think of the service as the return that the contributor receives on his or her
“investment” in the candidate. An interest group can make a lot of investments that
would yield a return in the private market and presumably could evaluate investments in
candidates much the same way. For example, Harriman invested in Roosevelt’s
campaign with the expectation that his ally Depew would receive an Ambassadorship and
that his business interests would be advantaged by Roosevelt’s administration leading to
greater profits for himself. He could have taken the monies he gave to Roosevelt and
used them to expand his railroad holdings or to build a new factory. These investments
would have yielded a given return and greater profits. When he gave the money to
Roosevelt, he expected that the return from the investment in Roosevelt would at least
equal if not exceed the return that he could receive from his other alternatives.

For What Price?

How much would Harriman be willing to give to Roosevelt? We can call the
present monetary value of the favors that Harriman expects to receive s. That is, s is how
much the favors are worth if Harriman had to pay for their equivalent in the private
market. Let Pr equal the probability that Roosevelt will be elected. Then the expected
monetary value of the favors would be that probability times the monetary value of the
favors, Pr*s, which is the expected benefit that Harriman would get from contributing.
That is, if Harriman knows for sure that Roosevelt will win, then he can be sure of getting
s. If Harriman knows for sure that Roosevelt will lose, then he can be sure of getting 0.
Note that s, what Roosevelt is offering, stays the same. But Harriman’s expectation of
what he will get depends on the probability that Roosevelt wins.

Harriman will be willing to contribute campaign contributions, which we call c,
such that c \leq Pr*s. That is, Harriman will contribute as long as the cost of contributing is
less than or equal to the benefit he expects to receive in the future. If Roosevelt is not
elected, Harriman’s contribution to Roosevelt gets him zero favors, Harriman receives no
utility or satisfaction from the election of Parker, Roosevelt’s opponent (we assume for
the moment that Harriman only gives to Roosevelt – an issue we will address below).

How much, then, can Roosevelt demand from Harriman for his services? At most
Roosevelt can demand Pr*s – this is the highest “price” that Harriman is willing to pay,
since any price above that would mean that Harriman would be receiving less in the future than he was paying for today.

We can think of each elected official as having a fixed stock of favors that he or she can offer to contributors. For example, there are only so many ambassadorships that Roosevelt could offer to his supporters once elected, or a fixed amount of tax breaks, etc. We can call the monetary value of the stock of favors that a candidate will have once elected, \( S \), where \( S = \text{Sum of the } s \text{'s for each contributor} \). That is, if there are two contributors, then \( S = s_1 + s_2 \); if there are three contributors, \( S = s_1 + s_2 + s_3 \); if there are four contributors, \( S = s_1 + s_2 + s_3 + s_4 \), etc. How much then will the elected official receive in total campaign contributions if all campaign contributions are motivated by the private favors that can be given out once elected? How much should Roosevelt receive? Suppose there are two contributors. Then Roosevelt should receive \( X_R = P_R * s_1 + P_R * s_2 = P_R * (s_1 + s_2) = P_R * S \), in general, for any number of contributors, Roosevelt should receive \( X_R = P_R * S \). This result suggests an empirical relationship between campaign contributions and the probability of winning – the higher the probability of a candidate winning, the greater the campaign contributions that candidate should receive since the stock of services is fixed.

**Enforcing the Contract**

“Tell me what I’ve got to do, but I’ve got to have money from him. . . . I’m on my knees begging,” Clark County, Nevada, Commissioner Erin Kenny told an associate of a high-profile strip-club owner, Michael Geraldi, in Las Vegas just before the November, 2002 election. In return, she would help the owner crush his rivals in the industry and defeat new rules on illicit sexual activities at the clubs. “If Kenny came through for him on an upcoming vote, he would ‘take her to a local automobile dealership and buy her a Denali’ pickup” Geraldi is reported to have said. But someone was listening in as Kenny made her bargain and observing her actions in office – the FBI. And now Kenny is cooperating with them, at this writing, facing approximately 20 years in prison.\(^{122}\) Our analysis of service-induced campaign contributions assumes that a legal contract can exist between the elected official and the contributor. Actually, such a contract does not generally exist and if it did and was discovered, the elected officials and the contributors would, like Kenny and Geraldi, face prison charges. It is a fact of American elections that some elected officials do explicitly trade votes or other promised precise benefits for campaign contributions or personal goods like cars and that many of these and their contributors, like Kenny and Geraldi, are caught and prosecuted. Hence, elected officials are going to avoid making explicit promises, instead promising to provide access and favors in a more generic, vague sense. Moreover, elected officials are really under no obligation to fulfill their side of the bargain even if they make explicit promises and can easily just take the money and run.

Interestingly, such a violation of the unwritten contract appeared to have occurred between Harriman and Roosevelt. Roosevelt did not give Depew the ambassadorship that he promised. He also did not bestow the favors that the industrialists expected and after his elected continued his battles against the “malefactors of great wealth” causing

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Henry Clay Frick to state: “We bought the son of a bitch and then he didn’t stay bought” [see Lukas 1997, page 392].

Roosevelt chose not to run again in 1908 and although he did run in 1912 as a Progressive, he did not seek contributions from the railroad men again (at least not from Harriman). Since many incumbents do plan to run again and are engaged in a repeated game with their contributors, then reneging on promised services is not likely to maximize their probability of winning in the future. Oftentimes elected officials go into debt to finance campaigns that they repay later with post election contributions – which is one reason why Kerry “loaned” personal money to his campaign, monies he hopes to one day pay himself back. Contributions to pay back loans can be more directly closely tied to services since the elected official is then in office. The loser, of course, can have a more difficult time of repaying although this is one way that party connections can help.

Alternatively, incumbents may provide services while in office in return for contributions for campaigns in the future. Nevertheless, the legal limitation on bribery is a real constraint on the ability of contributors to force candidates to provide services as they are a constraint on incumbents from demanding contributions for services already provided. The legal constraint, interestingly, advantages incumbents in raising campaign contributions since they can more easily tie the contribution to the service provided at the time of the exchange. Challengers must give only contingent contracts.

**Double Dipping Redux**

“...contributing to the wrong party can ‘buy you enemies. People often don’t remember who gave them contributions. But they remember who gave to their opponents” noted Congressman Thomas M. Davis III of Virginia, chairman of the National Republican Congressional Committee.123 When incumbent Democratic governor of California Gray Davis was worried about potentially facing former Los Angeles mayor Richard Riordan in his reelection attempt in 2002, he “played rough with his own wealthy donors, many of whom were also social friends of Riordan . . . .” His top political advisor, Garry South, recalled: “We were very clear with people that it was an unfriendly act to the governor of California to give money to Dick Riordan.”124

The fact that elected offices can renge on promised services also implies that they can to some extent enforce a requirement that contributors only give to one candidate in a race if they are aware of contributors who give to more than one candidate in the same race. Contributors may want to give to both candidates in a race when campaign contributions are service-induced. After all, from the contributors’ perspective they don’t care hugely who is elected when contributions are service-induced – if they are mainly looking for a favor or access or maintaining contacts that they have developed over the years. For example, Florida lawyer Joseph P. Klock Jr. helped Bush in 2000 when he represented Florida Secretary of State Katherine Harris before the Florida Supreme Court and the U.S. Supreme Court in the dispute over Florida’s vote count and planned to be an active fundraiser for Bush in 2004, but he gave the maximum individual campaign contribution to both Senators Bob Graham and Richard Gephardt in their quest

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for the Democratic presidential nomination. But a candidate certainly does not want to reward a contributor who gives to both candidates in the same race. That is, if the contributions increase the probability of winning then a contributor who gives to two candidates in the same race is not helping either candidate to win since the money balances out. Why would a candidate want to reward contributors who do not help them win and help their opponents as much as they help them? Klock was clear that he would only back Bush in the general election. 125

Of course to the extent that it is difficult for candidates or parties to monitor campaign contributions made through soft money donations, then it probably is no surprise that it is in this case that we see more double-dipping. Nevertheless, even when contributors are giving to receive, to the extent that candidates and parties can observe contributions, double-dipping is discouraged.

The Empirical Evidence on Quid Pro Quo Contributions

Many political science researchers have tried to find a connection between explicit policymaking and campaign contributions. Usually these studies examine voting in Congress on particular pieces of legislation. As Ansolabehere, de Figueiredo, and Snyder, 2003, review the evidence is weak. Yet is this the right question to ask? Is it really roll call votes that contributions are buying? In some cases yes, but in most cases the access granted by giving is exhibited in the more preliminary stages of policy making – where elected officials choose which policies to push and which to de-emphasize, how much time to spend on topics, etc. Outright obvious votes for money do not typically need to take place if influence affects what is voted on in the first place. Furthermore, much of what affects contributors is the way in which policy making is implemented rather than the voting choice. In an interesting study Sanford Gordon and Catherine Hafer, 2004, examine the relationship between inspections at nuclear power plants and the nuclear power companies campaign contributions. They find that the greater the size of the campaign contributions of a nuclear power company to all federal candidates, the less likely a nuclear power plant will be inspected controlling for other factors that affect inspection rates.

Coordination and the Decisiveness of Money

On July 15, 1998, Geraldine Ferraro’s campaign for the Democratic nomination for United States Senator from New York reported that she had raised barely $2 million, much less than the other major candidate in the race, Charles Schumer, who had raised $11 million. Interestingly, Ferraro’s lack of fundraising occurred despite the fact that there were few substantive differences between the candidates in the primary to explain the imbalance in support. A New York Times editorial the following Saturday suggested that the lack of fund-raising reflected contributors’ perceptions that Ferraro was likely to lose. Ferraro later lost the primary to Schumer, justifying contributor’s expectations.

Ferraro’s failure is an example of the reality of the impact of service- or favor-induced campaign contributions on elections, which we have so far ignored. That is, because contributors are more likely to give to candidates who have a higher probability

of winning, the contributors would like to give to the candidates who are most likely to win since this increases the expected benefits of the contributions (i.e. the probability of winning is high) and the contributors end up giving to the same candidate who is perceived beforehand to have an advantage.

To see how this can happen, consider the following simple example. Suppose that our two candidates from the California 2000 Senate race discussed in Chapter 3, Campbell and Feinstein, can offer the same level of service to contributors. Assume that there are two contributors who are giving to get access, AOL Time Warner PAC and California Association of Winegrape Growers PAC, who would like to receive favors or services from whoever is elected. Assume further that the candidates always fulfill their service commitments (there is no reneging) and candidates only reward service-induced campaign contributions given to them exclusively. The candidates choose policy positions that maximize the expected utility of the median voter in their respective parties as above. There are no electorally-induced campaign contributions, therefore, all contributors care nothing about policy, only about the private services they can receive. Assume that Feinstein is the incumbent and if campaign spending by the two candidates is equal, Feinstein, as the incumbent, has a slightly higher probability of winning, i.e. Feinstein will win with probability of 52% (with equal contributions Campbell is expected to win with probability 48%).

Suppose that both groups each have $2,000 to spend and that, if elected, the candidate can provide services worth a total of $5,000 after the election which they will give to their contributors. Table 4-3 presents the payoffs to the two groups from the contributions. The four cells in the bottom right of the table gives the payoffs for each of the four possible combinations of contributions. The first number in each cell is how much AOL Time Warner will expect receive given the choices of the two interest groups associated with that cell and the second number in each cell is how much the Winegrape Growers will expect to receive given the choices of the two interest groups associated with that cell. If both groups give to Campbell, his probability of winning will be 100% and the contributors will split the $5,000 in services (they will be in the bottom far right cell in the table). But this is not an equilibrium. Because Feinstein has an incumbency advantage, both AOL Time Warner and the Winegrape Growers have an incentive to give to Feinstein if they think the other is giving to Campbell. That is, suppose that AOL gives to Feinstein and the Winegrape Growers give to Campbell (this is the cell in the row above the bottom far right one). While the contributions are equal, because Feinstein is the incumbent and has an advantage, she is more likely to win and the Winegrape Growers will expect to receive $(0.48)*($5,000) = $2,400 but AOL will receive $(0.52)*($5,000) = $2,600 million in services alone. Similarly, the Winegrape Growers, if they believe that AOL is giving to Campbell, will want to give to Feinstein to get the greater amount of services.

But neither of these scenarios is an equilibrium for the two groups. For example, if AOL is known to be giving to Feinstein, the Winegrape Growers will want to also give to Feinstein ($2,500 is greater than $2,400), similarly if the Winegrape Growers are known to be giving to Feinstein, AOL will want to also give to Feinstein. The only equilibrium in this game, where all contributions are service-induced and one candidate has an advantage, is for both groups to give to the candidate who is perceived to have an advantage.

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electoral advantage in a close race, even though the advantage is small. In fact this is what happened in the election, both AOL Time Warner and the Winegrape Growers Association gave to Feinstein but did not give to Campbell. The results in this game would be even more unbalanced if Feinstein, as the incumbent, is also perceived to have more services to offer than Campbell.

In the Ferraro and Schumer race commentators argued that contributors believed that Ferraro had less of a connection to voters than Schumer. Contributors formed an expectation that Ferraro was more likely to lose, and given that expectation, they chose to contribute to Schumer, reinforcing the expectation. The contributors had a prior expectation that Ferraro would lose (based on preliminary polls, etc.) and they found it best to focus on Schumer.

Feinstein, in the 2000 Senate race gathered $10.3 million to Campbell’s $4.8 million. Before the race for the general election began, she was widely believed to be the expected winner in the general, gathering 51% of all votes cast in the open primary to Campbell’s 23% of the entire primary vote (combining the vote in both parties). Of course, we have already noted that incumbents do have an advantage in tying services to contributions and may be able to generate contributions more easily to begin with. The edge then can attract more contributions, leading to a significant monetary advantage for incumbents. This prediction is born out empirically. Abramson, Aldrich, and Rhode (2002) report that incumbents in Congress receive significantly more campaign contributions than challengers. In 2000 the ratio of incumbent to challenger campaign spending was $2.87 for incumbents for every $1 spent by a challenger. There is also evidence that as challenger spending increases (approaches incumbent spending levels), incumbent shares of the vote decline as demonstrated in Table 4-3 below (from Abramson, Aldrich, and Rhode (2002).

While a simple interpretation of these figures would contend that as campaign spending by challengers increases vote shares for incumbents decline reflecting an influence on voters, our analysis above suggests that contributors, anticipating that incumbents are in closer races, are more likely to give to challengers under those circumstances. So the causal relationship between challenger campaign spending may be the reverse from the simple analysis. The important conclusion is that campaign spending and vote shares are interrelated as contributors are more likely to give to candidates who are more likely to win, particularly when contributions are service or favor induced.

**Policy versus Service Redux**

Our analysis of service-induced campaign contributions suggests some different implications from electoral induced campaign contributions. That is, when contributions are service-induced, contributors focus on who is likely to win rather than on the policy positions. Contributions are positive regardless of who will win. No doubt campaign contributions in general, like with Harriman, Schwartz, Feinstein, Campbell, Ferraro, and Schumer above, are mixtures of these two. The more similar candidates are in policy, the more likely contributors are motivated by services or favors. Thus, we would expect that service-induced contributions are more prevalent and decisive in primary elections like Schumer and Ferraro’s, whereas both types are factors in general elections like the contest between Feinstein and Campbell. Service-induced campaign contributions also
are more likely to be given to incumbents both because they have an advantage in tying service to contributions and because incumbency can serve as a focal point for coordination of contributions across contributors. It should be no surprise that incumbent President George W. Bush had by the end of March 2004 raised almost as much money in campaign contributions as both major presidential candidates spent in 1992. In general elections, contributors have both motives and may influence the policy choices of the candidates, who may find themselves seeking contributions by choosing positions closer to the interest groups with the most money.

Nevertheless, even in general elections contributors may be giving in return for service or access more often than giving for electoral motives. That is, when an interest group gives for electoral motives, the group is contributing to the production of a “public good,” in that all those who prefer the candidate receiving the contributions to the other candidates benefit even if they are not contributing. Interest group contributors, who contribute for electoral motives, have an incentive to free ride on contributors with the same motives, a collective action problem across contributors with similar preferences in a given election. To solve that collective action problem, candidates, who desire electorally motivated contributions, may well use access or services as private selective benefits, but with policy ties, to get interest groups to contribute. Some scholars contend that candidates do in fact engage in “shake down” tactics, pressuring contributions with threats of withholding access or services from interest groups that fail to comply (see for example Sorauf (1992) and McChesney (1997)).

**Inside the Black Box**

So far we have simply assumed that more campaign spending means more votes. However, this is not always true – while candidates who are “big spenders” often win (such as millionaire Mark Warner’s victory in the 2001 Virginia governor’s race, Mike Bloomberg victory in the 2001 New York mayoral race), money does not ensure victory as Stephen Forbes, one unsuccessful wealthy candidate for the presidency learned or Hull in the 2004 Illinois Senate Democratic Primary. Consider the 2002 Republican Illinois primary contest for nomination for the U.S. Senate where two millionaires, Chicago lawyer and businessman John Cox and Aurora dairy magnate Jim Oberweis each spent at least one million dollars of their own cash and were defeated by Illinois State Representative Jim Durkin, a Westchester Republican who spent only $300,000. So spending more does not mean winning. Nevertheless, candidates seek money and use money to attempt to influence voters. The average incumbent member of Congress spent over $500,000 in the 2002 election. How might this money be used to influence voters?

There are five ways that campaign contributions can influence voters:

- **Mobilization** – Campaign contributions are used to provide incentives to increase the probability that a candidate’s supporters turnout on election day.
- **Coordination** – Levels of campaign spending can serve as a coordination mechanism for voters in multi (more than 2) candidate contests.
- **Impressionability** – Campaign messages and events may affect some voters’ psychological attachment toward candidates (an attachment independent of policy preferences).
• **Signals of Candidate “Ability”** – Levels of campaign spending might serve as a signal to voters from contributors, who know the candidates’ abilities more directly.

• **Reducing Uncertainty and Agenda Setting** – Campaign messages and events can provide voters with information about candidate policy positions, which makes them less uncertain and can increase the probability that a risk averse voter will vote for the candidate. Candidates can choose to provide this information on a particular set of issues, establishing these issues as more important for the voter in his or her decision-making.

• **Negative Advertising** – Candidates can use campaign messages and events to convey information about their opponent (either in terms of policy or other non policy characteristics), which they believe will reduce the probability that a voter will support their opponent.

In Chapter 2 we examined how campaign contributions may work to mobilize voters. Below we investigate the other four ways campaign spending can affect voters.

**Coordination**

Republican California state senator Tom McClintock had solid conservative credentials and a lot of support for his run for the governorship in California’s recall election. On the other hand, popular and well-known actor Arnold Schwarzenegger also was running as a Republican. The election was a winner-take-all race with all possible candidates from all possible parties involved, 135 of them (we will discuss some of the reasons behind the recall election in the next chapter). Without a primary before the election, Republican voters would not get to decide on the one candidate the party would support. In contrast the Democrats had managed to restrict the number of entrants from their party such that there was only one perceived viable Democrat in the race, Lieutenant Governor Cruz Bustamante. Party leaders first declined to endorse anyone at their state convention; California state GOP chairman Duf Sundheim said that the party leaders were like parents and could not choose between children. But the grass roots members of the party were not happy. 42 of 56 Republican county leaders voted to endorse Schwarzenegger. Republican Alameda County Chairman Jim Hartman summarized their reasoning: “This is a two-person race and Arnold Schwarzenegger is the candidate we should unify behind on Oct. 7 or risk a Bustamante governorship . . .” As a consequence the State Republican party board decided to endorse Schwarzenegger after all. Sundheim urged “Republicans to consider their decision carefully because ‘we don't want them to waste their vote.’”

Republicans were not the only ones choosing Schwarzenegger over McClintock. For the first time in the 77-year history of the California Taxpayers Association, an interest group representing corporate taxpayers also chose to endorse Schwarzenegger in order to defeat Bustamante. “Asked why the group had chosen Schwarzenegger over

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127 For a discussion of how campaign contributions might be used for voters to coordinate in multicandidate elections see Myserson and Weber (1993). Myerson, Rietz, and Weber (1998) demonstrate in laboratory experiments how such coordination can occur.

McClintock, who has pledged that he would not raise taxes under any circumstances, McCarthy said: ‘I think it was simply a matter of their perception that Arnold Schwarzenegger was the most viable candidate with the greatest potential of winning.’” 129 Schwarzenegger did win with 48.6% of the vote to Bustamante’s 31.5% and McClintock’s 13.5%.

Most of our discussion has been of two candidate races, but oftentimes more than 2 candidates run in an election, particularly in primaries (although rarely 135 as in California). When Campbell ran for the Republican nomination for the Senate in 1992, he not only faced Herschensohn but also Sonny Bono and many believed that one reason he lost was because Bono took away some of his support. If this is true, then Republican voters who preferred either Campbell or Bono to Herschensohn, would have been better off if they had been able to coordinate on either Bono or Campbell, rather than splitting their vote. In Chapter 9 we discuss the motives for coordination in more than two candidate races more expansively. Voters have a greater desire to coordinate on a common candidate when they see doing so as preventing a worse outcome than if they split their vote. Campaign contributions and endorsements by interest groups such as the California Taxpayers Association can serve as a coordination mechanism for voters in primary election contests where party labels are not able to serve that purpose.

As noted above, contributors who are giving in return for services or favors particularly wish to coordinate on a common candidate as well. Since such contributors often coordinate on incumbents who are better able to provide such services, if voters are using these contributions to also coordinate, the advantage to incumbents is even greater. To the extent that both voters and contributors use campaign contributions to coordinate, then candidates who are able to raise money early are also advantaged, one reason the political action committee which attempts to help female candidate’s EMILY’s LIST, first name stands for “Early Money Is Like Yeast”.

Many have contended that the desire for coordination early on a common candidate for the Republican nomination for president in 2000 of both primary voters and contributors is the major reason for George W. Bush’s success in getting the nomination despite a number of strong challengers. Twelve Republicans declared as candidates for the nomination, including several who had held major federal offices in previous administrations (Lamar Alexander, Pat Buchanan, Elizabeth Dole), a former vice President (Dan Quayle), three former and current senators (Orrin Hatch, Robert Smith, John McCain), a member of the House of Representatives (John Kasich), plus a number of “non Washington politicians” but noted public figures were in the race (Gary Bauer, Steven Forbes, Alan Keyes). Bush was able to rise above the pack partly because of campaign contributions. For example, he announced in July 1999, over a year before the election that he had already raised $36.3 million. Before the primaries began the only competitors remaining were Bauer, Forbes, Hatch, Keyes, and McCain. Only McCain showed any strength against Bush, but was unable to build enough support to keep Bush from the nomination. The story of Bush’s success in securing the nomination reads like a blueprint of how voters and contributors use early poll results, endorsements, and campaign contributions as ways to coordinate on a common candidate in primaries when

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ideological differences are less significant (see Abramson, Aldrich, and Rohde (2002, pages 23-24).

While Bush’s experience in the 2000 Republican contest for the presidential nomination suggests voters’ use of campaign contributions to coordinate, a very different story unfolded in the 2004 Democratic contest for the presidential nomination. Despite having a lead in campaign finance going into the Iowa caucuses and the New Hampshire primary and a number of high profile endorsements from former nominee Al Gore and Iowa Senator Tom Harkin, Howard Dean came in third behind John Kerry (who had to borrow money to stay in the race) and John Edwards. In New Hampshire, Dean again found himself behind Kerry, this time in second place, but given his nearby Vermont roots, such a showing was seen as less than expected. Other factors besides coordinating on the biggest spender played out in Kerry’s wins in Iowa and New Hampshire. We will discuss these factors more in Chapter 7.

Impressionability  

Before the 2004 Georgia Democratic presidential primary, two voters’ preferences over which candidate to support varied, but their reasons were very similar. “‘Edwards has a boyish charm that's very appealing,’” said Sandra Johnson, who was babysitting her niece in a mall. ‘I think he can relate to ordinary people, so I’m with him.’ But Bryan Paden, 37, a police officer, had a very different feel. ‘It’s about my sense of the candidate as a person,’ Mr. Paden said. ‘At first I thought John Edwards had the ‘look’ of a president. But lately I’ve just gotten a good feel about John Kerry. He seems approachable, a good listener, someone I can trust.”  

Most psychological views of campaign advertising and the effects of other campaign events argue that they influence voters’ “affect” or psychological evaluation of the candidate, the feelings that both Ms. Johnson and Mr. Paden had about Kerry and Edwards. There is a major problem with this assumption, however. Campaign spending in itself sends a message – implies that the contributor is receiving something – in policy or electoral-induced contributions, contributions mean that candidates are choosing positions on policy close to the contributor – in service or favor-induced contributions, contributions mean that candidates are giving away favors to contributors, favors that no doubt mean less favors or services to non-contributors (i.e. most voters). Seeing that a candidate is receiving a great amount of contributions should imply that a voter is less in favor of that candidate not more (unless the voter is sure that his preferences are the same as the contributors).

One way to resolve this problem is to assume that voters do recognize the negative implications of campaign spending but also receive some tiny positive utility from voting for a candidate who advertises more. That is, suppose voters do receive an unspecified psychological value from voting for a candidate who is more familiar and has sent out positive messages about him or herself in television or other campaign advertising regardless of the candidates’ policy positions. The voter receives some warm and fuzzy feeling by voting for a candidate who has a friendly face and demeanor, support from his or her family, etc., conveyed through campaign advertising or in seeing the candidate at campaign events. We call these voters “rational impressionable” voters.

Note that the additional utility rational impressionable voters receive from campaign advertising by a candidate, the warm and fuzzy feeling, may be extremely small and still have a sizeable effect on electoral outcomes. That is, if a fully informed voter is indifferent between two candidates on policy issues (knowing the contributions’ probable impact on policy), but impressionable, he or she will end up choosing to vote for the candidate who has advertised more. Thus even if voters are only impressionable at the margin – the effect of campaign advertising on voters in this manner is only a tiny bit in voter’s overall utility calculations – if the median voter is indifferent between candidates, that voter will end up choosing to vote for the candidate who has spent more on campaign advertising. Campaign advertising, when voters are rational impressionable and candidates choose policy positions, which make the median voter indifferent, can have a sizeable impact on electoral outcomes. The implication is that observing a large real world effect of campaign advertising on voter behavior does not mean that impressionability of voters dominates their policy concerns since they may simply see candidates as equivalent in policy positions and get some very tiny utility from voting for the candidate who has spent more.

A second implication of the assumption that voters are rational but impressionable is that the effect of campaign spending on voter choices that occurs because of such impressionability is likely to be more significant in elections where candidates are more ideologically similar and policy differences are less significant for many voters (similar to the coordination affect of money). This is likely to be true in primary elections and in general elections where a large number of voters are indifferent between candidates (in the middle). Moreover, impressionability is likely to be more important if voters are less informed about candidate policy positions and the link between campaign contributions and candidate choices. Finally, if voters are impressionable, and candidates are uncertain about the policy preferences of the median voter in the general election (see the discussion in chapter 3), then candidates will find it attractive to try to use campaign advertising to influence voter “affect” in this manner.

**Signals of Candidate Ability**

Yvonne Howard, a first-grade teacher in Warner, New Hampshire displayed a campaign sign for former Vermont governor Howard Dean in her yard for weeks before the first in the nation Democratic primary. “I even gave him money, although I didn't tell my husband,” she related. But Dean’s scream during his concession speech after losing the Iowa caucus caused her to change her mind. “I was solidly for Dean until last Monday night,” she said. “But I was embarrassed.... I thought when he becomes president he is going to hit tougher situations than coming in third in the Iowa [caucuses]. If he’s going to fly off the handle, I’m not sure that he’s the man who would best handle the job.”

Voters like Howard care about candidate abilities to “handle the job.” While Dean’s scream very publicly revealed to Howard something about Dean’s abilities that disturbed her, in most cases the average voter doesn’t have the opportunity for the kind of

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132 For an exposition of the signaling model of campaign contributions see Grossman and Helpman (19xx) and Prat (19xx).
contact with a candidate that can help the voter to sufficiently judge his or her abilities. But contributors, with the access they are granted, do. Bush supporter, Florida lawyer Joseph Klock had such close contact when he worked with Bush in the Florida vote dispute (as mentioned earlier in the chapter) and Klock was impressed, a reason he gave for supporting Bush in 2004: “President Bush has got guts and integrity. I can never think of a situation where the guy lied.” A partner in Klock’s law firm, Alvin Davis, on the other hand chose to support Senator Joseph Lieberman, who was a good friend of his at Yale law school. Davis summarized: “He is smart, very conscientious, not beholden to anyone. And I know him, so I know what I am getting.”

Because contributors have this first hand knowledge of candidates, campaign contributions may serve as a signal information contributors have on candidate “abilities” that is unavailable for voters. What sort of abilities might we mean? We can think of these as things like the ability to conduct a successful national defense in war, manage the economy effectively in a recession, etc. In general, they would involve aspects of a candidate’s capabilities that relate to a non-divisive political issue. Campaign contributors spend more time with candidates (typically one of the services or favors they receive for their contributions) and thus may “know” the candidates better than voters, knowing their capabilities in these non-divisive issue areas. Voters, even when they know candidates may be giving up services or favors or making policy choices to attract contributions, may see size of contributions as mattering if they are indifferent between candidates on these issues. This influence on voters is more likely to be effective when there is a problem facing the country is perceived as significant and there is little disagreement across the public and interest groups about how the problem should be dealt with. If voters do perceive campaign contributions as a positive signal, however, candidates, if uncertain about policy preferences of the median voter, may be drawn to make choices preferred by interest groups to attract campaign contributions, which then send a “double” message. This problem of “moral hazard” which we will address in chapter 5.

Reducing Uncertainty

Probably the most remarkable aspect of Schwarzenegger’s victory over Bustamante and McClintock in the California governor’s race was the fact that when his campaign began, voters were very uncertain about the candidate. And he did not help matters much. In his early appearances on television he was vague on policy issues and what he would do as governor, his aides treated him as a movie star, not a candidate. He claimed to be against raising taxes and in favor of cutting government spending. But his announced economic advisor, billionaire investor Warren Buffet suggested that property taxes were too low. Polls showed that Schwarzenegger’s support was declining as he campaigned.

But things began to turn around when Schwarzenegger brought on Mike Murphy who had managed Jeb Bush’s gubernatorial campaign and John McCain’s run for the presidency. Murphy got the candidate to give extensive interviews and field questions in small public forums on public policy issues. The campaign issued detailed position

papers – “on workers’ compensation, the economy, the state's building and construction code, education, the environment.” Dan Shnur, who ran former baseball commissioner Peter Uberoff’s campaign in the race noted: “I don’t think Mike cares that much what the workers’ compensation proposal said. What he cared about is that Arnold was addressing the issues, and that voters understood that. Mike understood that the biggest credibility hurdle that a celebrity candidate would face was knowledge of public policy.” Six days before the election, Schwarzenegger announced a 10 step plan for his first 100 days in office and declared that if the state legislature didn’t agree, he would go to the voters through the initiative process (a process we will discuss in the next chapter). Schwarzenegger announced: “I am not here today to talk about campaigning. I’m here today to talk about governing.”

While much is written about voters’ “feelings” for candidates and their reactions to screams or good looks affecting their voting choices in elections, many candidates do spend considerable amounts of campaign resources talking about policy and their policy positions. Such talk and efforts are not examples of candidates acting irrationally. The information provided can affect voter preferences over the candidates, particularly if they believe the information provided and the information reduces uncertainty about the candidates’ policy positions or changes the voters’ perceptions of the candidates’ policy positions.

For example, suppose that Renda’s utility over policy is given by Table 4-4 below. Renda’s utility function is similar to Sona’s utility function in Chapter 3, that is, if we were to graph it, it would have a concave shape. But since Renda is uncertain about candidate policy positions, we need to discuss her expected utility. In Chapter 2, we introduced the concept of expected utility and how voters evaluate the effect of voting on their expected utility when deciding whether to turnout or not. In Chapter 3 we used the concept of expected utility to discuss how uncertainty about the ideal point of the median voter in the general election affects the policy positions candidates choose. Now we need the concept of expected utility to see how changing the degree of uncertainty a voter has about a candidate’s policy position can increase that voter’s expected utility.

First, recall how expected utility works in a general sense. Suppose Renda had a chance to buy a lottery ticket with a price of $50.90. Assume that there is a 10% or 1/10 chance she will win the lottery of $500 and a 90% chance she will lose the lottery and get a $1 consolation price. Notice that the lottery has an expected dollar prize of $500 + $1 = $50.90 which is the same as the price of the lottery. Renda’s expected utility from the lottery is equal to the sum of the probabilities of each possible outcome times the utility she would get from each outcome. Let’s suppose that Renda’s utility from $500 for certain (not in a lottery) is equal to 10 utils, her utility from $50.90 for certain (not in a lottery) is equal to 5 utils, and her utility from $1 for certain is equal to 1 util. Her expected utility from the lottery is equal to the sum of the probability of getting each of these amounts times the utility Renda would get if she had these amounts of money for

136 Matthews Joe and Greg Jones, “Acting as if It's in the Bag; Six days before the vote, Schwarzenegger touts a plan for his first 100 days in office. His governor-elect tone infuriates Davis aides,” Los Angeles Times, Thursday, October 2, 2003.
137 See Austen-Smith 1987.
certain. Her expected utility equals 0.1*10 + 0.9*1 = 1.9 utils. Her expected utility from the lottery, 1.9 utils, is less than the utility she would get if she got the cash value of the lottery for certain, 5 utils. We call Renda “risk averse” because she prefers the sure or certain monetary equivalent of the lottery to the lottery. If Renda’s utility from $50.90 was equal to 1.9 utils, we would call her “risk neutral” because she would be indifferent between the sure or certain monetary equivalent of the lottery to the lottery. If Renda’s utility from $50.90 was less than 1.9 utils, we would call her “risk seeking” because she would prefer the lottery to the sure or certain monetary equivalent of the lottery.

Above, we have assumed that Renda receives utility from different policy positions, and that her ideal point is really the policy position that gives him the highest utility. Similar to Charlotte’s preferences in Chapter 3 (Figure 3-1), we can graph Renda’s utility as a function of policy, see Figure 4-2 below. At point 60, Renda’s ideal point, Renda’s utility is equal to 320 utils and declines as policy moves away from 60. For example, at 50 and 70, Renda receives 315 utils. At 40 and 80, 295 utils, at 30 and 90, 280 utils, etc. Note that the decreases in Renda’s utility are increasing as we move away from Renda’s ideal point, 60 – the utility function has a concave shape (from 60 to 70, utility declines by 5 utils, from 70 to 80, it declines by 10 utils, and from 80 to 90, by 15 utils, etc.). Renda’s utility function shows that she is risk averse, whereas Charlotte’s shows that she is risk neutral. You can see this by comparing the utility Renda would get from a 50/50 lottery between two policy choices on the same side of her ideal point, say between 20 and 40 with the utility she would receive from 30 (which is the expected outcome of a 50/50 lottery between 20 and 40). For policy for sure at 30, Renda would receive utility equal to 280. Her expected utility from a 50/50 lottery between 20 and 40 would be equal to (0.5)*(260) + (0.5)*(295) = 277.5, which is less than 280. Thus, Renda is risk averse.

Since Renda is risk averse, then more precise information about a candidate’s policy position can increase her expected utility from that candidate winning. How does this work? Recall that we have assumed that Renda knows that a candidate’s policy position is somewhere between 100 and 70 – such that there is 1/4 probability the candidate is at 100, 1/4 probability the candidate is at 90, 1/4 probability the candidate is at 80, and 1/4 probability the candidate is at 70. Renda’s expected utility from that candidate winning = (1/4)*305 + (1/4)*295 + (1/4)*280 + (1/4)*260 = 285. Now suppose that through campaign advertising financed by campaign contributions she finds out that the candidate is, for certain, at 80. Renda’s utility from a sure win by the candidate is equal to 295, which is higher, than when she was uncertain about the candidate’s location.

Interestingly, when the candidate’s position was less certain, it was possible (in Renda’s mind) that the candidate would be located closer to Renda than he actually is. But because Renda is risk averse, Renda’s expected utility from a candidate who is less “risky” is higher than the risky one who might be closer but also may be further away. When voters are risk averse, then, if campaign advertising makes the candidates’ positions more precise, the voters may be more willing to vote for them as campaign spending increases, even if this decreases the probability that the candidate’s policy position is close to the voter’s ideal point.

Candidates may differ in how much information voters have about them prior to the campaign and the effect of money on voter preferences may vary. Figure 4-3 shows
the effects of campaign spending on the ability of voters to recall the name of the incumbents and challengers’ names as a function of their campaign spending as well as the ability of voters to recognize these names when given a list of names as a function of campaign spending. Notice that incumbent campaign spending has very little effect on voter ability to recognize their names since the vast majority of voters, when given a list of names, can pick out their representative in Congress. However, challenger campaign spending does increase the probability voters can recognize the challenger’s name. Both incumbent and challenger spending increase the probability that voters can recall the names of both from memory. Notice also that if an incumbent spends nothing, a challenger must spend the maximum spent in the elections in 1982 to achieve the same name recall and is unlikely to ever achieve the same name recognition. This suggests that to the extent that risk averse voters are more likely to prefer candidates who are better known, incumbents are advantaged.

**Agenda Setting**

Stephen Moore, the president of Club for Growth, a conservative activists group that supports Republicans, was concerned in February 2004 about President George W. Bush’s reelection prospects. A Pew Research Center poll released on Thursday, February 19th showed that the percentages of voters concerned about the growing federal deficit and the failure to find weapons of mass destruction in Iraq were increasing. Although the Pew poll showed Bush tied with Kerry if the general election was between these two, a poll by CNN showed Kerry with a 12% point lead. Bush had appeared on the NBC television show “Meet the Press” to try to defend his policies and Iraq, but the performance had been deemed weak. Moore said: “I would describe the mood among conservatives right now as frightened.” “‘For the first time,’ said a top staff member for a GOP senator, ‘some Republicans are facing the prospect that the president could lose.’” Conservatives were concerned not only about Bush’s reelection prospects but also some of his policies – in particular the federal deficit. “Grover Norquist, president of Americans for Tax Reform, a conservative group that advocates lower taxes, … agreed with other Republicans who are concerned about Bush’s spending. They see the rising deficit and rising spending and want to change course, he said. ‘People recognize they’re in a pot of water and it’s getting hot,’ he said.”

In the midst of the rising concern about the deficit, Iraq, and the poor poll numbers, President Bush made an announcement. He called for a constitutional amendment to ban same-sex marriage. A ruling by the Massachusetts Supreme Court declaring that it was unconstitutional to restrict gays to civil unions and the granting of marriage licenses to large numbers of gay couples in San Francisco had energized social conservatives to push Bush aggressively for an endorsement of a constitutional gay marriage ban. Some groups were even threatening to withhold their votes on election day in conversations with Bush aide Karl Rove.\(^\text{138}\) Previously, Bush had said the decision on

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\(^{139}\) Walsh, Bill, “Bush takes hard line on gay marriage; Rivals say move is a political stunt,” *New Orleans Times-Picayune*, Wednesday, February 25, 2004.
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gay marriage should be left to the states.\textsuperscript{140} Kerry and Senator John Edwards (still in the race against Kerry) were immediately asked to comment on the issue, both of whom announced opposition to the amendment and denounced the president as playing politics with the constitution. Why the reversal on gay marriage to please conservatives and gain votes? Why not some other issue such as the deficit?

Reducing the deficit would mean either cutting federal programs or his signature tax cuts. As of this writing Bush was facing pressure from fiscal conservatives to veto a popular transportation bill. In contrast, according to a poll by the Pew Research Center 34 percent of those surveyed said they would not vote for a candidate who supported gay marriage even if they agreed with the candidate on most other issues. For Republicans and evangelicals, that number was even higher: 55 percent for evangelicals and 50 percent for Republicans. However, only 6 percent said they would refuse to vote for a candidate who opposed gay marriage if they agreed with him or her on most other questions.\textsuperscript{141} By taking a stand against gay marriage, Bush forced the issue into the presidential campaign agenda. He forced Kerry, the presumed nominee of the Democrats to come out against the ban, suggesting to the public that the Senator from the state of Massachusetts, whose Supreme Court had recently ruled in favor of gay marriage, was implicitly also in favor of gay marriage. Bush both shored up wavering social conservative voters and made it more difficult for Kerry to attract support from Republicans and evangelicals.

Not only can candidates use campaign resources to reveal information about their policy positions, attempting to reduce voter uncertainty, they can also, by being precise on some issues and less so on others, make some issues more important in a voter’s decision-making as the differences between the candidates on these issues become clearer than on other issues. Prior to Bush’s support of the constitutional amendment on gay marriage, there was uncertainty about both Bush’s and Kerry’s views on public policy with respect to the issue. Bush had said that the issue should be left to the states and supported the Defense of Marriage Act, which had defined marriage as a union between a man and a woman and had allowed states to refuse to recognize gay marriages from other states. Kerry had said he favored civil unions but was against gay marriage although he voted against the Defense of Marriage Act. While Kerry’s position was in one sense more liberal, in another sense it could be argued that Bush’s position was more liberal than Kerry’s since this would mean some gay marriages, if a state approved them, would be allowed within that state. Bush, by taking an explicit stand against gay marriage nationwide, reversing his previous position, reduced uncertainty about where he stood and also forced Kerry’s view to appear more liberal, associating Kerry at the same time with the Massachusetts Supreme Court.

\textsuperscript{140} In an interview with CNN’s Larry King during the 2000 election Bush was asked about gay marriage. “If a state were voting on gay marriage, you would suggest to that state not to approve it?” CNN’s Larry King asked Bush during a Republican primary debate in South Carolina. ‘The state can do what they want to do. Don’t try to trap me in this state’s issues,’ Bush answered. White House spokesman Scott McClellan denied Tuesday that the president has switched his position. Bush had been referring to states’ authority to approve civil unions, not gay marriage, the spokesman said.” Roth, Bennett and Patty Reinert, “Bush urges gay marriage amendment; Proposed constitutional ban sets up U.S. debate,” Houston Chronicle. Wednesday, February 25, 2004.

Negative Advertising

‘Dean's always attacking everybody and then they all attack back,’ said an exasperated Cindy Anderson, 39, a Des Moines [Iowa] resident . . . ‘It’s like a bunch of little kids playing badly together.’”\(^{142}\) Anderson summed up the tone of many of the campaign ads, speeches, and mailings that dominated the campaign of Democratic candidates for support in the Iowa Presidential Democratic caucuses of 2004. Pundits agreed that it was an especially negative campaign and some argued that the negative advertising worked to hurt both Howard Dean and Richard Gephardt, who both used it heavily (although the winner, Kerry, also sent some negative mailings).

What is negative advertising? The candidates defended their ads in Iowa as simply telling the truth – Howard Dean remarked on the NBC “Today Show”: “Actually, my ads were not particularly negative. All they did was point out that Senator Edwards and Senator Kerry and Dick supported the war and I didn’t. I think that’s a reasonable and to have.”\(^{143}\) A voter in Iowa asked Kerry about the negativity of his message during one public meeting and Kerry responded: ‘What’s happening is that we are getting closer to the election, there’s a greater urgency to say to you ‘Here are the distortions.’ If I don’t tell you, who will?’\(^{144}\) As in campaign messages about their own policy positions, candidates try to convey information about their opponents in an effort to affect voter utility – either creating uncertainty about those positions if that will decrease the probability a voter will vote for their opponent or by reducing uncertainty if they believe doing so will paint the opponent as further from the voters ideologically.

However, negative advertising also sends a message about the candidate for whom the ads are supposed to benefit. If voters care about candidate qualities such as temperament, honesty, etc., then negative advertising can work to undermine voters’ perceptions of those qualities. In the race for the Democratic nomination for president, North Carolina Senator John Edwards made part of his campaign theme that he would engage in only positive campaigning (although on occasion he also broke this pledge by pointing out “truths” about his opponents). This sent a message about him as a person which can appeal to rational impressionable voters. For example, retired public health official Ruth Balster from Cedar Rapids, Iowa, noted: “I think it helped Edwards because he was above the fray.”

In late March, 2004, the Bush reelection team decided to do some “truth telling” about John Kerry. In a New York Times/CBS poll taken March 10 to 14, more than 40% of voters surveyed said they were either undecided or did not know enough about John Kerry when asked if they had a favorable or unfavorable opinion of him. The Bush campaign saw the uncertainty among voters as a chance to define Kerry as someone who would raise taxes, weaken the fight on terrorism, and too unsteady to lead the nation in a time of war. “It’s easiest to define somebody when they’re ill-defined, and John Kerry’s ill-defined,” reasoned Mark McKinnon, Bush’s head media strategist. Bush’s “advisors

A Referendum over Whom?

“The important thing to remember is that the American people see George Bush as the steward of a bad economy, the leader who led them to war under false pretenses,” said Stephanie Cutter, a spokeswoman for John Kerry. Kerry’s campaign sees the Bush efforts to define him as an attempt to “turn the election into a referendum on Mr. Kerry rather than one about the president.” At this writing it is still uncertain whether the Bush campaign strategy will work to define Kerry sufficiently for their benefit or whether they will instead negatively affect voters’ opinion of Bush or whether voters will focus their decision on Bush’s performance primarily as the Kerry campaign suggests. Part of the problem facing voters is not just uncertainty about whom Kerry is but also how to judge Bush’s performance. Is Bush responsible for the economy and the apparent loss of jobs as of March 2004? Has Bush made the right decisions with respect to pursuing Terrorist suspects and in his choices in Iraq? Would Kerry do better or worse?

The answers to these questions for voters depend both on information voters have and, importantly, on a lot of information voters typically do not have. The problem is even more difficult when it comes to war and national security since revealing too much information may endanger the nation and or it’s allies. What do voters know about elected officials’ actual choices while in office? Most would answer not much. Until this chapter we have pretty much assumed that voters do know candidate policy positions and the uncertainty we have discussed was the uncertainty candidates had about voters, not the other way around. In the next chapter we consider more expansively how voters make decisions in a world where they have limited information about what candidates advocate and what they do while in office. We also examine how voters attempt to control elected officials and the policy choices they make via term limits, recall elections, initiatives, and referenda.

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Chapter 5: Controlling Elected Officials: Retrospective Voting, Incumbency, Term Limits, and Direct Democracy

Goodling’s Unusual Election
“Rep. William F. Goodling (R-Pa.) looked uncomfortable. Surrounded by Christian and ideological conservatives supporting his besieged bid for a 13th term, Goodling, a moderate of the old school, plaintively told the gathering in the second-floor meeting room of the York Christian School: ‘This has been the most unusual election I’ve ever been through in my life. I don’t understand. I’m still trying to figure out what is really going on.’”
What was unusual about Goodling’s election? For one of the few times since he was elected in 1974, replacing his father who had retired, Goodling was facing a serious fight. It is no surprise that Goodling was perplexed. After all, in 1992 he had managed to get reelected despite having 430 overdrafts at the Bank of the House of Representatives, totaling $188,000, a sum that would have led to the defeat of some of his colleagues in Congress. Since then, the voters and his party had seemed quite happy with his record in Congress. Moreover, with Republicans in the majority after Gingrich’s success in 1994, Goodling had become Chairman of the Education and Workforce Committee and was thus in a position of power within the House, which should appeal to his voters. But in May 1998, Goodling looked in danger of not even winning renomination much less reelection. Why?

The voters deciding Goodling’s fate were considering a question that has faced voters in American elections repeatedly. Should they reelect an incumbent with clout, power, and prestige who can ably deliver the policies they wanted? “You don’t bench champions . . . Just let him do his job and continue,” argued one of his supporters. Or should they throw him out and try someone new and less powerful because Goodling was “as removed from the people as was the royalty of Europe. . . . he’s accepted special interest paid junkets to the four corners of the world”? (according to his opponents’ advertisements)

A Return to Citizen Legislators
In 1997, the Maine legislature had 40% new members. In 1998, 2/3 of the Michigan House, 1/2 of the Arkansas House and 1/3 of the Oregon House were replaced. This is surprising since in general incumbents in state legislative elections win over 90% of their races [see Jewell and Breaux 1988, 1991]. The reason is not that voters were suddenly voting less for incumbents but that incumbents were no longer allowed to run because of the imposition of new term limits on legislators.

The change was attracting new people to politics. For example, in Arkansas, term limits induced Jack Norton, a 64 year old chicken farmer and Mary Beth Green a 41 year
old speech pathologist and mother of five to run for the state legislature. Voters in Arkansas and other states with new legislative term limits had decided that they didn’t want incumbents in state legislatures like Goodling in Congress to have a chance at reelection. Norton and Green were vying to replace a state representative who was chairman of the Joint Budget Committee and had served for 24 years. “[P]opular Rep. Edward S. Thicksten delivered to his rural district countless paved roads, nutrition programs for the elderly funding for a local community college and an adult education center.” [Romano, Lois, “Term Limits Give Neophytes Legs to Run,” Washington Post, Thursday, May 28, 1998, page A01.] Arkansas voters are avoiding the decision that faces Goodling’s constituents by preventing incumbents from running again by term limits. Thicksten was forced to retire because of the new term limits law. Why did Arkansas voters chosen to institute a new system that prevented incumbents from running again?

The Uselessness of Knowledge

The dilemma facing Goodling’s voters and the voters in any race with an incumbent arises partly because of uncertainties they face about Goodling and his opponent. In most of our analysis, so far (except for Chapter 4 where we considered how campaign spending might affect voter information), we have assumed that voters know the policy positions that candidates will enact when elected. But voters have little incentive to gather information about candidates if it means expending time and effort. Why? Because it isn’t rational for an individual voter to seek out information about an election. The desire that voters may have for information about candidates in an election is derived from their expected benefits from participating in the election. Since the expected benefits are low, if not negligible (paradox of not voting in chapter 2), then whether a voter is informed or not is not likely to matter much either. Just as voters have little incentive to participate electorally when acting independently, they similarly have little incentive to gather information about their choices in elections when acting independently.

We argued in Chapter 2 that the paradox of not voting can be explained by incorporating the role of groups as providing the incentives to voters to participate. When voters are only mobilized by office-seeking groups, as noted in chapter 2, the voters may be induced to vote contrary to their own preferences. One reason why these voters can be so manipulated is because they have little incentive to become informed enough to recognize that their choices are in variance to their own preferences and the group leaders certainly don’t have an incentive to inform these voters.

While it is true that voters mobilized to turnout by benefit-seeking groups are likely to vote as a group based on the investment benefits of the group, individual voters still are not likely to be highly informed. The presumption is that group leaders, because the size of the investment benefits are large, do have an incentive to be informed and will then, using their information induce individual voters to choose according to group investment benefits. For example, union leaders might convey to voters that they should choose candidate Agatha instead of Ben, because Agatha is better for labor and will choose policies better for labor without being very specific about Agatha’s or Ben’s particular policy positions. For example, as discussed in the previous chapter, the California Republican party endorsed Arnold Schwarzenegger over Tom McClintock,
suggesting to voters not only that they should coordinate on him as the viable Republican candidate but also that they were satisfied that his policy positions were closer to their preferences than those of Lt. Governor Bustamante. Voters will receive simple cues or endorsements by these leaders and, using these, choose accordingly. Voters mobilized by benefit-seeking groups, then, may be no more informed than voters only mobilized by office-seeking groups, but are more likely to choose as if they are informed since they have been induced by their group to vote according to the group’s preferences. Finally, voters who are not mobilized to vote have very little incentive to become informed.

Notice that there is a difference between how informed a voter is and how informed a voter acts. In general, voters have little incentive to actually be informed. But some voters may have incentives to act informed when they are mobilized by benefit-seeking groups.

Do Voters Learn During Campaigns?

In July 2000 Kay Wimberly, a graphic designer from La Crosse, Wisconsin, responded to a pollster that she would vote for George W. Bush in the upcoming presidential election. But she wasn’t sure that her decision would stick. She explained: “The primary reason I might change my mind is because it’s so early on in the campaign. A lot of things can come to the surface between now and then. The candidates will make their positions more well known as the election draws nearer. Education is an important issue to me and to the future of this country. I’m not entirely sold on Bush’s position because I feel some of his claims are somewhat vague.”

The focus above is whether a voter has an incentive to become informed – to acquire information. But voters like Wimberly receive a lot of messages about candidates (or seem to) without much trouble and expect to. Some of these messages are the cues given by interest group leaders discussed above. Others are messages a candidate provides herself in campaign advertising. We noted in chapter 4 that campaign spending may be seen by voters as a measure of a candidate’s abilities along a dimension that all voters care about – like honesty, for example – and that voters then become more informed about the candidate through that spending. We discussed how campaign money might influence voter choices by reducing voter uncertainty about candidate positions. Because the voters are risk averse, they receive higher utility when they know a candidate’s position with greater certainty (less risk) even if that candidate is further away ideologically than a more uncertain candidate might be. We explored how candidates provide information about their opponents, either in terms of policy or non policy. During campaigns, voters also receive much information from candidates, their supporters, and their opponents as well as news reports about candidate activities, interviews by the news media, and poll results by the news media and other independent bodies. How is this information going to be used by voters?

This question relates to the fundamental issue of what goes on during election campaigns. Voters receive lots of messages during the campaign. How does this affect their choices and preferences? Consider a voter, Michael, who is trying to decide whether to vote for Agatha. At the beginning of the election campaign, Michael, has some prior information about Agatha. Perhaps Michael simply thinks Agatha’s policy

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position is just like the average candidate. This is what we call Michael’s prior on Agatha – Michael’s judgment on Agatha’s policy position without any additional information. We will call Michael’s prior on Agatha, PRIOR, and Agatha’s actual position ACTUAL. Michael must make a prediction about Agatha’s real position, ACTUAL. We will call Michael’s prediction, PREDICT.

At the start of the campaign, Michael’s prediction is the same as his prior, i.e. PREDICT = PRIOR. During the campaign, Michael receives information about Agatha’s position. The more information Michael receives, the closer PREDICT comes to ACTUAL. At any point during the campaign, we can think of Michael’s prediction as an average between ACTUAL and PRIOR. But it is not just a simple average, but what is called a “weighted average.” That is:

\[ \text{PREDICT} = W \times \text{ACTUAL} + (1 - W) \times \text{PRIOR} \]

The weight is W. W depends on the number of messages that Michael has received. The more messages Michael has received about Agatha’s actual position, ACTUAL, the higher is W. A fully informed voter has a weight of W = 1, while a completely uninformed voter has a weight of W = 0.

Suppose that Michael is also receiving information on Agatha’s opponent, Ben. As Michael receives information about Ben, Michael similarly updates that information. Formally, Michael is using what is called a Bayesian learning procedure – where he begins with priors about Agatha and Ben and updates these priors during the campaign as he receives more information.\(^\text{148}\)

Suppose that Michael is asked in a survey (a poll) during the campaign which candidate he prefers. Assuming that he answers sincerely, Michael will respond with the candidate whose position he predicts is closest to his ideal point. This may not be the candidate that he ends up voting for, however. That is, during the remaining campaign, he may acquire new information that causes him to revise his predictions and his preferences. At the end of the campaign, Michael makes a decision about whether to vote for Agatha or Ben based on the predictions he has about their positions at that time. For example, consider the situation in Figure 5-1.

There are two candidates, Agatha and Ben, with policy positions at 60 and 10 respectively. Ben is well-known. But voters have little information on Agatha besides the fact that she is conservative. There are two voters, Michael and Mary (labeled M1 and M2 respectively in the graph), with ideal points at 20 and 40, respectively. At the beginning of the campaign, both Michael and Mary predict that Agatha is at a conservative position that normally conservatives have, P1. Thus both prefer Ben. But during the campaign, they receive campaign messages, which cause them to revise their predictions (update) to P2. Now Michael prefers Agatha to Ben, while Mary’s preferences remain unchanged. Note that we have assumed that both voters have the same prior. This may not be the case. Since voters have typically different information about politics in general before a campaign begins, they may have different priors.

There are a number of important implications from the Bayesian learning procedure about how campaign advertising will affect Michael’s preferences during the campaign. In particular, more informed voters are unlikely to have their preferences changed during campaigns, while voters who before the campaign begins are uninformed

\(^{148}\) See Husted, Kenny, and Morton (19xx) for a discussion of Bayesian learning during elections and an empirical evaluation.
may have their preferences changed during the campaign. Moreover, if a candidate is better known to begin with across all voters, then there is less for voters to learn and it is less likely that voters will learn about the candidate during the campaign. Voters are more likely to learn during campaigns about candidates who are less well-known.

Of course, in some campaigns even fully informed voters may be influenced by campaign spending if that spending is used as a coordination mechanism in more than two candidate races as discussed earlier or signals candidate ability or influences their “affect” for the candidate as with rational impressionable voters, all discussed in Chapter 3. In most two-candidate races, the extent of the influence of campaign spending on voter information depends on how much information different voters have before the campaign begins and how well-known a candidate is before a campaign begins. Generally, incumbents are better known than challengers before campaigns begin. This suggests that incumbent campaign spending will have less of an effect on the information that voters have about the incumbent. In Chapter 4 we saw that voters are much more likely to both recall and recognize incumbents’ names than they are challengers’. Importantly, as campaign spending increases, voter knowledge of both incumbents’ and challengers’ names increases, reflecting evidence that campaign spending does provide voters with information and suggesting that voters can learn during campaigns.

**Money, Information, and Incumbents**

Our analysis of how voters use and gain information during campaigns can explain why incumbents have advantages in elections. For example, incumbents like Goodling rarely lose House elections. Abramson, Aldrich, and Rhode 1999 report that for House races from 1954 to 1998, on average over 90% of incumbents were reelected. In 1998, 394 of the 401 House incumbents who ran for reelection won, and 26 of the 29 Senate incumbents were reelected.

Because voters know more about incumbents, this can give incumbents an advantage in elections particularly when voters are risk averse. Recall that in chapter 4 we saw that if voters are risk averse, more certainty about a candidate’s policy position increases the expected utility that the voter receives from that candidate’s election. Thus, incumbents can have an advantage in elections simply because they are better known. For challengers to be as well known as incumbents, voters must receive more messages about challengers during the campaign. For example, if an incumbent spent $175,000 in 1982, on average 50% of the voters could recall her name. For a challenger to have the same recall percentage the challenger, must have spent $400,000 in his campaign, over twice as much.

Yet, it is more difficult for challengers to raise campaign contributions. It is well known that incumbents have access to a number of privileges that make campaign expenses cheaper. Members of Congress have what is called The Franking Privilege, which allows incumbents to send mail to their constituents at taxpayer expense and they have on average 22 staff members and typically more than one office per district which allows them extensive contact with voters. With the advent of the internet, incumbents’ access to government computer equipment and space gives them a further potential advantage, although it is not clear whether this advantage will be significant.

But more importantly, if campaign contributions are service- or favor-induced, as discussed in chapter 4, incumbents have an advantage in providing services to
contributors during the campaign and acquiring campaign contributions. As we found in chapter 4, contributors would like to coordinate on a common candidate and if one candidate has a known advantage, contributors are much more likely to contribute to that candidate leading to an imbalance in campaign contributions. Thus, before campaigns begin, incumbents are better known among voters, giving them an advantage electorally that is evident to voters and contributors. They can provide services and receive service- or favor-induced campaign contributions and these contributors will choose the incumbent over her challenger. Challengers, then have more difficulty raising monies that are necessary in order to have a chance of defeating incumbents. Gary Moncrief 1998 reports that in the 1992 Senate races the median challenger campaign expenditure was 43% of the median incumbent campaign expenditure. Given all these advantages it is a wonder that incumbents ever lose!

The analysis of how voters use information also has implications for early and mail-in balloting elections (discussed in chapter 2) and the timing of voter decisions. If voters are well informed before a campaign begins, they are more likely to make up their mind early about which candidate they prefer and to vote early if it is more convenient to do so. Also, our study implies that for some voters the value of waiting (because of new information that may be revealed) is significantly less than for others. In the example above, Mary is highly unlikely to change her preferences between Agatha and Ben, whereas for Michael this is more possible. Thus, Mary is more likely to be willing to vote early than Michael, because the value of waiting for more information is less. The implication is that in early and mail-in balloting, early voters are more likely to be have extreme preferences and/or to be well informed about candidate positions which is supported by the empirical studies cited in chapter 2.

The Secret World of Incumbents

In March 2004 former counter terrorism coordinator for Presidents Bill Clinton and Gerge W. Bush, Richard A. Clarke, published a book, Against All Enemies: Inside America’s War on Terror, in which he claims that neither president did enough to counter terrorism prior to 9/11 and the Bush administration ignored the thread of Al Qaeda (the group behind the terrorist attacks of 9/11) to go to war against Iraq. Clarke claimed he called for a cabinet meeting in January 2001 to discuss Al Qaeda, but his request was ignored to focus on missile defense and Iraq. In an interview on CBS’ 60 minute show, Clarke remarked: “He ignored terrorism for months, when maybe we could have done something to stop 9/11. Maybe. We’ll never know.”149 Furthermore Clarke contended that Bush mounted “a lackluster, bureaucratic and politicized response to the attacks. . . . Mr. Clarke also alleges . . . that Mr. Bush and others in his small inner circle tried to intimidate him and other officials into finding a link between Iraq and Al Qaeda despite the intelligence community’s repeated determinations that no significant connections existed.”150

Bush administration officials went on morning talk shows, granted interviews to reporters, and wrote op-ed pieces in major newspapers to argue against Clarke’s claims.

In a statement the White House released a point-by-point rebuttal. In particular, the statement noted “that the president told national security adviser Condoleezza Rice early in his administration he was ‘tired of swatting flies’ and wanted to go on the offense against al-Qaida, rather than simply waiting to respond.” In a guest column of the Washington Post, Rice wrote: “Before Sept. 11, we closely monitored threats to our nation. President Bush revived the practice of meeting with the director of the CIA every day - meetings that I attended. And I personally met with (director) George Tenet regularly and frequently reviewed aspects of the counterterrorism effort.” On ABC’s Good Morning America program, Rice recalled that after 9/11, Bush was “concerned about against whom we were going to retaliate. He wanted to know whether or not Iraq, given our history with Iraq, given that Iraq had tried to assassinate former President Bush (Bush's father), whether Iraq was behind the attack. Dick Clarke wasn’t in every meeting. The president was talking about al-Qaida with (CIA Director) George Tenet. He was talking about al-Qaida with (Secretary of Defense) Donald Rumsfeld. He talked about al-Qaida with me.”

Whose version of the administration’s work on terror prior to and after 9/11 is correct? White House communication director Dan Bartlett dismissed Clarke’s accusations as “politically motivated” and that the book’s “timing, when Bush’s reelection campaign was just beginning, showed that it was “more about politics than policy.” If the 2004 presidential election is a referendum on Bush’s record in office, then whose version of the administration’s response to terror threats could matter to voters. While voters know a lot about Bush and his performance in office, there is a lot that an individual voter in the 2004 election does not know about Bush’s choices behind closed doors, with his or her aides, in meetings with foreign leaders or members of Congress or his or her cabinet – and as Clarke’s and Rice’s comments show, different versions of what goes on. How can voters deal with this uncertainty? However, shouldn’t voters look ahead to the future rather than to the past? Shouldn’t their choice be based on what they expect either Bush in a second term or Kerry in a first term will accomplish instead of focusing on the events prior to 9/11 (especially given that Clarke faults both Clinton and Bush)?

In January 1996 President Bill Clinton’s former director of administration, David Watkins, appeared before a Congressional committee. Watkins testified “… that he felt tremendous pressure coming from President Clinton and first lady Hillary Rodham Clinton to fire seven members of the White House travel office in the early days of the administration. But he insisted that neither of the Clintons directly ordered him to dismiss the longtime employees. Watkins … took responsibility for the firings but said ‘there would have been a great price to pay -- perhaps my removal from the White House’ had he refused to do so. The pressure, he said, was generated mainly by the first lady and came to him through two intermediaries -- the late deputy White House counsel Vincent Foster and Hollywood producer Harry Thomason, a friend of the Clintons.”

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Why were the employees of the travel office fired? According to Clinton critics it was an effort to replace good workers with a group of cronies from Arkansas and doing so by defaming the name of the workers and misusing the FBI. The former travel office director, Bill Dale was investigated by the FBI on charges of embezzlement and acquitted. And evidence exists that one reason White House counsel Vincent Foster committed suicide was worry that Hillary Clinton would be blamed for the firings. Were there genuine problems in the travel office justifying the firings and replacement as the Clintons’ argued? Did Watkins just do this on his own? Or was this an effort by corrupt politicians to try to use some of the spoils of government to benefit their friends as their critics suggested?

Our analysis up till now examines voter and candidate choices assuming that what candidates, in this case Bush and Kerry in the 2004 presidential, say they will do will be what they will do. This isn’t always the case. Sometimes candidates make promises that they do not keep once elected, like the first President George Bush’s famous “Read my lips, no new taxes,” pledge during the 1988 election, which he was forced to ignore when budget shortfalls required additional federal revenues. Or Bill Clinton’s reneging on the promises of allowing gays to serve in the military. Incumbents do not have complete control over policy once in office – random factors like sudden upturns or downturns in the economy due to oil embargos or droughts in other countries, bombing of embassies and taking of hostages abroad, bad intelligence from allies – can influence the political outcomes that occur even when an elected official is putting forth his or her best effort to do what voters want. Furthermore, incumbent’s must rely on staff who may make choices on their own that could hurt or help the incumbent in his or her job. How much credit should an incumbent receive for policy outcomes (good or bad)? How honest are her statements about the credit she deserves?

Although we have considered to some extent how information provided by campaign advertising and interest group campaign spending may influence voter choices, we have ignored the dynamic nature of the uncertainty facing voters in an election. We have assumed that it is possible for a candidate to choose a policy position during a campaign and then enact that policy once elected. But this is not the real world of politics. Voters must choose in elections with part of the information they need about the world to come “hidden.” The information that is hidden from voters has to do with the choices that incumbents make once elected in meetings with their advisors or alone. There are two types of information about elected officials that even voters who are informed or act as if they are informed are unlikely to have when voting:

- Information about how much effort a candidate expends once in office
- Information about a candidate’s true policy choices once in office

When voters do not have the first type of information, they face a problem of moral hazard. Moral hazard exists in many relationships. A classic example of moral hazard is when an insurance company offers fire insurance to a smoker. If the smoker does not smoke in bed, the chance of fire is much lower than if the smoker smokes in bed. The insurance company cannot monitor the smoker to determine if he or she smokes in bed – thus the insurer faces a moral hazard problem in determining which rate to charge the smoker since the insurer does not have complete information on the smoker’s behavior. Should the insurance company charge the smoker a higher rate assuming that
she will smoke in bed even though the smoker does not? Should the insurance company assume that the smoker does not smoke in bed and charge a lower rate?

How would a moral hazard problem appear in elections? As insurance companies cannot monitor smokers’ habits, voters cannot monitor the day-to-day activities of their elected officials, their incumbents. A voter does not know how much time a representative is spending on running the government versus vacations at the beach or a junket abroad or helping out cronies with jobs and government resources. A voter does not know when an incumbent is trying to fire good employees on trumped up charges so that his or her own friends can have the job or whether the employees should be fired and replaced with more reliable ones that the incumbent knows can do a better job. These moral hazard issues were brought up by Goodling’s opponents in his Congressional race and Clinton’s opponents in his reelection campaign in 1996. Clarke also accuses the Bush administration of not devoting enough resources and time to fighting terrorists.

When voters do not have the second type of information, they face a problem of adverse selection. Like moral hazard, adverse selection also exists in many relationships. An example of adverse selection occurs when consumers buy products without knowing the quality of the product. For example, a car maker may produce two types of cars – low and high quality. On the outside and for simple inspections it is difficult for the consumer to determine if he or she has a low quality car (a “lemon”). What should the consumer do?

An adverse selection problem can be manifested in elections when candidates have their own policy preferences or when they have incentives to choose policies that are different from that they promised during their campaign (to please special interests, for example). The adverse selection problem occurs because voters do not know what type of elected official they have chosen just like consumers may not know the type of cars they buy. That is, voters may know what a candidate promises to do, but not what he or she intends to do or fully what he or she actually does in office. Unfortunately there is no way to make politicians tell the truth about their policies. In 1998, for example, the Washington State Supreme Court struck down a law that banned false political advertising because it infringed on free speech [Ayres, R. Drummond, “What if Politicians Could Tell No Lies,” New York Times, February 28, 1999].

Adverse selection was also an issue in Goodling’s unusual election. His opponent in the Republican primary, Charles Gerow, criticized Goodling as not choosing conservative policies – “for failing to support full implementation of the anti-missle defense system, for opposing the death penalty and for supporting the 1997 budget agreement” [see Edsall, 1998]. Clarke also accuses the Bush administration of having a private preference for invading Iraq. Clinton’s critics accused him of using the travel office to please special interests.

Can the Moral Hazard Problem in Elections be Solved?

A Simple Example

First, we will consider whether voters can “solve” the moral hazard problem in elections. In order to answer that question, consider a simple example of how the moral hazard problem works. Suppose there is an existing status quo level of policy equal to SQ. We can think of this as perhaps the status quo level of national defense against
terrorism right after the September 11, 2001 attacks. After the attacks, Michael, the median voter in the country prefers a greater level of national defense against terrorism, point M, which is greater than SQ, as illustrated in Figure 5-2. While the events of 9/11 provide a natural story for why voter preferences might want a change in a status quo, there are other situations in which this can occur. For instance SQ may be a law against using a particular drug because of side effects. But scientists discover that the drug works very well in curing a disease that was previously incurable and now the median voter in the electorate would prefer legislation that allows the drug to be used for patients with this disease. Another example might be a SQ that outlaws gambling in a particular jurisdiction and now the median voter decides that gambling is OK if the government can tax gambling, leading to more revenue.

In the figure, SQ equals 50 and M equals 75. Suppose that the voters then elect a candidate, say Agatha, who promises to try to implement policy equal to M – to move policy from SQ to M. Agatha does not care about policy – all she cares about is being elected. She receives 100 units of utility if she is elected and 0 units of utility if she is not.

But moving policy from SQ to M depends on two things – the effort (E) that Agatha puts forth in policy making (reorganizing how resources are distributed in investigating terrorism if she is the president, holding hearings, writing legislation, discovering facts if she is a member of Congress) and factors that she has no control over (for example, difficulties with getting information about terrorist activities from other governments, unexpected changes in the economy with respect to the tax benefits of legalized gambling, unexpected changes in disease and health factors with respect to legalizing use of the drug). We will call these random factors, R. R could have a positive effect on policy, making it easier for policy to approach M or R could have a negative effect. The problem is that R is unpredictable and largely unobservable by voters and incumbents cannot predict R when they choose their effort levels. So ultimate policy that would be implemented once Agatha is elected is equal to P, which is the sum of SQ, E, and R:

\[ P = SQ + E + R \]

Notice that if R is high, then Agatha does not need to put much effort into changing policy. But if R is negative, then Agatha needs to put forth more effort. Figure 5-2 illustrates some example values of R given E and how P is determined. In the figure, Agatha puts forth an effort equal to 20. When R = -10, the resulting new policy is P = 50 + 20 -10 = 60. But when R equals +10, the resulting new policy is P = 50 + 20 + 10 = 80.

Agatha does not know what R will be when she chooses E. Furthermore, E is costly to Agatha. Why might this be? This may be because Agatha would prefer to spend her time on other issues or perhaps prefer taking beach vacations or foreign junkets to policy making on this issue. Assume that for every unit of E that Agatha puts forth, she must pay a loss of 2 units of utility. So in our example, Agatha loses 40 units of utility by expending effort equal to 20. Agatha’s utility then from serving in office is 100 - 40 = 60. Finally, voters are unable to measure E or R. All voters ever observe is P.

Given the situation facing Agatha, what value of E should she choose? Suppose that Agatha is only going to serve one term. Clearly, then her utility maximizing choice is to choose an E equal to 0. Since voters never observe R, she can always claim that it is because of the value of R that policy did not reach close to M, not her lack of effort or
take credit if $R$ does benefit Agatha. However, rational voters know that Agatha will choose an $E = 0$ since they realize that Agatha has no incentive to put forth effort. So they expect that $E$ will equal 0. This is the essence of the moral hazard problem in elections – Agatha has no incentive to put forth effort once elected and voters have zero expectations about Agatha’s effort as well.

But this is not the typical situation in electoral politics. Most incumbents do not put forth zero effort once elected. Why when there seems to be little incentive to do so? One explanation may be that most elected officials do not find effort costly but enjoy it – policy making is why they chose politics as a career. I suspect that many incumbents would find the suggestion that they prefer foreign junkets to policy making offensive especially when facing a severe crisis such as that occurred after 9/11. But just assuming that politicians like policy making is like just saying people vote because they like voting – it does not help us understand politics and elections very much. If incumbents tend to have lower costs of policy making than those not in elected office, then this means that elected officials who have lower costs of effort are more likely to get elected. How if voters cannot observe effort or induce it?

**Voters’ Choice**

Now consider a slightly more complicated example. Assume that there are two candidates, Agatha and Ben. Agatha and Ben are exactly alike in terms of their preferences – there is no difference – they receive the same utility from getting elected and the same disutility from expending effort. Therefore, we assume that they always make the same choices when elected and when they make campaign promises.

We assume there are two periods as shown in Figure 5-3. In period 1, Agatha and Ben make promises about the effort they are going to expend in office. Then voters choose one who becomes the incumbent. The incumbent chooses $E$ and nature chooses $R$. $P = SQ + E + R$. Voters observe only $P$, not $E$ or $R$.

In period 2, the incumbent goes up for reelection and faces a challenger (the defeated candidate in the first election). Now voters care about a different issue (which we will call Issue 2) – that is they would like to see the status quo changed on a different issue. Both the incumbent and her challenger make promises about the effort they will expend to change policy and again since these two candidates are exactly alike, they make exactly the same promises. The same sequence of events occur, one candidate is elected, the incumbent then chooses an effort level, nature chooses a random factor value, voters observe the policy position. This continues indefinitely.

Consider the situation facing voters at the election at the beginning of period 2. Since the candidates are exactly alike, voters are indifferent between them. Voters have no reason to expect that Agatha is any different from Ben and vice-versa. Voters in each election could just toss a coin and vote randomly. But if voters voted randomly, then what effort levels would Agatha and Ben choose if elected? Agatha and Ben would both choose effort levels equal to 0 if elected – there is no payoff to Agatha or Ben from choosing anything else.

Suppose instead that voters choose *retrospectively* based on the policy they observe from the previous period. For example, suppose that in period 1 Agatha is elected. Agatha is now the incumbent. Agatha would like to be reelected in the second period. Suppose she knows that voters will be more willing to vote for her if they
observe policy on issue 1 closer to their preferences? That voters are no longer voting prospectively based on what they expect Agatha or Ben to do in the future because they perceive little difference between them on prospective issues, but retrospectively based on the outcome of policy in the past. In this case, Agatha now has an incentive to choose a positive effort level.

Of course, because of R, the random factor that nature determines, voters never know exactly how much effort an incumbent has expended. So tying the probability that voters will choose an incumbent for another term to observed policy may reward some incumbents who expended little effort and punish others who expended much. However, on average, because voters vote retrospectively and incumbents want to be reelected, incumbents will have more of an incentive to expend effort than when voters ignore their past choices.

It is important to note that although voters are choosing retrospectively, voters are using this decision rule because they want to have an effect on future effort levels. If candidates anticipate that voters use retrospective voting strategies, then candidates are more likely to fulfill effort level promises that they make about the future. If an incumbent President, like Bush or Clinton, expects to have to face an election on his or her record, he or she has an incentive to expend the effort and make the choices that the voters will reward.  

Can the Adverse Selection Problem in Elections be Solved?

So, retrospective voting can help voters solve the problem of moral hazard. But what about adverse selection? Moral hazard is certainly an important issue in politics – but in moral hazard situations it is clear where policy should move – which direction – all voters in our example above agree that SQ should move to M. What if candidates not only care about being elected but also care about actual policy choices, either because they have their own preferences over policy or they would like to please special interest groups who are not representative of voters’ preferences. What can voters do in this case to induce candidates to make choices voters prefer?

Suppose in the example above, where all voters prefer policy move to M, some candidates do not. Some candidates prefer that policy stay at SQ. Perhaps they prefer that policy stay at SQ because they personally like SQ more than M. Or perhaps they would like to please some special interest group which prefers SQ to M (we will assume that voters do not know about the interest group and that the benefit to the candidate from pleasing the interest group is independent of what voters do – for example, perhaps the special interest group is offering the candidate some private benefit just for her).

We can call the candidates that have a private preference for SQ over M, SQ types and those that have no private preference for SQ over M, M types. One way to capture this difference is to assume that M types have a lower effort cost than SQ types. That is, let $E_M$ be the effort level of M type candidates and $E_{SQ}$ be the effort level of the SQ type candidates. We are assuming that $E_{SQ} > E_M$.

The problem for voters is they do not know which candidates are SQ types and which are M types when they vote. What should voters do? Again, retrospective voting

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154 For a formal analysis of how voters can use retrospective voting to control the moral hazard problem, see Austen-Smith and Banks (19xx) and Banks and Sundarum (19xx).

155 Alternatively, an adverse selection problem can exist when candidates vary in capabilities.
by voters will help induce the candidates to expend higher levels of effort than they would if voters ignore their past behavior. Even though SQ type candidates have a higher cost of effort, they will still be induced to expend some effort if they want to be reelected. They may also be less likely to run for election since their expected utilities from running will be lower than for M type candidates – leading to some selection of candidates who like to make the policy voters want. Retrospective voting can help alleviate the adverse selection problem faced by voters.\textsuperscript{156}

Notice that when voters choose retrospectively and incumbents recognize this, incumbents are more likely to be reelected than otherwise. Retrospective voting is an additional reason why we observe high rates of reelection for incumbents.

**Parties Redux and Evidence**

Do voters choose retrospectively? Are incumbents held accountable? There is a long political science literature that suggests that voters choose retrospectively in U.S. national elections, see Fiorina (1981) for a review. We can answer this question by comparing the difference between incumbents’ past positions and voters’ preferences with the probability incumbents win reelection. If incumbents have a higher probability of winning reelection, when their positions are closer to those preferred by voters, then this suggests that voters are choosing retrospectively. But some incumbents, who anticipate that voters will choose retrospectively, may choose not to run at all. So we should also compare incumbents decisions whether to run for reelection with how closely they have chosen policies that please voters as well.

Yet, in the discussion above we have assumed that the voters incumbents must please to secure reelection are the voters in the general election. But Goodling’s difficulties were in the Republican party primary. In Pennsylvania, Goodling’s state, primaries are closed. The voters that Gerow was trying to convince to throw out Goodling based on Goodling’s past behavior were Republican voters, not all of the electorate. We have seen that the two major political parties are different in policy – that voters perceive they are different, that candidates for office choose different policy positions, and that once elected, they make different policy choices. Moreover, if voters are engaging in balancing between the parties, then even moderate voters may prefer a candidate who is more extreme to balance out an already elected official whose position is also extreme.

Figures 5-4 and 5-5 present the percentages of Senators who run for reelection and win reelection by the distance of their positions from those preferred by their state’s party’s voters from 1960 to 1990 as estimated by Schmidt, Kenny, and Morton 1996. The policy positions are measured on a 100-point scale and are based on the scores of these Senators by the Americans for Democratic Action (ADA). The organization picks a set of votes on bills as proxies for the liberalness/conservativeness of members of Congress. If a member votes the way the ADA prefers on all these bills, the member receives a score of 100 and if a member votes against the way the ADA prefers on all these bills, the member receives a 0. As we noted in chapter 3, these scores show a significant difference between the ADA scores of Democrats and Republicans. For example, the average ADA score for Republican members of Congress from 1982 to

\textsuperscript{156} For formal analysis of how retrospective voting can be used to control adverse selection in elections see Banks and Duggan (19xx).
1990 was 17.17, while the average ADA score for Democratic members of Congress during the same period was 74.09. In Figures 5-4 and 5-5 Schmidt et. al measure how close the incumbent Senator’s ADA score is to that Schmidt et. al estimate is the Senator’s party position in his state on the ADA scale. If an incumbent is 0 to 5 from her party’s voters, then this means that her adjusted ADA score is 5 or less points away from that preferred by the voters in her party as estimated by Schmidt, Kenny, and Morton. If an incumbent is 25 and over from her party’s voters, this means that her adjusted ADA score is 25 or more points away from that preferred by the voters in her party.

As the two figures demonstrate, both incumbents who are more extreme than their party’s voters and those that are more moderate are less likely to run for reelection or to win reelection. The relationship is particularly sharp for the likelihood that an incumbent can win. Incumbents are much more likely to win if their voting positions in the past are closed to that preferred by the voters in her party. This suggests strongly that voters do choose retrospectively. Moreover, the relationship reported here also further demonstrates how parties influence candidate positions. In chapter 3, we saw how when candidates must first secure nomination in a primary before becoming a candidate in the general election and there is uncertainty about the location of the median voter in the electorate, the successful candidates will choose divergent positions. Our analysis shows that when voters choose retrospectively, they evaluate incumbents based on their closeness to their party’s voters. Interestingly, moderation does not necessarily secure reelection and becoming more moderate can lessen an incumbent’s chance for reelection rather than enhance it.

Retrospective Voting and the Economy

Taxes and Spending

When Republican Governor Bob Riley took office in Alabama the per capita state and local tax burden (including property, sales, and income taxes) was $2,117, the lowest in the nation (the U.S. average was $3,100). Yet the income level at which a four-person family starts to pay state income taxes was $4,600, also the lowest in the nation (the national average is $19,512), reflecting a tax structure where the poor pay a larger percentage than the national average. Furthermore, 87% of the tax revenue raised was earmarked for specific programs and thus left very little discretion for the state government to provide new policy services for voters. Riley proposed and the legislature passed a massive overall of the system and an increase in taxes to be placed before voters in a referendum. Many Republicans in the state and nation were aghast. Marty Connors, the Alabama Republican chairman puzzled: “I’m caught between desperately trying to help the governor and maintaining consistencies in Republican policy. It’s very difficult to have on one side of my desk talking points from the president on why we have

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157 Sometimes members of Congress miss votes due to absences. The ADA counts an absence as a vote for conservatism. We correct for this in our analysis of the data.

158 One alternative explanation for why moderates may be less successful is that even though they are close to the median voter in their district, they are not members of the party that dominates the district and thus independent of ideology they have trouble winning and they have chosen moderate positions in an attempt to win (albeit unsuccessfully). I thank Gary Jacobson for pointing this out.
to have tax cuts, and on the other side, talking points from the governor on why we have to have tax increases." Former Republican House Majority Leader Dick Armey, who used to work with Riley when both served in Congress announced that he would go to the state and campaign against the tax measures. “Tuscaloosa businessman Stan Pete, who has paid for signs and ads opposing Riley’s plan, said he offered to fly Armey to Alabama before the Sept. 9 vote. ‘Armey is a true Republican. You are not going to see him pulling a stunt like Riley has pulled on the party,’ Pate said.” Political pundits suggested that Riley was risking his political future on his tax plan.

Riley may have gotten his inspiration from a smaller but equally controversial overhaul of the tax system passed by referendum in Louisiana in 2002, which reduced the states sales tax (whose burden falls more heavily on poor income citizens who spend a larger percentage of their income) and increased the state income tax. It certainly wasn’t the first time a tax structural change had been pushed in Louisiana, former Governor Buddy Roemer had tried to pass a comprehensive change like Riley’s in 1989 which failed. In Louisiana, the tax plan was pushed by a state legislator, Republican Victor Stelly, who announced during the campaign that he would not seek reelection or another elected office in order to convince voters that his goal in pushing the plan was sincere and not related to achieving elected office. Stelly noted: “The first thing people are asking me is, ‘Are you getting name recognition for something? What are you going to run for?’ But Stelly noted that he did not see himself as a viable candidate for any office he might want and he had accomplished what he wanted in the state legislature whether his tax plan passed or not.

While voters in Alabama and Louisiana may have prefer lower taxes than voters nationwide, Peltzman (1992) found that permanent increases in the size of government are punished by voters in gubernatorial elections nationally. Convincing voters to change tax schedules that might increase their tax burden is difficult for elected officials and can lead to failure at reelection time as Buddy Roemer discovered and many suspect will doom Riley in Alabama. In 1992 when Democrat Bill Clinton challenged the first President George Bush, the motto in the campaign was “It’s the economy, stupid” and much was made of Bush’s reneging on his promise not to raise taxes as one of the reasons why he failed to win reelection. In one sense an aversion to size of government itself may seem slightly irrational for voters who use government as services cannot be provided without spending resources and while some may prefer no government at all, most voters want some sort of governmental services. But if tax increases are correlated with incompetence or corruption (problems of moral hazard) then the relationship observed by Peltzman may reflect retrospective voting to control for moral hazard.

Besley and Case (1995) investigate whether voters use cross-state comparisons to evaluate the success of incumbent governors. If economic shocks are correlated across states by region, then voters can compare how they are doing with their neighboring states and thus better measure the extent that incumbents are engaging in behavior they

dislike. If their governor increases taxes and other states don’t then voters perceive their governor is incompetent or engaging in excessive spending, while if nearby states increase taxes and their governor doesn’t, then voters perceive their governor as especially competent and controlling of spending. It makes sense for Riley to try a tax change if voters know about nearby Louisiana’s tax change and see that as a tax increase, that might help him weather the burden of increasing the tax burden in Alabama. Supporting this argument, Besley and Case find that a governor is more likely to be defeated if he or she increases taxes, but is more likely to win if his geographic neighbors do. Note that voters may also punish the incumbent’s party even if the incumbent is not running when they perceive moral hazard problems. Niemi, Stanley, and Vogel (1995), using exit polls in gubernatorial elections, find that voters are less likely to support the incumbent party’s candidate when taxes have been increased during the previous term and that state level income also affects voters’ decisions.

Perhaps luckily then for Republicans in Alabama, Riley’s controversial tax plan was defeated by voters. Riley changed his tune and said that the voters had spoken – that they wanted reform in spending, not new taxes. At the winter meeting of the Alabama Republican executive committee, Riley announced: “We’re doing what the people of Alabama wanted. We’re going to make it the most cost-effective, the most efficient government in the United States.” Republicans in Alabama in general forgave Riley for his tax increase plan, looking forward to being united for the next election. “A lot of healing has gone on,” said Republican state representative Mac Gipson. “We need to be solidified in future elections.”

Retrospective Voting and Cycles

President George W. Bush was speaking in Pittsburgh in early December 2003, and his subject was the nation’s economy: “The American economy is strong and it is getting stronger. Perhaps you saw the fact that the third-quarter annualized growth numbers were . . . the fastest pace in nearly 20 years.” Bush had reason to be happy – he knew that the state of the economy would be an issue in the upcoming 2004 presidential election whether he made it one or not. By all accounts when he took office the economy was beginning a recession. Bush has labeled it the “Clinton” recession with the goal of claiming credit for a recovery.

If voters choose retrospectively and have short time frames, then it might make sense for incumbents up for reelection, like Bush or Clinton in 1996, to use the economy to try to influence voter choices. That is, if voters mainly consider their own economic condition or that of the country as their method of evaluating an incumbent, then manipulating the economy might benefit incumbents. For example, an incumbent president may want to increase spending or reduce taxes or increase the money supply (which would ease credit and expand the economy) prior to an election, baring the burden

164 Even Clinton economic advisor Gene Spurling has noted that the economy was beginning a recession when Bush took the reins, as remarked in an interview on Fox News Show, Hannity and Colmes, Tuesday, January 7, 2003.
for the expansion after the election. The idea that business cycles may be politically influenced is an old one and the literature is reviewed in Alesina and Rosenthal (1999).

However, is this rational for voters? Voters should anticipate that elected officials are engaging in this behavior and discount such efforts. To the extent that voters are myopic, such cycles might occur. The empirical evidence for political business cycles or this sort is mixed. It is also possible for elections to influence the economy when voters are rational. In this case the economy is affected not because elected officials are manipulating it, but because of the fact that voters cannot predict for certain the economic policies that will be in place after the election. Such rational politically induced business cycles might occur if the two major parties have different economic policies with respect to inflation and unemployment voters are uncertain about which party will win an election.\(^\text{165}\) For example, suppose voters anticipate that if Bush is reelected inflation will be low and employment will not increase that much but if his opponent is elected (at this writing expected to be John Kerry) inflation and employment will both increase. Because the outcome of the election is uncertain, they don’t know for sure what the economy will be like after the election. Yet, voters must make economic decisions based on expected prices and employment, which are an average (based on the predicted election outcome) of the two party positions. Once the election occurs, however, they alter these decisions in response to the positions of the elected party, causing the economy to be affected. If Bush is elected, then they revise downward their predictions on inflation and employment, which changes their economic decisions on investing, etc., and if Kerry is elected they revise upward their predictions on inflation and employment, which similarly changes their economic decisions on investing, etc. Thus, after the election, the economy either booms or falls as a consequence of the resolution in the uncertainty. Alesina, Londregan, and Rosenthal (1993) find support for the predicted empirical relationship in the U.S. economy.

**Should Incumbency be Limited?**

As we noted above, Rep. Goodling considered the contest he faced in 1998 highly unusual. It wasn’t just that his opponent in the primary was strong and articulate but that his opponent had support from a unique interest group, U.S. Term Limits and its sister organization, Americans for Limited Terms. Term limits for elected offices in the United States have been debated since the American Revolution and are not unusual. Presidents are prevented from serving more than two terms since 1951 with the passage of the 22nd Amendment to the Constitution. In fact, Goodling had pledged to support a constitutional amendment limiting House members to three terms – 6 years in office. But he later voted against this measure and voted in favor of one allowing six terms – 12 years in office. One reason that U.S. Term Limits decided to oppose Goodling was because of his change of stance on the constitutional amendment.

Most states have had term limits on executive offices like governor, some have had these for many years – since the American revolution. Figure 5-6 shows states with term limits on governors and the year that the term limits were enacted. It is noteworthy that 16 of the 39 states with limits on gubernatorial terms, passed these measures in the 1990s. At the same time, many of these states also passed term limits for legislative offices as illustrated in Figure 5-7. As the figure illustrates, legislative term limits are

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\(^{165}\) See Alesina 1989.
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completely a 1990s phenomenon. Often these laws were designed to apply to members of Congress, however, in U.S. Term Limits, Inc. v. Thornton 514 U.S. 779 (1995) the Supreme Court declared the application of these laws to Congress unconstitutional since the Constitution sets forth the requirements for membership in Congress and to change these requirements (i.e. to prevent some from running for office since they had already served a number of terms) would require a constitutional amendment.

Why would voters want to enact term limits? After all, the analysis above suggests that voters can and do use a retrospective voting strategy to encourage incumbents to choose policy positions that they prefer. Retrospective voting can help alleviate the twin voter information problems of moral hazard and adverse selection when incumbents run for reelection. But if incumbents are prevented from running for reelection because of term limitations then voters cannot use a retrospective strategy to solve moral hazard and adverse selection problems. Why would voters take away a good way of controlling incumbents? Voters may impose term limits if it is difficult for them to use a retrospective voting strategy and if they believe that the moral hazard and adverse selection problems increase with the time that an incumbent serves in office.

Why might the moral hazard and adverse selection problems become worse as an incumbent serves a longer term? Just as voters can “learn” during a campaign about candidates, incumbents also learn while in office. We have assumed that the reason that voters cannot observe an incumbent’s effort level is due to random factors that affect ultimate policy outcomes. But incumbents who serve longer terms may be able to learn more about these random factors than voters. If an incumbent can anticipate the true size and direction of these factors, then they can use this information to put forth less effort or make choices closer to those of her own preferences or the preferences of contributors. Incumbent knowledge of the governmental process can allow them to make legislation that benefits them in ways that voters have less ability to monitor. It may also be that the time cost of effort declines with time in office, allowing incumbents to use less time for policy-making and perhaps more time for activities that voters see as wasteful. In summary, it is possible that as incumbents serve longer periods of time in office, the problems of adverse selection and moral hazard increase. On the other hand, when terms are limited, because there is less time for elected officials to “learn” how government works, many argue that these officials will increase their reliance on non-elected staff and interest group lobbyists who can control information and policy decisions.

Even if having incumbents learn how to “shirk” is harmful, why can’t voters just adjust their retrospective voting strategies to account for this? But that may not be so easy. Why would it be difficult for voters to use a retrospective voting strategy? First, because incumbents are at an advantage over challengers independent of the advantage from retrospective voting, retrospective voting may not be as effective a method of solving moral hazard and adverse selection problems. Recall that incumbents are better known and better able to raise campaign contributions. These factors give them an electoral advantage regardless of retrospective voting to control for moral hazard and adverse selection problems. The longer an incumbent has served in office the greater the informational advantage the incumbent can have with voters and the easier she can raise service- or favor-induced campaign contributions. These advantages, independent of retrospective voting, lessen the ability of voters to use retrospective voting as a evaluative mechanism and can increase with length of term.
Second, not all voters may have the same skills at processing information that may be necessary for retrospective voting to be effective. Husted, Kenny, and Morton 1995 find that more educated voters are less likely to make errors in estimating their Senators’ voting records. So if most voters are less educated, it may make more sense to use term limits as a control over incumbents in place of retrospective voting.

Third, even if voters do have the skills to process the information or can use cues provided by benefit-seeking group leaders as mentioned above, the ability to communicate information to voters varies across jurisdictions. More rural jurisdictions have fewer newspapers and television stations, making communication to these voters more difficult. Adams and Kenny 1986 find support for this explanation of the use of term limits when examining the states that used gubernatorial term limits as of the mid 1980s. In general, term limits at this time were more likely in rural states and where educational levels are lower. Gubernatorial term limits were also more likely in states that have four-year terms for governor than those with only two-year terms (see Grofman and Sutherland 1996 as well).

**The Puzzle of the Rise in Term Limits**

Yet, there is a problem with this explanation – it does not seem to explain why there has been a new movement of instituting legislative term limits and an increase in states using gubernatorial term limits in the 1990s. As Francis and Kenny (forthcoming) remark concerning the advent of legislative term limits:

“The answer cannot lie in legislative term length or in voter education.

There have been very few changes in the last 40 years in the length of terms for the state house or senate. And educational attainment has risen, which should actually reduce the need for term limits.”

As noted above, however, one reason why voters may turn to term limits is if an incumbent has an electoral advantage independent of retrospective voter evaluations. If incumbents have greater campaign contributions and can use them to sway impressionable voters, then even if other voters attempt to use retrospective voting strategies, the mechanism may not be as successful in weeding out bad incumbents.

There has been a growth in campaign expenditures in all election races – which may reflect increasing use of service-induced campaign contributions, which voters may see as detrimental. Although we argued that these services’ costs are widely dispersed and thus difficult to organize against, voters may use a term limit measure to control for their use. Furthermore, in recent years there has been a rise in the professionalism of state legislatures which some have argued has also led to a reduction in competitiveness.\(^\text{166}\) Hence, the increased demand for term limits for legislatures and governors not previously covered may simply be a reflection of this increase.

Daniel and Lott 1997 found that in California legislative term limits substantially reduced campaign expenditures and increased the competitiveness of legislative races even before the limits became effective. Gary Moncrief, Richard Niemi, and Linda Powell (2004) investigate the degree of competitiveness in state legislatures as a function of the term limit structure across states. They find that term limits have increased competitiveness when you control for other factors that can affect competitiveness. This

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suggests that since incumbents were less able to promise favors and services, that campaign contributions fell and contributors did not have the same advantage from coordinating their contributions on an incumbent who would soon be term limited out of office.

There are other explanations for the rise in term limits – some have argued that the movement reflects simply attempts by Republicans and conservatives (the main proponents) to change the partisan control of legislatures. Certainly many Republicans who supported term limits when Republicans were the minority party in Congress (pre 1994), like Goodling, changed their tune once Republicans won a majority in the House of Representatives. With the decrease in support among Republicans, the movement lost much of its steam.167

Nevertheless, advocates of term limits argue that the new legislators will be more like citizen representatives rather than the career politicians they replaced – like Jack Norton in Arkansas. Have term limits had this effect? Carey, Niemi, and Powell 1998 surveyed state legislators in 1995. They found that there were no systematic differences in the professional backgrounds, education levels, income levels or ideologies between the legislators elected in states with term limits and those without. The electoral success of blacks and religious fundamentalist candidates were not significantly different, however, states with term limits did demonstrate greater success for women candidates. Carey, et. al. did find that legislators in states with term limits spent less time “securing pork” – benefits specific for their districts than legislators in states without term limits which may reflect a decline in service or favor-induced campaign contributions.

**Voters Changing the Electoral Calendar**

**Too Clever**

In December 2001, California Democratic incumbent governor Gray Davis was worried about his chances for reelection. Voters in California were unhappy with Davis’ job performance, particularly his handling of the energy crisis facing the state. Polls reported that only 38% of the voters approved of his record. While Davis was glad no other Democratic would challenge him in the March primary, polls also suggested that one of the candidates for the Republican nomination, former Los Angeles mayor Richard Riordan, would beat him in the general election by 7 percentage points. Riordan was likely to win the primary – polls predicted his vote share would be 42% of Republican primary voters to 19% for Jones and only 5% for Simon (the remainder was undecided). A race against either Jones or Simon would be much easier for Davis, who was predicted to win in either potential match up.168 What to do?

Davis decided to campaign early against Riordan, spending $10 million dollars before the Republican primary. As we noted in Chapter 4, he conveyed to his contributors that he would view it an “unfriendly act” if they gave money to Riordan. He found a video clip where pro-choice Riordan called abortion “murder” on a cable access television program. As his campaign advisor, Garry South, related: “We knew the ad

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would be relatively fatal. It hit him both ways. The pro-life people thought he had changed his strongly held beliefs for crass political purposes. The pro-choice people just thought he was a liar.” Davis successfully helped conservative businessman Bill Simon defeat Riordan and then attacked Simon as an “incompetent” and “crooked” businessman, winning reelection with 47.3% of the vote to Simon’s 42.4% (minor party and independent candidates took the remaining votes).

Yet, the unhappiness of voters with Davis and Republicans with his tactics during the primary unraveled Davis’ success. Davis’ vote totals were hardly impressive as an incumbent, when he ran in 1998 he received 58% of the vote. California is one of eighteen states where voters can force a recall election by petition of a given percentage of registered voters, forcing a potential change in leadership between regularly scheduled elections. In February, some Republicans and conservative interest groups started a petition drive to recall the governor. The state faced a severe budget deficit and to pass Davis’ proposed solutions he needed votes from Republican state legislators to vote in favor. But Republicans remained intransient – refusing to increase taxes as Davis desired. Republicans who had voted with Davis on the last budget had not been reelected and those left saw the potential of a recall election replacing him. In early July the recall drive announced that they had gained more than the required 12% of registered voters on their petitions. A Los Angeles Times poll reported that only 22% of voters approved of the governor’s job performance and 51% would vote to recall the governor. As we saw in the last chapter, the Davis recall was successful and Arnold Schwarzenegger replaced him as governor.

When Davis first heard about the recall attempt, he was dismissive. Most recall efforts fail. During the period of time that California has allowed for recalls for state officials (since 1911) only seven of the 117 attempts have made it to the ballot (all for state legislators) and four were recalled. Only one governor has ever been recalled (Lynn J. Frazier of North Dakota in 1917). Why then do some states have such procedures and why if they rarely succeed are they attempted? When can they be successful?

Recall Elections

While typically considered one of the processes by which Americans engage in “direct democracy” such as initiatives and referenda (discussed below), recall elections are distinctive since they are a method by which voters can exert control over incumbent elected officials during their terms. If voters believe that an incumbent has made choices that are beyond acceptable and that a replacement could do better, then the recall election

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171 Although Democrats controlled both state legislative bodies, a super majority is needed to pass tax increases.


173 Puzzanghera, Jim, “History of Recall Gives Fuel to Both Sides,” San Jose Mercury News, Sunday, July 13, 2003. Arizona governor Evan Mecham was impeached before a recall election, which would have likely led to his removal from office as well.
allows them to petition for an up or down vote on whether the incumbent should finish out his or her term. The rules on how recalls are conducted vary by state and locality where they are used, but in general require that voters first file a petition signed by a minimum percentage of registered voters and then, if a recall election is held, a majority of the voters must vote in favor of the recall (in some cases there are additional requirements of a supermajority or that there are specific grounds such as corruption which may be subject to judicial review). How a recalled official is replaced also varies, in some states the vacant office is filled as unexpectedly vacant offices are normally filled by the state (by appointment or special election) or, as in California, voters vote at the same time as the recall election on candidates for replacement.

Recall elections can be quite costly for the proponents since achieving the number of signatures on a petition requires time-consuming canvassing of voters and making sure that the signatures and the petitions have valid information within a given time period. In 1961, when blacks in Los Angeles attempted to recall white city council member Joe Hollingsworth who had been appointed to fill a vacant seat over their objections nearly half of the signatures were declared invalid by the city clerk. They had only 10 days to gather more signatures, which they did only to have the clerk invalidate the petition for failing to have required information about the individuals circulating the petition, leaving them not enough time to re-gather signatures. Moreover, the cost of a special election can be burdensome (if one is necessary, sometimes recall elections are scheduled at the same time as regular elections for other offices in a state or locality). Former San Francisco Mayor Diane Feinstein defeated a recall effort in 1983 in large part by criticizing her opponents for frivolously wasting public monies only six months before she would face reelection.

Why go to the trouble of a recall given these costs? For the black leaders in Los Angeles, the recall attempt was part of a general process of trying to achieve political office for blacks in the city. At the time of the city council vacancy, no black had been elected to the city council even though they comprised almost 15% of the city and blacks felt that they should have some representation on the fifteen-member council. The movement to recall the appointed white councilmember was seen as part of a general strategy to increase black voter registration and activism in order for blacks to achieve elected office. Their efforts no doubt influenced the appointment of black council member Gilbert Lindsay to fill another open seat subsequently and his election to the seat in 1963. The voters they mobilized helped Tom Bradley defeat Hollingsworth and in 1973 become the first black mayor of Los Angeles (serving for two decades), and the second black mayor of a majority white city. The recall effort was hardly a failure.

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176 Hispanics were already serving on the city council. However, to some extent blacks replaced Hispanics in districts where both groups were sizeable populations and from 1962 to 1984, no Hispanics served on the council. Bradley and Latinos attempted to increase the size of the city council to facilitate the election of more minority candidates in the late 1960s, but the proposal was defeated by voters, see Kousser, J. Morgan, Colorblind Injustice: Minority Voting Rights and the Undoing of the Second Reconstruction, Chapel Hill: University of North Carolina Press, 1999, pages 90-91. Issues of minority representation in elections are discussed in Chapter 10.
Using a recall effort as blacks did in Los Angeles to mobilize voters for future elections can backfire if the process reveals that the cause has little support. When Mayor Diane Feinstein of San Francisco sponsored a gun control measure, the White Panthers, a group who described themselves as “Communist, Marxist, Leninist, Maoist, Castroist,” failed miserably to recall Feinstein, in fact helping her reelection and future campaign for the U.S. Senate by giving her much publicity. As Shields noted after the recall election: “Feinstein . . . is now a certified national leader of the Democratic Party. As she proved in her remarkable 4-to-1 victory, she is an accomplished, effective politician. There are currently no Democratic women in the Senate or the Statehouses; the . . . Democrats need Diane Feinstein.” After the recall victory, Feinstein herself concluded about her chances for getting reelected: “Anybody who files against me is going to get creamed.”

Why would a group of voters like the White Panthers attempt a recall given its likely failure and the consequence of such failure? From the perspective of the outside observer it would seem foolish given the low probability of success, yet from the point of view of the group of like-minded voters if the utility payoff from winning is sizeable and expected to have some long term effects, that is, mobilization towards issues they support such as reductions in gun control, then the expected utility from challenging an incumbent through a recall may be worth the costs if there is some probability of success and future benefit to the group. For groups opposed to an incumbent, a recall election, as an explicit referendum on the incumbent’s record means that an incumbent who can manage to win reelection by calling a challenger less qualified has a more difficult time when there is no explicit challenger to demonize. The incumbent cannot try to make the election about the challenger (as Davis did of Simon and Bush plans to do with Kerry). A group that wishes to see an incumbent defeated but does not anticipate that it will have a candidate able to do so in the near future (either because the incumbent is recently elected as with Davis or the group lacks visible qualified candidates willing to run), may find it desirable to push for a recall. Note that this is more difficult in the California system where voters choose a replacement candidate at the same time as the decision to recall – in other localities with recall elections there is a separate later contest to determine who replaces the recalled candidate.

We would also expect that states allowing recall elections would imply difference in elected officials behavior than if they served in a state without recalls. Two of the four recalled state legislators in California’s history were Republican state Assembly members who cut deals with Democrats, both defeated in 1995 in their heavily Republican districts. It is probably not surprising that Republicans in the state Assembly were wary of engaging in similar alliances with Davis in 2003. Although recalls are rare, the potential of their use no doubt can affect the choices of elected officials. In July 2003, some Texans unhappy with Republican Governor Rick Perry started a recall drive of their own on the internet. Yet, since Texas has no recall process for state or county officials (some cities have them) the only way to forcibly remove the governor prior to the next election would be through an impeachment by the state legislature (dominated by


Republicans). Referring to California’s problems, Perry reportedly remarked: “I get up every day and thank God I don’t live in California.”

If the potential for use of the recall does affect elected officials’ behavior while in office, then we would expect that elected officials in states where recalls are an option would be more likely to choose positions close to the median voters in their electorates. However, recall provisions tend to also exist with the mechanisms of direct democracy such as initiatives and referenda. These mechanisms can have a similar effect on elected officials as we will see in the next section. Empirical evidence does suggest that elected officials do choose policies closer to their electorates in states with these provisions, but disentangling whether it is because of the potential for recall or referenda or initiatives is difficult.

**Referenda and Initiatives**

**California in the 70s**

Alabama Governor Riley’s and Louisiana state legislator Stelly’s tax proposals required passage not only by the legislatures in their states but also by the voters directly in referenda. However, in some cases measures like these are proposed directly by voters through petition. While elected officials in Alabama and Louisiana in the early 21\textsuperscript{st} century were worried about the tax measures put before voters, those in California were appalled when activists Howard Jarvis and Paul Gann got on the ballot Proposition 13 in June, 1978 which cut property taxes in half and provided strict state constitutional limits on the amount of future increases. Former Governor Edmund G. [Pat] Brown, father of the then current governor Jerry Brown who opposed the measure called it “communist.” Los Angeles Mayor Tom Bradley said that it would “hit the city [Los Angeles] like a neutron bomb, leaving some city facilities standing virtually empty and human services devastated.” The President of Los Angeles Chamber of Commerce, Howard Allen, described the measure as a “fraud on the taxpayer that will cause fiscal chaos, massive unemployment, and disruption of the economy.” San Francisco’s Board of Supervisors threatened to fire 5,500 city employees, raise bus fares, and cut funding for hospitals and libraries.

Proposition 13 passed and California did not fall into the ocean. Yet it did fundamentally affect much of the way in which California funds public services. In education, California’s per-pupil spending rank among states went from 18\textsuperscript{th} in 1977 to 42\textsuperscript{nd} in 1995-96. The proposition also changed the level of government that determined the distribution of state revenue – before passage local governments could determine their own property tax rates and thus controlled their budgets directly but after passage these governments needed to seek aid from the state legislature. Some elected officials felt that the proposition’s passage was due to a political mistake on the part of governor Jerry Brown. While voters were experiencing record tax increases [voter Ernie Dynda noted

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179 As reported in Burka, Paul and Patricia Kilday Hart, “The Best & the Worst Legislators, 2003,” *Texas Monthly*, July, 2003. Burka and Hart also note that Hilary McLean, the chief deputy press secretary to Davis replied: “I’m sure there are millions of Californians who wake up every day and are glad of that too.”


that the property tax on his home went from $800 in 1974 to $2,000 in 1978\textsuperscript{182}, Brown allowed for a state surplus of $3 billion to accumulate, according to then State Treasurer Jess Unruth.\textsuperscript{183} While Brown and the legislature belatedly passed their own alternative tax proposition, which was also on the ballot with Proposition 13, the measure failed.

The Effects of Direct Democracy – Theory

Brown’s and the California legislature’s failure to anticipate the strength of unhappiness with the current state tax system in his state led to the initiative being put on the ballot and passing. The lesson is that if elected officials know that referenda and initiatives can be used to implement policies that are close to voters’ preferences they have an incentive to enact these policies in anticipation. Thus, the threat of initiatives and referenda, like the threat of recall elections, can induce politicians to choose policy positions closer to those preferred by the median voters in their respective electorates (see Gerber 1996, 1999). Furthermore, initiatives and referenda allow voters to disentangle issues that are bundled together when they vote for candidates. That is, suppose the bare majority of voters in a state are pro-choice on abortion but hold conservative positions on most other issues. If they have to choose between a anti-abortion conservative on other issues and a pro-abortion liberal on other issues, then they need to make a choice as to which issues are paramount in their voting decision. If voters can use the initiative process to enact pro-abortion measures, then they can enact policies on particular issues closer to their own preferences (see Besley and Coate 2000).

Sometimes elected officials may prefer to allow measures to be enacted via initiatives rather than to tackle them through legislation. Matsusaka (1992) contends that controversial issues that are not too technical tend to be considered by the public via initiative so that legislators can avoid taking positions on these issues. Matsusaka and McCarty (1999) argue that initiatives can also reveal to elected officials policy preferences of voters and the strength of these preferences. So in some cases, elected officials may encourage voters to consider policies via direct democracy.

The Effects of Direct Democracy – Evidence

In 2003 twenty-three states have some form of direct democracy through initiative or referendum.\textsuperscript{184} If the presence of direct democracy does lead to policies closer to the median voter in the electorates where they are used, a comparison of states with direct democracy to those without should show a difference. Bowler and Donovan (2002) find evidence that voters in states with direct democracy are more likely to believe that government is responsive to them than voters in states without these procedures. Gerber (1999) considers the relationship between public opinion in states on parental consent laws for abortion and the death penalty and actual laws enacted. She finds that states with initiatives’ laws on these two issues are more likely to reflect public opinion than in states without initiative laws.\textsuperscript{185}

\textsuperscript{182} Quoted in Wildermuth, 1998.
\textsuperscript{183} Quoted in Cannon, 1978.
\textsuperscript{184} Gerber (1999) describes these processes in detail.
\textsuperscript{185} Gerber also finds that there are significant policy differences on another of other issues between states with initiatives and those without. A number of researchers have considered whether initiatives reduce the size of government. The evidence on this is mixed, see Besley and Case (2003) for a review of the literature.
Elected versus Appointed Officials

Elected Prosecutors

In 1996, Dominican immigrant Milton Lantigua was released after serving five years in prison although he had not served all of the 20 year term for which he was convicted – fatally shooting a man on a Bronx street in New York. He was released because the State Appeals Court discovered that the prosecution in his case had allowed their chief witness to perjure herself and not revealed the existence of a second witness. The Court called the errors “especially egregious.” Lantigua was awarded $300,000 in damages from New York state and is currently suing New York City for violating his civil-rights. The prosecutor in the case, who left the District Attorney’s office prior to the reversal, denies wrongdoing but cannot comment at this writing due to the civil suit. Senior Aides to the Bronx District Attorney’s office called the prosecutor’s error an “honest mistake.” “Mr. Lantigua, who is now 33, suggests he has paid too great a price for the prosecution’s errors. ‘They don’t want to say they made a mistake,’ he said.”

Like the Bronx District Attorney, over 95% of chief, state, and local felony prosecuting attorneys are elected in the United States. Yet, few other countries elect prosecutors. How does electing prosecutors affect the way that crimes are investigated and prosecuted in the United States? When prosecutors face reelection they often advertise their conviction rates as noted by Gordon and Huber (2002). Should they? Should voters use conviction rates to evaluate prosecutors retrospectively? Or is this likely to lead to convicting the innocent in order to increase reelection prospects? Gordon and Huber cleverly demonstrate how votes’ using conviction rates retrospectively can induce elected prosecutors to expend the effort to gather information about whether a potentially guilty defendant is actually guilty or not.

How does this work? Cases brought to prosecutors have three possible outcomes – convictions, acquittal, or dropped. Gordon and Huber assume that when the case is brought to the prosecutor, he or she has information that suggests whether the defendant is guilty or not, but the information is not complete. That is, the prosecutor perceives that there is a probability $x$ that the defendant is guilty and a probability $1-x$ that he is innocent. If the prosecutor investigates further however, she can find out more reliability whether the defendant is guilty or not. If she does not investigate then the probability that she will convict the defendant is also given by $x$ (the probability the defendant will be acquitted is $1-x$). If she does investigate and finds out the defendant is guilty, she can go to trial and win for sure and if she finds out the defendant is innocent, she can drop the case without having to go to trial. Unlike the situation in Lantigua’s case, Gordon and Huber assume that any information the prosecutor discovers must be revealed to the defendant.

Assume that voters want the prosecutor to expend the effort of investigating the cases, but all the voter observes is the information revealed about the case in newspaper (which is the same as the value of $x$) and what the outcome of the case (conviction, acquittal, or dropped). Note that if an acquittal occurs, it is obvious to the voter that the prosecutor has “shirked” since if the prosecutor had gathered information on the

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defendant’s true guilt, the prosecutor would have dropped the case. Thus, the voter rationally should never reward prosecutors for acquittals. If the voter increases the value he places on convictions, then what is the effect? The effect is that the prosecutor will investigate cases that normally he or she would have failed to do so, as the only way to increase her conviction rate is to gather information (i.e. her conviction rate approaches one when she drops all cases where acquittal will occur and prosecutes all cases that are known to be guilty with her new information). It makes sense for voters to examine conviction rates as a control over the moral hazard problem facing prosecutors.

Of course, rewarding conviction rates does little good if the prosecutor is corrupt or lax with the rules as the New York state Appeals Court ruled was the case in the Bronx – lying about evidence or withholding evidence from the defense. In fact, rewarding convictions is likely to increase the incentive for prosecutors to violate the law, particularly if it is difficult for the public to monitor violations of the law by prosecutors. A national study found that “[s]tate and local prosecutors stretched, bent or broke rules so badly in more than 2,000 cases since 1970 that appellate judges dismissed criminal charges, reversed convictions or reduced sentences.” 187 Voters should also punish prosecutors who engage in this sort of behavior or solving one moral hazard problem (forcing prosecutors to gather information) simply leads to another one (violation of judicial rules).

Electing Judges

A man accused of a notorious murder was acquitted in Oregon in 1911 and the populace believed that the circuit judge in charge of the case had given instructions to the jury that were biased toward the defendant. Some decided to take action and circulated a recall petition (Oregon was the first state to pass recall provisions in 1908) against the circuit judge even though the instructions he had used had been given in another case which led to a conviction and had been supported by the state supreme court. A local newspaper favorable to use of the recall bewailed its attempted use to control judges’ legal decisions: “In exercising the recall in such an instance, the electors of the second district, would, in effect, assume all the function so of one of the coordinate branches of state government of Oregon, setting aside the judiciary for a moment and making each elector in the second district a super supreme judge, exercising power above the judiciary and above the constitution itself. . . . The people are not in position to pass upon the legal questions involved.” 188 Are judges and judicial decisions different? Should they be subject to recall elections? Should they be elected at all?

In 39 states trial judges stand periodically for reelection. Yet voters probably know little about them. Usually they are chosen in nonpartisan elections. What voters know is sentencing behavior. How is this likely to affect judges? Some voters may prefer the judges be lenient in sentencing whereas other voters may prefer that all convicted criminals serve long sentences. So voters face an adverse selection problem as well as a moral hazard problem. That is, voters want judges that have the same policy preferences as them with respect to sentencing (adverse selection), but also they want

judges to punish appropriately to the crime – i.e. to not make mistakes through expending too little effort (moral hazard). Gordon and Huber (2003) point out that underpunishment errors are more likely to be observed than overpunishment errors since convicted criminals will always claim that they have been sentenced too harshly, whereas when someone who appears highly guilty to voters (as in Oregon in 1911) has been released or lightly sentenced voters are likely to notice. California State Supreme Court Justice Rose Bird lost her seat in 1986 when her unwillingness to support the death penalty for cases where the rest of the court approved was criticized by voters.

How is this likely to affect judicial behavior? Gordon and Huber contend that if voters are shortsighted, then as election nears for trial judges we should expect that all judges, regardless of their constituents’ preferences over punishment should choose higher sentences for all crimes. Since the main mistake voters can really observe is underpunishment, overpunishment has little negative consequence. Gordon and Huber investigate whether this is the case by examining information on sentencing, cases, judges, and constituents before elected trial judges in Pennsylvania from 1990 to 1999. They find that controlling for other factors that can affect sentences, trial judges do become more punitive as they approach reelection. They note however, that their results do not mean that electing judges is necessarily more problematic than if they were appointed. Any periodic review of judges might lead to the same sort of behavior if the reviewer focuses more on recent cases. Moreover, their evidence shows that the judges do respond to voter preference differences over sentencing, suggesting that the electoral mechanism does influence judicial behavior.

ELECTING REGULATORS

What about electing regulators? While the majority of state and local business regulators are appointed by elected officials, in a number of states these officials are directly elected. Besley and Coate (2003) show that elected regulators, like referenda and initiatives results in an unbundling of the regulation choice from other issues, potentially benefiting voters. They argue that parties may want to choose regulatory policies that are pro-business in order to gain campaign contributions. Because the positions on regulation are bundled with other issues that voters care about and divide the parties, voters cannot use the election mechanism to control regulatory policies. But if voters elect regulators independently, then regulators have an incentive to choose pro-consumer policies. They find some empirical evidence that supports this argument – i.e. public utility regulators in states where they are elected make choices that appear to benefit voters (at least in the short run, it is unclear what happens in the long run to investment in energy).

OTHER REASONS WHY GOODLING’S ELECTION WAS SPECIAL

When voters were deciding whether to support Goodling for reelection to Congress, one of the factors that affected his election was how his district had been drawn. As one that was biased towards Republicans, his toughest competition would be in the primary, not the general election. Why was his district dominated by Republicans? District boundaries in Congressional as well as other legislative elections are choices made by elected officials that can fundamentally affect which candidates win those races. Furthermore, as only one of 435 members of Congress, voters in Goodling’s district
considered not only his voting record but his ability to influence policy in general by holding positions of power. Goodling was Chairman of the Committee on Education and the Workforce, which gave him influence over Congressional bills in those issues as well as bargaining power with members of Congress who wished to see legislation passed relevant to the committee. Congressional elections have a number of distinctive features which warrant a chapter in themselves, and we turn to them in Chapter 6.
Part II: Congressional and Presidential Elections

Chapter 6: Congressional Elections

Trying to Make a Difference

Larry Weatherford’s son was born with cystic fibrosis and required surgery a few hours after his birth, but his HMO (health maintenance organization) would not pay for the ambulance ride to another hospital. Furthermore, the HMO refused to pay for the medical equipment his son’s doctor said was needed for the child to be healthy enough to stay home instead of in the hospital. Weatherford felt that his problems with the HMO were not unique and that the answer was passage of a patient’s bill of rights in the U.S. Congress. In 1974 when Congress brought pension and employee benefits under federal law, health insurance companies were protected from being sued by patients for care denial decisions. Weatherford not only called for his Oklahoma Congressman to work for passage of the bill, he decided to run for Congress himself in 2000, to challenge the incumbent in his district. We have already seen that challenging an incumbent is difficult given their advantages in terms of campaign contributions and voters who use retrospective voting strategies (Chapters 4 and 5). Could Weatherford win? Was it rational for him to enter and compete against an incumbent?

Like Weatherford, Minnesota retail sales clerk Betty McCollum entered politics because of something that happened to her child. Her daughter fractured her skull tumbling off an old-fashioned playground slide in the mid 1980s. “I walked her over to City Hall and told the city manager that she was fine and we had insurance to cover our costs, but we’ve got to fix this stuff now,” McCollum recalled. She then ran for city council, the state legislature, and like Weatherford, in 2000 she also ran for Congress (working a 13 hour sale in men’s shirts and textiles during the primary campaign). She did not have to face an incumbent but other new candidates like herself. Did her political experience help her win the election?

Two years earlier, California dairy farmer Devin Nunes decided to challenge the Congressional incumbent in his district. Like Weatherford, Nunes’ top issue in the campaign was one close to his own experiences, better water management for farming in the Valley. Nunes wanted a dam and reservoir at Temperance Flat, California, above Millerton Lake. He believed that the dam would be “vital to continue urban growth,

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189 Under the Federal law, Employee Retirement Income Security Act of 1974, or Erisa, patients can sue for the dollar value of services found to have been improperly denied, but not for damages resulting from the denial. Erisa also pre-empted existing state laws that allowed for such suits, thus Weatherford could not sue in state court either.
maintain agriculture at current levels and help environmental restoration.”

But Nunes faced a problem with running for office, while Weatherford was 33 when he filed his candidacy to run for Congress (McCollum was 46), Nunes was just 24. The U.S. Constitution requires that members of the House of Representatives must be twenty-five years old and citizens of the United States for seven years. Although Nunes would turn 25 on Oct. 1\textsuperscript{st}, prior to the general election, the county elections officials had told him his name could not be on the ballot because he was not yet 25. Nunes successfully challenged the elections board and got his name on the June 2\textsuperscript{nd} primary election ballot.\footnote{Griswold, Lewis, “Young Candidate Put on 20 \textsuperscript{th} District Ballot,” \textit{Fresno Bee}, Wednesday, February 4, 1998.} Did Nunes, who like Weatherford faced an incumbent, become the youngest member of Congress?

In this chapter we analyze Congressional races such as the ones Weatherford, McCollum, and Nunes entered. We discover that sometimes it is rational to challenge an incumbent even given their advantages. We find that political experience can be valuable, but not always. And we discover that youth can be less important than how Congressional district boundaries are drawn. While much of the analysis of the American election process we have discussed in Chapters 1-5 applies to Congressional elections, these elections have a number of distinctive features which we will explore as we examine the factors that determined who won the Congressional seats Weatherford, McCollum, and Nunes desired. We will begin with what determines how many members of Congress a state has and how the boundaries of Congressional districts are drawn.

**Apportionment and Membership of the House of Representatives**

There are 435 members of the House of Representatives, who are apportioned across the states roughly by population after each census, and elected every two years from single member districts. These are the jobs that Weatherford, McCollum, and Nunes desired. Table 6-1 presents the population of each state as estimated in the 2000 census and the apportionment of Congressional members across the states; Figure 6-1 shows the apportionment of Congress in a map of the United States. Note that the requirement that each state have at least one representative does lead to malapportionment across states. For example, both Montana (population 905,316) and Wyoming (population 495,304) each have one representative. After reapportionment takes place, new Congressional districts are drawn by state legislatures to reflect population changes within states and the effects of re-apportionment.

Changes in Congressional apportionment can affect who can run for Congress and who can win. For example, California dairy farmer Devin Nunes did win election to Congress, but not when he ran at age 24 in 1998. In the 1998 election he lost the Republican nomination by 1089 votes in a heavily Democratic district with a popular incumbent, Cal Dooley. But after the 2000 census California gained a new seat in Congress and a new district was drawn up encompassing Nunes’ home, and heavily Republican. Nunes won his party’s nomination in 2002 in California’s new Congressional district and became the youngest freshman member of Congress in 2003, benefiting from the population growth in his state.

\footnote{Ellis, John, “Congress Races Fail to Stir Up Interest,” \textit{Fresno Bee}, Sunday, October 6, 2002.}
The Constitution does not require that members of Congress be elected in single member districts and initially some states used multimember districts and at-large elections to select members of Congress (albeit using plurality rule or winner-take-all elections). A multimember district is when more than one member is elected from a single district. In such elections voters can vote for more than one candidate up to the number that will be elected. For example, in a double member district voters can vote for as many as two candidates and the two top winners are elected.\textsuperscript{194} At-large elections are when the entire state is treated as a district.

In 1842 Congress passed a law requiring the use of single-member districts although states were allowed to use at-large elections under certain conditions from 1872 to 1929. In actual fact, prior to 1968 when at-large elections were again declared illegal, states sometimes used at-large elections to elect new members if the state had gained a member and not come up with a new plan to divide up the state into districts by the first Congressional election after the census. Prior to 1968, states who lost a seat through reapportionment and had not come up with a new districting plan after the census would have to elect all the members in at-large elections, making the entire state a multimember district.\textsuperscript{195} Obviously, if members are selected through at-large elections then the voter who is decisive in determining which candidate wins is the median voter in the state. If all members of Congress are selected in at-large elections, then the median voter in the state will be the decisive voter for determining all the members of Congress from the state.

\textbf{Redistricting}

\textbf{The Killer D’s}

Nurses at the University of Texas Medical Branch-Galveston neo-natal intensive care unit were surprised to be questioned by a Texas Ranger (Texas state police) late Monday night, May 12, 2003 about the whereabouts of Craig Eiland, the father of the premature twins under their care. He was a respective member of the community, a member of the state legislature, yet the state police were trying to find him. Similarly, Denise Pickett was startled when her 17 year old daughter called her on her cell phone to report that Rangers were at her home that night questioning the daughter about the whereabouts of her father, El Paso Democratic state legislator Joe Pickett. “I have a lot of respect for police officers so I was just trying to answer their questions as well as possible,” Denise Pickett said about her interactions with the Rangers when she returned home. “However, reflecting back I do wish I would have asked them, ‘What are you doing in my house without my being there?’ ”\textsuperscript{196}

The Rangers had been called out by the Republican state House of Representatives Speaker, Tom Craddick, to find Eiland and Pickett and 49 other Democratic state legislators who had disappeared from the legislature. With that many

\textsuperscript{194} In some states voters were required to vote for as many candidates as offices, that is, to select a “full slate” in an effort to reduce the influence of minority voters. We will discuss these measures and why they were discontinued in Chapter 10.

\textsuperscript{195} See Cox and Katz (2002).

missing legislators, the state House could not act on bills because it lacked a quorum (the Texas state legislature has 150 members and 100 are required to be present for a quorum). And since the Texas House of Representatives’ rules call for the arrest of members who act deliberately to block quorums, Craddick called out the Rangers. U.S. House of Representative Majority Leader Republican Tom DeLay, infuriated with the Democratic disappearance, suggested that federal authorities like the FBI or Federal Marshals be brought in to pursue the Democrats although federal authorities stated that they would not intervene since no federal law had been broken. Learning that one of the legislators who was missing, former Texas House Speaker Pete Laney, had a Piper Cheyenne airplane, the Texas Department of Public Safety even contacted a branch of the U.S. Homeland Security Department to search for the plane telling them that it was missing, lost, or possibly crashed, causing national controversy over the use of funds allocated to fight terrorism in a partisan battle.197

Where were the Democrats? The Texas Democrats, labeled the Killer D’s (Chicken D’s by the Republicans), had gone to a Holiday Inn in the southern Oklahoma town of Ardmore (home town of movie actor and singer Gene Autry and the Ardmorello Chili Cook-off). They believed they had no choice as Texas Republicans, with a majority in the state House and Senate and control over the governorship, planned to pass a bill redrawing Congressional district boundaries in the state. The Democrats returned to the state capital in Austin on Friday, May 16, 2003 when the deadline for action on the redistricting bill had expired, successfully preventing the bill from passing at that time. The flight of the Killer D’s made Texas politics not only national but also international news.198

Checks and Balances or Why DeLay Cared About the Killer D’s

In our analysis so far we have generally assumed that single elected officials operating in isolation make policy choices. But a significant institutional feature of American politics is that elected officials have shared but limited powers to make policy. Policymaking officials of the government are spread across three branches (executive, legislative, judicial) and multiple geographic jurisdictions (localities, states, federal). While each branch has some independent authority, most policy decisions that matter involve more than one and more than one geographic jurisdiction. Most state governments have similar structures. The difficulties of the process can frustrate elected officials intent on carrying out the policy promises they have made and the voters who have elected them. Texas legislators, both Republican and Democrat, fought over the Congressional redistricting bill because they understood that the Texas legislation had implications more far reaching than their state. How the Congressional district boundaries were drawn in Texas would affect which party won the seats and could affect the control of Congress and the ability of President Bush to pursue his agenda. One reason Nunes won election in California was because the new district created was heavily Republican which allowed him to overwhelm his Democratic opponent.

The History of Redistricting

Until the 1960s, redistricting in response to new censuses did not always take place nor was an effort always made to equalize the size of districts within a state. For example, in the 1940s Illinois’ Congressional districts ranged in size from 112,000 to 914,000 and in the 1960s Georgia’s ranged from 272,154 to 823,860. Similarly state legislatures were seriously malapportioned. Most of these inequities in district size benefited rural voters since the smaller sized districts tended to in rural areas, reflecting population growth over time. Thus rural voters were generally overrepresented in Congress and in state legislatures. While the more urban a district was, the more likely it would be larger in population, the effect was not linear. That is, the districts packed with the most voters, and thus most likely to be underrepresented, were suburban districts. As Ansolabehere, Gerber, and Snyder (2002, page 769) report: “In New York state, Nassau, Suffolk, and Westchester counties were more underrepresented than New York City. In Illinois, Lake and Dupage counties had less representation than Cook County (Chicago). In Maryland, the City of Baltimore had three times as many legislative seats per person as neighboring Baltimore County. Some rural counties were also badly underrepresented in some states. Tennessee, for example, gave fewer legislative seats per capita to rural counties in the eastern half of the state.” In terms of partisanship, Republican voters were more likely to be in the suburban districts so the malapportionment of population across districts is generally believed to have benefited the Democratic party.

There is evidence that the malapportionment in state legislatures affected the distribution of public expenditures, which suggests there may have been similar inequities between rural and suburban areas because of the malapportionment of Congressional seats. Following the approach of David and Eisenberg (1961), Ansolabehere, Gerber, and Snyder (2002) construct a Relative Representation Index in state legislatures for each county in the U.S. This index measures the number of state legislative seats per person in a county relative to the number of seats per person in the state. If the county has an index of 1, then the county is represented according to a one-man-one-vote rule. Indexes higher than 1 indicate a county that is overrepresented in the state legislature and lower than 1 indicate a county that is underrepresented. They then statistically examine whether differences in the index lead to differences in state spending transfers to counties. They find that in 1960 there was a strong positive relationship between the index and state transfers to counties; overrepresented (underrepresented) counties received larger (smaller) state transfers. They also compare how increases in the index over time affected public expenditures and find a significant positive relationship between the change in intergovernmental transfers to counties between 1960 and 1980 and the change in the index of representation – as a county’s representation within the legislature increased (decreased) the county’s transfers from the state increased (decreased). This evidence suggests that unequalized sized districts meant not only unequal representation but that the underrepresentation had consequences – unequal distribution of public resources.

In 1962, the United States Supreme Court ruled in Baker v. Carr, 369 U.S. 186, that the malapportioned Tennessee legislature violated the equal protection clause of the

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14th Amendment to the U.S. Constitution. Two years later, in *Wesberry v. Sanders*, 376 U.S. 1 (1964), the Court ruled that Congressional districts must be drawn to a one-man-one-vote standard. As Cox and Katz (2002) point out, this ruling placed the judiciary into a new important role in Congressional redistricting. Before this decision, if a state could not come up with a new districting plan after a census, then the state could just continue to use the old district boundaries, even though they were unequal. If the state had gained a district they could elect the new member “at large” even though this violated the 1842 law (if the state lost a member and had not redistricted, all members would be elected at large). If a state lost a district redistricting would be eventually absolutely necessary and then the courts might get involved if the state legislature and governor could not come up with a new districting plan. But after the Wesberry decision, states that did not redistrict after a census (which is taken every 10 years) faced court involvement in choosing the new district boundaries (regardless of whether a district was lost). While a principal concern of the judiciary in redistricting cases is making sure the one-man-one-vote rule is followed, the courts also consider the racial and ethnic fairness of district boundaries after the passage of the Voting Rights Act in 1965. Most recent court involvement in redistricting has focused on the issue of minority representation and we will discuss the factors involved in Chapter 10.

Ostensibly, there are certain desirable goals for drawing district boundaries: 1) that districts not be strung out over a great distance making it difficult for voters and representatives to interact (“compact”), 2) have geographic areas that are connected to each other (“contiguous”), and 3) preserve existing political boundaries. These properties, however, are often secondary in designing Congressional district boundaries as states try to fulfill the goals of increased minority representation, partisan issues, and helping out incumbents or certain potential challengers. Doing so is called “gerrymandering” after the actions of Governor Elbridge Gerry of Massachusetts who drew a state senate district in 1811 which joined together two Federalist areas to create a Jeffersonian district in the middle. Figures 6-2 and 6-3 shows the districts approved for the state of Georgia and the Atlanta area for the 2002 election. Notice that these districts, drawn primarily by Democrats in order to increase their number of Congressional seats, often split county lines, creating shapes that hardly seem to maximize compactness and contiguity. In particular, district 13, designed to be a new Democratic district, was noted to be one “that would be familiar only to Pascual Perez . . . the Atlanta Braves pitcher who missed a scheduled start against the Montreal Expos on June 30, 1982” because he got lost on the interstate loop around the city and circled Atlanta twice searching for the stadium and became known as “Perimeter” Perez.201

**Gerrymandering**

**Partisan Bias versus Responsiveness**

Without a doubt drawing Congressional districts, since it determines who the voters are in Congressional elections, is a hotly debated issue, particularly if a state either

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201 Wooten, Jim, “Our Opinion: Democratic coup under Gold Dome,” *The Atlanta Constitution*, Sunday, September 2, 2001. While Georgia’s state legislative districts drawn at the same time have been ordered to be re-drawn by federal court, the congressional districts are expected at this writing to be used in the 2004 election and were used in the 2002 election.
gains or loses a Congressional district. States sometimes sue the federal government claiming that the apportionment of districts is unfair (i.e. that the census undercounted its population). But the main battles over Congressional district lines are within states and over partisan control and protecting the ability of incumbents to get reelected. While Nunes won election to Congress in 2002 from a heavily Republican district, the Democratic dominated state legislature (and Democratic governor) in California had not given the Republicans the additional seat granted through apportionment. Democratic leaders drew new boundaries designed to reelect the 32 incumbent Democrats plus add a new Democratic seat in Los Angeles County. According to Hilburg, “Republicans were offered a chance to keep their delegation total at 20. All they had to do was jettison Rep. Stephen Horn, R-Lakewood, a moderate veteran of competitive races in a Democrat-dominated district, in return for a safe GOP seat in the Central Valley.”

In the Democratic designed districts in California, even though Republican candidates for Congress received 46.37% of the two party vote in 2002, only 37.74% of the 53 Representatives from California elected were Republicans. If the members elected had been proportionally allocated to Republicans in California according to vote share, they would have at least 4 more Representatives in Congress. Having the ability to control districting appears to give Democrats in California a greater representation in Congress than their support among voters would suggest.

However, dismissing this difference as pure bias on the part of Democrats engaged in aggressive gerrymandering would be premature. Democrats could theoretically design districts that would give them all the seats in the California. That is, suppose the Democrats took their 3,731,081 voters in 2002 and evenly divided them across the 53 Congressional districts, with approximately 70,398 Democratic voters in each district (about 13 districts would have one less) and also divided the 3,225,666 Republican voters evenly across the districts, with approximately 60,863 Republican voters in each district (about 21 with one less). Essentially, if each district was a microcosm of the state’s partisan balance in Congress, so to speak, the Democrats could win all the seats. Such a districting plan would be highly “responsive” in that if there was a change in voter preferences by about 10,000 voters in each district, then the all the seats would immediately switch from Democratic control to Republican control. Technically, a districting plan is responsive if when a party’s power increases, it receives more seats. Of course, Democrats did not design such districts even though they had

202“GOP leaders also agreed not to challenge the reapportionment plan in the courts, as they had in 1981 and 1991.” See Hillburg, Bill, “Fixing to Retain the Seats: Most House Races a Done Deal,” The Daily News of Los Angeles, Sunday, October 20, 2002.
203 There are a lot of theoretical problems with assuming that the voters would vote the same way in these new districts as voters may be voting Republican in one district because they are happy with their particular Republican representative’s stature in the House of Representatives (she serves on an important committee for the district), but the voter might be willing to vote for a Democratic representative who does not have that particular experience. Votes for Democratic representatives may be similarly changed in the new districts with different candidates. But the point is the same, to the extent that a party can measure voter preferences over party candidates independent of such effects, and the party controlling redistricting has the majority in the state, designing districts that are like the state in preference distribution maximizes the members elected by the party (gives the party complete control over the delegation).
control over the districting process. It is not hard to imagine why given the physical constraint of drawing districts that are contiguous and the desire to maintain some compactness.

Moreover, designing districts that are highly responsive is risky for the majority party as the district lines will be in place for a period of time over which partisan preferences of voters can change. Consider the situation in Michigan, which has 15 Congressional districts. In 2002 Republican Congressional candidates received 1,474,178 votes and Democratic Congressional candidates received 1,507,174 votes, with Republicans with 49.45% of the two-party vote and Democrats with 50.55%. If it were possible to split these voters evenly across all 15 districts, then there will be about a 2,000 vote difference in each district. With such a small vote margin, a swing in voter preferences could easily switch a district from Democrat to Republican. All the districts would be highly competitive and parties would be uncertain at election time which candidate would win. Responsiveness can be dangerous.\textsuperscript{204}

In Michigan, even though the vote count is so close and Democratic candidates receive a slight majority of Congressional votes, Republicans represent 9 of the 15 districts, a percentage of 60% in 2002. So 49.45% of the voters are represented by 60% of the members of Congress in Michigan. When the two party vote share is approximately 50/50, as it was in Michigan in 2002, and one party has an obvious larger number of seats, as the Republicans did, then there is said to be a positive “partisan bias” benefiting that party.\textsuperscript{205} Republicans had controlled redistricting in Michigan in 2000, with a Republican governor and Republican majorities in the state House and Senate. Democrats had elected a majority of the state’s Congressional delegation for three decades and in 2000 there were nine Democrats to seven Republicans (a 56.25 Democratic majority in the House from Michigan). But Michigan lost a seat through reapportionment and Republican control of redistricting reduced Democratic seats by three. In three districts, six Democratic incumbents faced each other in the 2002 election (Rep. Lynn Rivers lost the Democratic primary to Congressman John Dingell, Rep. Jim Barcia ran for the state senate rather than take on Congressman Dale Kildee, and Rep. David Bonior ran unsuccessfully for governor instead of competing against Rep. Sander Levin – Dingell, Kildee, and Levin were all elected in the general election).

Plainly, Republicans in Michigan preferred having a plan that allowed some Democrats to be elected, but biased in their favor, to one that had high responsiveness but zero bias and might have meant that Republicans won zero seats with a 50/50 division given the slight advantage Democrats held in Michigan in 2002 in Congressional elections. Cox and Katz (2002) argue that parties prefer both greater degrees of bias and responsiveness, but recognize that these can have a trade off. The trade off is evident in Michigan, Republicans achieved their partisan bias by reducing the responsiveness of the districts – the districts they created were not mirrors of the state. They packed Democratic voters into districts where incumbents would have to face each other, leaving more opportunity for Republicans to be elected in districts where their voters were not as

\textsuperscript{204} Michigan is obviously a state where the competition between the two parties is high. In 2000, Democratic presidential candidate Al Gore received 51.3% of the vote and Republican George W. Bush received 46.1% (minor party candidates received the remainder). However, in 2002 both the governorship and both Houses of the state legislature were controlled by the Republican party.

\textsuperscript{205} This is the definition used by Cox and Katz (2002), see also Erikson (1972).
concentrated as Democratic voters, with a lower vote margin, but enough to make the districts safe for Republican candidates.

Given the difficulty and danger of designing districts that are highly responsive (mirrors of the state) and the trade-off between partisan bias and responsiveness, if a party is able to control the redistricting process, the “textbook” plan is to pack as many of the other party’s voters into a few districts (large majority districts for the other party) – called “concentration”, while spreading out the party’s own voters to have safe majorities, but not huge ones, in the rest of the districts, called “dispersal” (see Cain 1985 for an analysis of different types of plans). This provides the party with partisan bias as Republicans achieved in Michigan even though Democrats held a slight advantage in the state-wide vote in Congress.206

Gerrymandering and Policy

The Game Between States

Our analysis of redistricting so far has assumed that basically all Democratic candidates and voters in the state have the same policy positions or preferences and that all Republican candidates and voters in the state have the same (but different from Democrats) policy positions or preferences. But of course this is not true, as within each party there is variation in policy preferences and variation across states. In Michigan’s new 15th Congressional district where Representatives John Dingell and Lynn Rivers faced each other in 2002 in the Democratic primary, there were differences in their policy positions. Dingell was viewed as more socially conservative, with ties to the National Rifle Association. Rivers on the other hand favored gun control. While in favor of most abortion rights, Dingell opposed partial-birth abortion and Rivers was in favor of full abortion rights.207 Whereas both were probably more liberal than Republican candidates in the state at the time, the differences in their policy positions shows that arbitrarily assuming that voters view them identically or that Democratic voters are also identical in policy preferences as our analysis of redistricting does is an oversimplification.

National Republican Congressional Committee Chairman Tom Davis and White House aide Karl Rove were calling Pennsylvania State House Majority Leader John Perzel in 2001. They were concerned about events in Georgia – where Democrats were going to pass a congressional redistricting plan that would likely cost Republicans some seats in Congress Davis and Rove had been counting on. Why call Perzel about a problem in Georgia? In Pennsylvania Republicans dominated redistricting with control over both state houses and the governorship even though the state was largely evenly divided between Democrats and Republicans (in 2000 Al Gore received 51% of the state

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206 Gilligan and Matsusaka (1999) show that as the population size of the state increases and/or the number of districts declines, partisan bias is likely to increase within a state. Gelman and King (1994) examine the effects of partisan control on redistricting in state legislatures and find that redistricting results in both increases in responsiveness (due to increased uncertainty in election outcomes) and partisan biases that benefit the party in control of redistricting. Besley and Case (2003) also find evidence of a relationship between partisan bias in state legislatures and partisan control of redistricting.

vote to George W. Bush’s 46%). But there were some divisions within Republicans over how to draw the congressional lines. One plan was largely drawn by the state Senate with the help of Pennsylvania Republican Senator Rick Santorum and Congresswoman Melissa Hart, which was anticipated to give Republicans an edge of 13-6, sacrificing some powerful Democratic incumbent Congress members to do so. But Perzel, from Philadelphia, was good friends with Philadelphia Congress members and worried that the city would lose influence in the U.S. House under the state senate plan and had proposed a plan, which was not expected to have the same partisan bias. Perzel must have listened. A compromise plan was designed and led to a 12-7 Republican majority in Congress from Pennsylvania.208

Our analysis of redistricting above is that it ignores the fact that Congressional districting by a state is part of a larger process involving other states, a game where the parties are engaged in redistricting in each state in order to affect the balance of power within Congress as a whole. That is, we have already seen in Chapter 3 how voters in different states’s preferences over policy vary even if they are in the same party. A Republican from New York is different in her policy preferences from a Republican from Alabama. What should matter to the gerrymander in a state is how the Congressional delegation coming from that state affects national policy and thus the gerrymanderer has to recognize the effect of his or her choices on the choices of other gerrymanderers and what happens in the House of Representatives as a whole.

Shotts (2002) analyzes the general game between state gerrymanderers who choose district boundaries in order to move national policy closest to their own preferences. Each voter in each state is assumed to have single peaked preferences over policy and each state’s gerrymanderer also has a policy ideal point. The gerrymanderers must allocate the voters in equal sized districts that must include at least one voter with each policy preference (this captures the geographical and informational constraints facing gerrymanderers in allocating voters). Each district is assumed to elect a member of Congress with the ideal point of the district’s median voter. The policy choice within Congress is assumed to equal the median policy preference of all the members elected to Congress from all the states. We saw how in chapter 3 the voter in an election whose ideal point is at the median of voter ideal points is pivotal in deciding which candidate wins election. In a legislature when there is a choice between two options, and the decision is by majority rule, the median voter in the legislature is also pivotal and the proposal that comes closest to the median voter in the legislature will get the majority of the votes.

Shotts shows that there is an equilibrium in this game, where there is a unique national policy position in the House of Representatives and in all states where the gerrymanderer’s ideal point is less than this national policy position the gerrymanderer will design districts to maximize the number of Representatives’ whose policy positions are less than the national policy choice and in all states where the gerrymanderer’s ideal point is greater than this national policy position the gerrymanderer will design districts to maximize the number of Representatives’ whose policy positions are greater than the national policy choice.

While the national equilibrium policy is unique, there are actually many different plans that each state can design that would be optimal. For example, suppose that a state

is apportioned three members of Congress. Without the state’s delegation, the other 432 members of Congress have policy positions as follows – there are 216 liberal members of Congress, with policy positions equal to 25, 1 moderate member of Congress, with a policy position equal to 50, and 215 conservative members of Congress, with ideal points equal to 75. There are actually two median points in the Congress, both at 25 and 50 (see the discussion in Chapter 3 on determining median points).

Now consider the choices before the gerrymander in the state. Suppose that she is a liberal and her ideal point is at 25. Assume that there are 1,080 voters in her state, with 420 liberal voters with an ideal point at 25, 240 moderate voters with an ideal point at 50, and 420 conservative voters with an ideal point at 75. The median voter in her district is a moderate voter at 50. Suppose she must divide the state up into three districts of 360 voters. If she designs three districts that are “mirrors” of the state, then each district would have 210 liberals, 120 moderates, and 210 conservatives, with the moderates at the median. The state would elect three Representatives with ideal points at 50. This would ensure that the national median is also at 50 (now the distribution in Congress would be 216 liberals, 4 moderates, and 215 conservatives). Figure 6-4 presents this districting plan.

Now suppose the gerrymanderer redesigned the districts with one district with 40 liberals, 20 moderates, and 300 conservatives, and two with 190 liberals, 110 moderates, and 60 conservatives as shown in Table 6-3. The position of the Representative in the district dominated by conservative voters would be 75, while the position of the Representatives in the two districts dominated by liberal voters would be at 25. Congress would now have 218 liberals, 1 moderate, and 216 conservatives with a national median at 25.

**Responsiveness v. Partisan Bias**

But this is not the only way the gerrymanderer could design the three districts to have the same national effect. For example, she could design one district with 10 liberals, 10 moderates, and 340 conservatives (leading to the election of a conservative), with one district with 190 liberals, 160 moderates, and 10 conservatives and the other with 220 liberals, 70 moderates, and 70 conservatives, (both leading to the election of liberals) with the same effect on the national median. This plan is shown in Table 6-4. Note that with the more realistic larger populations gerrymanderers have to work with, there can be a large number of choices that they have in how they design districts to affect the national median. Moreover, while in one plan the two liberal districts identical in terms of the distribution of votes and support, in the second plan one district is more dominated by the liberal voters than the other. Therefore it is possible for gerrymanderers to choose between a number of optimal designs for districts in order to meet other goals like protecting particular incumbents or designing a district to benefit a new candidate for Congress as well as meeting geographic constraints, while still achieving the desired effect on policy.

In our example, since the gerrymanderer’s delegation is pivotal in determining the median voter in the House of Representatives, then all that matters is that she sends more liberal members of Congress than conservative, not whether she sends the most numbers she can. It turns out however, that since this is a game across states, then we
would expect that each state’s gerrymanderer will in equilibrium want to maximize the number of legislators they send with their preferences.209

One interesting implication of the analysis is that if one group, liberal or conservative, has a greater control over the gerrymandering across states, that group can affect the national median. So in the game between states, if states with liberal gerrymanderers have a greater number of districts in total than the total number of districts of states with conservative gerrymanderers, the national median will be liberal and vice versa. Thus, dominating gerrymandering nationwide by one group can lead to a bias in favor of that group nationally.

Courts and the Effects of Redistricting on Partisan Biases

There is evidence of national partisan biases over time, which is affected by the national control over gerrymandering. Erikson (1972) and Cox and Katz (2002) show that prior to the rulings by the Supreme Court in the early 1960s against malapportionment, gerrymandering across states led to a Republican partisan bias in nonsouthern states (during this period southern states were dominated by the Democratic party). Cox and Katz estimate that from 1946 to 1960 there was an overall pro-Republican bias in nonsouthern states between 6.0% and 6.4%. This is somewhat remarkable since as we noted earlier, malapportionment hurt the Republican party since Republican voters were more likely to be in underrepresented districts. Yet, the district boundaries often changed little over this time and tended to benefit Republican candidates.

However, things begin to change in the 1960s. Cox and Katz report (page 60): “The Republican advantage in the North begins to erode noticeably in 1962, when California, Massachusetts, and Pennsylvania replaced Republican plans . . . by 1966, the Republican advantage was largely gone.” Cox and Katz argue that the erosion of the Republican advantage in nonsouthern states occurred as the consequence of three factors: 1) dominance of the Democratic party over state legislatures in the 1960s; 2) the new role to be played by courts in evaluating plans; and 3) the dominance of Democrats in the federal judiciary. Because of the one-man-one vote decisions, redistricting could not be avoided and even in states where Republicans were in control of redistricting or the state government was divided, state legislators recognized that court supervision might ensue if they did not redistrict or if there was a challenge to the plan they designed. Cox and Katz point out that the “the highest courts supervising redistricting action in the largest Republican-controlled states – Michigan 1964, Ohio 1968, New Jersey 1968, and New York 1968-1970 – all had Democratic majorities. Perhaps Republican politicians in these states worried that, if they passed a plan without perfectly equal-population districts, the court would invalidate it – especially if the enacted plan produced heavy pro-Republican bias. To the extent that achieving the equal-population standard was costly, in order to get Democratic courts to accept some population discrepancies, Republicans in these states might have reduced the level of bias in their plans.” (page 81).

209 More precisely Shotts’ (2002) analysis, with a continuum of voters and virtually any distribution of voter preferences in the liberal/conservative dimension, demonstrates that in equilibrium liberal gerrymanderers maximize the number of members from their state whose ideal points are to the left of the unique equilibrium national policy and conservative gerrymanderers maximize the number of members from their state whose ideal points are to the right of the unique equilibrium national policy.
Cox and Katz examine 30 cases where it is easy to measure the partisanship of the court and the state gerrymanderer from 1964 to 1970 to determine if there is a bias where the courts were more likely to accept a redistricting plan, holding malapportionment constant, if the court and the gerrymanderer were of the same party. They estimate that for two plans that are identical in malapportionment, if the plan was considered by a court that was “friendly,” (of the same party as the gerrymanderer), the plan was accepted 75% of the time, but if the court was “unfriendly,” (of a different party from the gerrymanderer) the plan was accepted 35% of the time.

Is Partisan Gerrymandering Unconstitutional?

While the results above suggest that court partisanship can play an important role in affecting gerrymandering and did in the 1960s, the evidence is unclear whether such factors are important in current battles over gerrymandering. The cases in the 1960s that Cox and Katz examine were taken to the courts because of the one-man-one vote requirement, which had previously not been enforced on redistricting, not because the plans had been drawn to advantage a political party. But given that parties, as we have seen, have an incentive to engage in partisan gerrymandering is such gerrymandering itself an unconstitutional violation of the equal protection clause of the 14th Amendment?

After the 1980 census, Indiana Republicans controlled the redistricting process in the state and designed districts for the state legislature that benefited their party. In the 1982 election Democrats received 51.9% of the vote for the state House and only 43% of the seats and 53.1% of the votes for the state Senate and 52% of the seats. In two counties with multimember districts for the state House, Democrats received 46.6% of the vote, but only 14.29% of the seats. Democrats challenged the district boundaries as a violation of the equal protection clause, a case which ended up in the Supreme Court as Davis v. Bandemer, 1986. The Supreme Court ruled (six out of nine justices) that cases of partisan gerrymandering could be justiciable under the equal protection clause (could be considered by the court for whether it violated the constitution). However, four of the six justices who felt that partisan gerrymandering was justiciable also contended that in Indiana Democrats were not so adversely affected to declare the plan unconstitutional. The problem before the judges was that since the constitution does not require proportional representation, the court needs more evidence than the simple fact that there is a partisan bias in redistricting to show that the gerrymandering was an equal protection violation. As Justice Byron White wrote: “... the mere fact that an apportionment scheme makes it more difficult for a particular group in a particular district to elect representatives of its choice does not render that scheme unconstitutional. A group’s electoral power is not unconstitutionally diminished by the fact that an apportionment scheme makes winning elections more difficult ... [U]nconstitutional discrimination occurs only when the electoral system is arranged in a manner that will consistently degrade a voter’s or a group of voters’ influence on the political process as a whole.”

Interestingly, although Republicans in Indiana had drawn districts, which gave them a bias, during the period from 1984 to 1990, Democrats gradually built up their percentage of state legislators using the districts drawn by Republicans. By 1988, the Democratic vote for the state house in Indiana was 47%, but Democrats controlled 50% of the seats and the Democratic vote in the state senate in Indiana was 45%, but Democrats controlled 52% of the seats.
Although the court opened the door to considering partisan gerrymandering as violations of equal protection, courts have generally not declared such plans unconstitutional even when they might have a partisan bias to do so. In Michigan Democrats challenged the Republican 2001 plan unsuccessfully in federal court. The three-judge panel ruled “that any disputes with the congressional map can be addressed through the political process. The Legislature will change the map after the 2010 Census, as it does every 10 years . . .”\(^{210}\) The three-judge panel had all been appointed by Democratic presidents (U.S. District Court Judge Julian Cook and Chief Judge of the U.S. 6\(^{th}\) Circuit Court of Appeals Judge Boyce Martin were appointed by President Carter and U.S. District Court Judge David Lawson was appointed by President Clinton). In Chapter 10 we consider the partisan effects of racial gerrymandering and the court’s role in these instances, which has caused much controversy. However, there is little evidence in these cases that the rulings by the courts have been partisan motivated. In June 2003, the Supreme Court (an opinion supported by justices appointed by Republicans and the same coalition who voted in favor of Bush in the Gore/Bush case) ruled that a district court which had declared a districting plan designed by Democrats in Georgia for the state legislature had failed to consider all the relevant factors and vacated the court’s judgment, a victory for Democrats in the state.\(^{211}\) As of this writing, the Supreme Court is considering whether to revisit the Bandemer decision. In December 2003 the court heard arguments from Pennsylvania Democrats against the Republican drawn plan (discussed above) in Vieth v. Jubelirer and a ruling is expected by summer 2004.

**The Policy Effects of Redistricting Control in the 90s**

So far we’ve discussed a lot of theory of redistricting, some anecdotes, and court cases. What about general empirical evidence? Do the drawers of congressional boundaries attempt to affect the policy choices in Congress as Shotts’ theory suggests? Table 6-2 summarizes the relationship between partisan control over redistricting in the 1990s, the ideological leanings of the state, and whether the majority members of Congress from a state were more conservative or liberal than the median voter in Congress from 1999-2000. States are classified as conservative or liberal using the ideological scores of Erikson, Wright, and McIver, discussed in Chapter 3 and Poole and Rosenthal ideology scores (also discussed in Chapter 3) for members of Congress are used to determine whether the majority in the state is more liberal or conservative than the median Member of Congress. Not unexpectedly, the more liberal (conservative) a state, the more likely the majority of members of Congress from the state will be liberal (conservative). 59.09% of the conservative states had a majority of members of Congress who were conservative and 66.67% of the liberal states had a majority of members of Congress who were liberal.

Yet, the percentage does vary with which party controls redistricting. For example, in the liberal states where Democrats had control over redistricting, 71.43% of the states had a majority of Congress members who were liberals and in the conservative states where Republicans had control over redistricting, 80% of the states had a majority of Congress members who were conservatives. Party control over redistricting also


\(^{211}\) We will examine this case in more detail in Chapter 10.
appears to limit the extent that the ideology of a state influences the ideology of the members of Congress from that state. When Democrats controlled redistricting in conservative states, 44.44% of the states have a majority of liberal members compared to 0% when Republicans controlled redistricting. When Republicans controlled redistricting in liberal states, 33.33% have a majority of conservative members compared to 14.29% when Democrats control redistricting. Of course, the data here are limited and it is inappropriate to draw strong conclusions about the effects of redistricting control on the ideological composition of a state’s Congressional delegation, however they are suggestive that control over redistricting does influence that composition.\textsuperscript{212}

The Killer D’s Revisited

If the party control over a state has changed since the last redistricting, the new leaders will want that party control reflected in the new Congressional boundaries. This is why Michigan’s delegation in Congress switched from majority Democrat to majority Republican between 2000 and 2002. In California, Republicans have not been able to dominate redistricting since 1951 and had little choice but to accept the Democratic plan in 2000, giving up Horn’s seat. A different story unfolded in Texas in the 21st century. After the 1990 census, Texas was apportioned three new Congressional seats. In 1991 Texas Democrats controlled the state House and drew what has been called “the shrewdest gerrymander of the 1990s.”\textsuperscript{213} Eight Republican incumbents were packed into districts that had a large majority of Republican voters while the remaining 22 districts were structured to give Democrats a slight majority and advantage (Democrats won 21 of these seats in 1992).\textsuperscript{214} Yet, in 1992 the popular vote in all races for Congress in Texas was 48% Republican. Over the 90s Republican vote totals increased and in 1996 Republicans won the popular vote in Texas Congressional races by 54% but only held 13 of the state’s 30 Congressional districts. The district lines drawn by the Democrats in 1990 had resulted in Democratic voters in Texas with a greater voice in Congress per voter than their numbers in the state, much like the rural voters benefited before the Supreme Court forced states to do abide by the one-man-one vote rule.

After the 2000 census, Texas gained two more Congressional districts. But Democrats still controlled the state House and while Republicans controlled the state Senate and the governorship, plane owner and then Texas House Speaker Pete Laney kept redistricting from coming to a vote in the House, resulting in a three-judge federal court stepping in and drawing the new districts. The court kept many of the existing boundaries of the districts intact from the 90s. Under the court-designed plan, Democrats

\textsuperscript{212} A probit analysis (using the data underlying Table 6-5) of whether a state’s Congressional delegation is majority conservative as a function of the control over redistricting and the ideology of the state shows that control over redistricting is significant at the 6.4% level (ideology is significant at the 0.7% level). An estimation where the dependent variable is the percent of conservative members of a state’s Congressional delegation shows that control over redistricting is significant at the 1.3% level, also controlling for ideology.


\textsuperscript{214} These district boundaries were challenged as racial gerrymandering by six Texas voters in 1995, see Thomas v. Bush 1995 and Bush v. Vera 1996, and the Federal District Court for the Southern District of Texas declared three districts’ boundaries unconstitutional. The Supreme Court affirmed this ruling and the court redrew the boundaries when the legislature failed to act in time for the next election. We will discuss issues of minority representation in more detail in Chapter 9.
control 17 Congressional districts in the state to Republican control of 15, even though the Congressional popular vote is majority Republican. But in 2002 Democrats lost control of the Texas state House for the first time in 130 years. One of the Texas Republicans in Congress, Tom DeLay, as Majority Leader in the national body, wanted to increase his majority in Congress and other Texas Republicans felt that the Democratic control over Congressional districts was inappropriate given the domination of the state by Republicans. Thus, DeLay and other Republicans in Texas proposed a redrawing of Congressional district boundaries, which many estimated would allow Republicans to win four to seven seats from Democrats. The Killer D’s revolted at the proposal to redraw district boundaries, and skipped the state to Oklahoma so that the state legislature did not have a quorum, killing the measure for the time being. But only temporarily, Texas governor Rick Perry called a special session for the summer and after another escape by Democrats, this time to New Mexico, Republicans were able to pass a revised Congressional district plan which was approved by the Justice Department. The Texas gerrymandering question is also relevant to the debate over minority representation in Congress, as discussed in Chapter 10.

While the plight of Texas Democrats was on all the news networks and in international papers, with slightly less publicity Colorado also redrew its Congressional district lines in May 2003 to benefit Republicans reflecting the increase in power of that party in the state after Republican Bill Owen won the governorship, which formerly had been held by Democrats. Like Texas, the boundaries in Colorado after the 2000 census were drawn by a Federal District Judge, because Republicans controlled the state House but not the state Senate or the governorship and the two parties could not agree on a plan. Democrats promised to try every legal measure available to them to challenge the new Colorado districts. Democrats challenged the new plan and on December 1, 2003, the Colorado Supreme Court ruled that “Colorado's Constitution allowed only one round of Congressional redistricting after each 10-year census. [and] … that the Republican-controlled Legislature exceeded its authority … when it tried to replace a map imposed by a federal court in 2002 after the House and Senate deadlocked. ‘Having failed to redistrict when it should have, the General Assembly has lost its chance to redistrict until after the 2010 federal census,’ the court wrote.”

Republicans aren’t the only ones trying to make gains in Congress between census years in 2003; Democratic legislators in the majority in New Mexico and Oklahoma (where Democrats recently gained control of the governorships, formerly held by Republicans) also talked of redrawing Congressional district lines to benefit Democratic candidates. But in February 2004, New Mexico governor Bill Richardson took redistricting off the table. And in Oklahoma efforts to redistrict have met with a lack of interest beyond a few legislators. These examples illustrate the complexities of the national game between the two parties in trying to increase each party’s number of members within Congress, in order to affect national policy.

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Redistricting and Incumbency

States can either gain or lose seats through redistricting. When a state loses one or more seats, then like Rep. Horn of California or the six incumbents in Michigan, incumbents may be forced to choose between retirement or running against a fellow incumbent. In 2002, with the newly drawn district boundaries across the states after the 2000 census, 8 Congressional contests pitted two incumbents against each other and 12 incumbents chose either to run for another elected office or to retire from congress rather than challenge another incumbent.217

When redistricting forces incumbents to face each other or retire from Congress, party leaders can use the new lines to influence which of the incumbents is likely to win the battle. As we saw, they can do this while still engaging in partisan gerrymandering. When Mississippi lost a Congressional seat after the 2000 election the new districts lines were drawn such that Republican incumbent Charles Pickering faced Democrat Ronnie Shows in 2002. A Democratic dominated state court first drew up a plan that favored Shows. But three Republican federal judges through out the plan because it had not been pre-cleared by the Justice Department according to the Voting Rights Act of 1965 (further discussed in chapter 9) and drew a new plan favorable to Pickering. Democrats took the case to the Supreme Court where the court ruled that the federal court could block a state plan that had not been pre-cleared. With the new plan, Shows lost to Pickering in 2002.

Sometimes party elites use new district boundaries to disadvantage an incumbent in their own party they prefer to see defeated. This happened to Gary Condit in

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217 The eight contests where incumbents faced each other were in the following races: Connecticut district #5 where Republican Nancy Johnson defeated Democrat Jim Maloney in the general; Georgia district #2 where Republican Bob Barr lost in the primary and Democrat Sanford Bishop then won the general; Indiana district #7 where Republican Brian Kerns lost in the primary and Democrat Julia Carson won the general; Michigan district #15 where Democrat John Dingell defeated Lynn Rivers in the primary and then won the general, Mississippi district #3 where Republican Charles Pickering defeated Democrat Ronnie Shows in the general; Ohio #17 where both James Traficant and Tom Sawyer were defeated by fellow Democrat Timothy Ryan (Sawyer in the primary and Traficant in the general as an Independent); Pennsylvania district #12 where Democrat John Murtha defeated Frank Mascara in the primary and then won the general; and Pennsylvania district #17 where Democrat Tim Holden defeated Republican George Gekas in the general. Incumbents who ran for another office include: Bob Riley (Alabama), Saxby Chambliss (Georgia), Rod Blagojevich (Illinois), Greg Ganske (Iowa), John Cooksey (Louisiana), John Baldacci (Maine), Robert Ehrlich (Maryland), James Barcia (Michigan), David Bonior (Michigan), John Sununu (New Hampshire), Lindsey Graham (South Carolina), John Thune (South Dakota), Van Hilleary (Tennessee), Bob Clement (Tennessee), Ed Bryant (Tennessee), Ken Bentsen (Texas), Thomas Barrett (Wisconsin). Incumbents who retired from Congress without running for another office in 2002 include: Sonny Calahan (Alabama), Bob Stump (Arizona), Stephen Horn (California), Bob Schaffer (Colorado), Dan Miller (Florida), Carrie Meek (Florida), Tim Roemer (Indiana), Marge Roukema (New Jersey), Joe Sken (New Mexico), Benjamin Gilman (New York), John LaFalce (New York), Eva Clayton (North Carolina), Wes Watkins (Oklahoma), J.C. Watts (Oklahoma), Bob Borski (Pennsylvania), William Coyne (Pennsylvania), Eva Clayton (North Carolina), Van Hilleary (Tennessee), Richard Armey (Texas), James Hansen (Utah). Of these, Stump would have faced fellow incumbent Shadegg if he ran in the new district that had most of his old district, Horn would have faced Napolitano, Chambliss would have faced Mac Collins, Roemer would have faced Mark Souder, Ganske would have faced Tom Latham, Barcia would have faced Dale Kildee, Gilman would have faced John Sweeney, LaFalce would have faced Amo Houghton, Watkins would have faced Frank Lucas, Borski would have faced Phil English, Coyne would have faced Michael Doyle, and Barrett would have faced James Sensenbrenner.
California in 2002; his district was redrawn by Democratic party leaders to include areas not previously covered and voters who were likely to know only about his questioning in the case of the mysterious disappearance of 24 year old Washington intern Chandra Levy, which was not likely to help his reelection. Condit lost the Democratic primary in the new district.

Protecting Incumbents?

In most states new Congressional districts are drawn to protect incumbents and to maintain partisan control, as the experiences in California and Texas demonstrate. But in Iowa (in American politics there is always a state that is an exception) the law requires that districts be drawn by a nonpartisan body, which by law must produce districts that are compact and contiguous and disregard partisanship and incumbency. As a result, even though the legislature was controlled by Republicans, they only had an up or down vote on the plan without amendments and three Republican Congressional incumbents faced strong challenges in 2002, although all three were able to fight them off and were reelected. Even in Iowa, then, incumbents were able to get reelected despite having to adjust to new district lines. In 2000 only 9 out of the 403 incumbent Congress members nationwide running for reelection were defeated. In 2002, only 6 of the 383 incumbents who did not face another incumbent in their reelection contest were defeated (16 incumbents faced each other in 8 contests, see footnote x).

While it is true that drawing district boundaries to give one party an advantage can advantage the incumbent from that party (as in Texas and California discussed above), incumbents can still be challenged in their parties’ primaries and sometimes lose. For example, in 1992 Michigan Republican Peter Hoekstra launched an “improbable campaign . . . against Guy Vander Jagt, 26-year incumbent and chairman of the National Republican Congressional Committee since 1975. Hoekstra saved up vacation time and took a county-by-county bicycle tour of the district. With an earnestness that rang true, Hoekstra called for citizen, not career, politicians, refused PAC money and supported abolishing PACs; advocated 12-year term limits; and promised to uphold family values and to oppose abortion” popular positions in his district.218 He defeated Vander Jagt in the primary and went on to win the general election easily in the heavily Republican district. According to political analyst Charles Cook, “Vander Jagt had worn out his welcome in his district even though he held a powerful party post in Washington and traveled the country on behalf of other Republican candidates.”219

In 2000, Democratic California state senator Hilda Solis took on the incumbent Democratic Congressman, Matthew Martinez, who had “lost support among feminist and labor activists by voting for a ban on late-term abortions and fast-track trade authority and helped to stall gun control.”220 Two other Congressional incumbents were defeated in primaries in 2000 – New York Congressman Michael Forbes, who had switched from Republican to Democrat was defeated by Regina Seltzer in the Democratic primary (Seltzer lost to Republican Felix Grucci in the general election) and Utah Republican Merrill Cook was defeated by Derek Smith in the Republican primary (Smith lost to

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220 Barone, page 242. Martinez switched to the Republican party after his defeat.
Democrat Jim Matheson in the general election). Forbes was seen by voters are neither party member and Cook was known for throwing temper tantrums and feuds. It is noteworthy that in these cases voters not only rejected the incumbent in primaries, but also rejected the replacement nominee of the incumbent’s party in the general election.  

In 2002, Alabama Democrat Earl Hilliard and Georgia Democrat Cynthia McKinney joined Gary Condit in losing primary contests in races that were largely seen as referenda on their records as Congress members. In a contest that attracted much national attention, Hilliard, who is African-American and represented a district with a majority of black voters, was defeated by Artur Davis, also African-American. While Hilliard believed that Davis’s campaign contributions from outside the district, notably New York Jewish groups who were angry with Hilliard’s pro-Palestinian stance, were the source of Davis’ victory, Davis claimed the outcome reflected local issues that had been ignored by Hilliard. Hilliard relied on the support of major state level black-led political action groups and national black political figures and his history of work with the civil rights movement. Instead, Davis both used the campaign contributions to communicate with local voters and built a grass roots network among political and community leaders in the district. Davis “hired people with extensive connections in the community as well to visit churches and neighborhood meetings or to simply walk with the candidate around town and introduce him.” Even county commissioner Albert Turner, Jr., whose political organization helped carry his county for Hilliard recognized that local issues in the race were important to voters and were a major reason why Hilliard was defeated when he concluded: “No longer can you say you marched on the Selma bridge and that gets you in office and keeps you in office. . . . The day of who’s the blackest is over. It’s about production now.”

Why do Incumbents Win?

While the examples above are of incumbent losses, most do win. In Chapters 4 and 5 we discussed many of the reasons why incumbents are advantaged in elections – how voters rationally might reelect incumbents in order to solve principal agent problems like moral hazard and adverse selection and how campaign contributors may prefer to give to incumbents in order to receive services or favors, increasing their electoral chances as well. Members of Congress, if they want to keep their jobs, are sometimes viewed as constantly running for reelection with elections every two years. This forces voters to evaluate them often and gives voters ample opportunity to vote retrospectively as discussed in Chapter 5. Ansolabehere and Snyder 2003 examine state level offices in

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221 Barone, pages 1048 and 1535.
223 McClure, Vicki and Tom Gordon, “Davis’ Win Seen as Sign Voters More Independent Historically Influential Black groups Backed Hilliard,” The Birmingham News, Thursday, June 27, 2002. Cynthia McKinney was defeated by Denise Majette in a controversial race between African-Americans in a district with a large black minority population (formerly created as a black majority district). The two candidates split the black vote with Majette receiving the votes from black precincts in high income areas and McKinney won votes in poorer neighborhoods, see Smith, Ben, and Mae Gentry, “Majette win reflects racial, economic shifts in DeKalb,” The Atlanta Journal-Constitution, Sunday, September 1, 2002. Majette won by building a coalition of whites and high income black voters who were unhappy with McKinney’s focus on national issues.
executive branches (where state boundaries are of course constant) and find that 
incumbents have a similar advantage (they contend that incumbency in state executive 
branch offices is higher than in legislatures), further suggesting that the factors discussed 
in Chapters 4 and 5, which apply to many elected officials, may be the source of an 
incumbency advantage in Congress. While redistricting can further the advantage an 
incumbent has over opponents from outside his party by drawing district lines that are 
weighted in favor of the incumbent’s party, it cannot prevent challengers from arising 
within the incumbent’s own party and defeating incumbents.

Of course the ability of challengers to do so depends on the extent that party 
nomination contests are open to voters as discussed in Chapter 3. From 1982 to 1996, the 
average number of major party Congressional candidates in states with closed primaries 
was 3.15 while the average number of major party Congressional candidates in states 
with either open or semi-closed primaries was 3.43, which using statistical analysis are 
significantly different, suggesting that there is more competition in states with more open 
primary systems, reflecting greater ability of voters to control incumbents in these 
states.\textsuperscript{224} If we compare just those Congressional races with an incumbent running, 
which would depress the incentives for candidates to enter races, the average number of 
major party Congressional candidates in states with closed primaries was 2.78 but in open 
or semi-closed primaries the average number of major party Congressional candidates 
was 3.046, also significantly greater.\textsuperscript{225}

Finally, Cox and Katz (2002) contend that what appears to be an incumbency 
advantage for Democrats in Congressional elections is simply an artifact of incorrect 
empirical analysis. The logic of their argument is complex and is best explained after we 
consider more fully the decision making of candidates (both challengers and incumbents) 
when they choose to run for office. We will do that in the next section, and then return to 
Cox and Katz’s claim

\section*{The Decision to Run}

\textbf{The Expected Utility of Running}

Before Hilda Solis became an incumbent Congress member (she was easily 
reelected in 2002), she had to win election first and, before that, decide to run. What are 
the factors that determine whether someone runs for Congress? Since the choice of 
whether to run or not for Congress involves choosing whether to take an action that has 
an uncertain outcome we can use the concept of expected utility to examine the choice 
before potential candidates. An individual will choose to run for Congress if the 
expected utility from doing so exceeds the opportunity cost of running. The expected 
utility depends on the probability she is likely to win and the utility she would receive 
from winning as well as her opportunities if she loses. The opportunity cost depends on 
the cost of running for Congress and the benefits she would derive from other 
occupations. We have discussed previously many of the costs of running for office in 
terms of getting on the ballot and how these vary across states (see Chapter 3).

\textsuperscript{224} The standard error for closed primaries is 0.0510497 and for semi-closed or open is 0.0534652. The t 
\textsuperscript{225} The standard error for closed primaries is 0.0362135 and for semi-closed or open primaries is 
0.0425176. The t statistic for the comparison of means is –4.7846. See Gerber and Morton (2004)
Formally, the potential candidate will enter if the following is true (where $P$ represents the probability of winning, $U_t$, the utility the candidate would receive if he or she won, and $D$, the utility the candidate receives from running for office in itself, and $C$ the opportunity cost of running for office):

$$PU_t + D > C$$

The probability of winning for a potential candidate of course depends on her positions on issues and who her potential opponents are and their positions on issues. Because incumbents have advantages in elections independent of policy positions (as discussed above), then the probability of winning against an incumbent is lower for potential candidates. The easiest way to avoid running against an incumbent is getting the chance to run in a newly created district without an incumbent. Democrat Eddie Bernice Johnson was the chairwoman of the Texas state Senate’s Committee on redistricting in 1991 when Democrats were in charge of redistricting and needed to devise three new Congressional districts. She helped devise the plan that is the basis for the current district lines that Tom DeLay wants to change. But Johnson is no longer in the state Senate – after drawing up a new Congressional district in her hometown of Dallas, she ran for Congress in that district and won. While Devin Nunes did not help design the new district he was elected from, he did gain from the fact that the district had been designed as a safe seat for a Republican. The hard part for him was getting the nomination because he faced two strong opponents (which we will discuss further in Chapter 9). Minnesota retail sales clerk Democrat Betty McCollum did not run for Congress in a new district like Nunes or Johnson, but the incumbent Congress member, Bruce Vento, was diagnosed with lung cancer and did not seek reelection, dying in office a month before the general election. Moreover Vento anointed McCollum as his successor and the district was heavily Democratic since 1948 when Eugene McCarthy was selected. Yet McCollum faced unexpected problems from a third party candidate in the general election, which we will also discuss in Chapter 9.

**Political Experience & the Decision to Run**

While policy positions are important and a potential candidate’s choices on policy influence his or her chances of election, there is evidence that voters also consider candidate experience and background when voting on non-incumbent candidates for Congress. That is, candidates who have political experience, particularly elected experience, are more likely to win election than those who do not have such experience regardless of whether the challenger faces an incumbent or not. The three Congressional candidates we discussed in the Introduction had varying degrees of political experience. Larry Weatherford did not have elected political experience but when he ran for office was the chief of staff for the state insurance department. Devin Nunes had been elected to the College of the Sequoias Board of Trustees and, more significantly, been appointed by President George W. Bush as California State Director for the U.S. Department of Agriculture. Betty McCollum had the most political experience, having served for 5 years in the North St. Paul City Council and 8 years in the Minnesota House of Representatives, elected to Assistant Democratic Party Leader within the House three times.

Table 6-3 presents a summary of the political experience of the non-incumbent major party candidates for Congress in 2000 and their corresponding electoral success in
2000 as well as the type of competition they faced. Of the 814 candidates, 49.6% won primaries but only 5% won the general election. If the non-incumbent had no political experience, she won the primary 44.5% of the time, but the general election only 1.4% of the time. However, if the non-incumbent was a state legislator like Betty McCollum, her odds were much higher. Of the 80 state legislators who ran for Congress as major party candidates, 71.25% won primaries and 28.75% won the general election. Other non-incumbents with a small amount of political experience like Devin Nunes typically do similarly better than those without any experience. In Nunes’ contest in 1998, his opponent for the Republican nomination, Clifford Unruh, while older (48), also had minimal political experience, working with small business through the U.S. Chamber of Commerce. Nunes came very close to defeating Unruh, with 48.26% of the vote. Abramson, Aldrich, and Rohde (2003) present data on the success of challengers in general elections as a function of political experience in 2002. This data is presented in Table 6-4. It shows a similar result that candidates with experience in state legislatures have a higher probability of success than those without that experience, particularly in races without an incumbent running.

The higher success for candidates with political experience can result from a number of factors. Voters might use knowledge of candidate’s past choices in lower level political offices to better control for principal agent problems as discussed in Chapter 5 (voting retrospectively) and this might advantage these candidates over unknowns with no political record. Unlike Weatherford, McCollum had a record, had made policy decisions, that voters could measure and judge, whereas Weatherford was all promise. Secondly, potential candidates with political experience have developed ties to political elites and campaign contributors (their political offices can help them provide services and favors to contributors even though they are not yet in Congress), which can help them have the campaign resources to communicate with voters and mobilize them at election time. Having run for office in the same part of the state previously, McCollum already had contacts to ask for campaign resources and contacts with voters. Essentially challengers with political experience may have some of the advantages that incumbents have in terms of retrospective voting and campaign resources. McCollum is much closer to an incumbent than Weatherford or Nunes.

Table 6-3 also provides the numbers of major party candidates by political experience when there is an “open” seat in Congress, i.e. no incumbent is running. While 20% of the candidates with no experience entered open seat races, 51% of the state legislators entered these races. But since there are many more races with incumbents than without, this sort of comparison does not tell us very much. Another way to think about the data is to compare the types of candidates in races with an incumbent with those without an incumbent. In races with an incumbent 80% of the challengers have no political experience but in races without an incumbent running, 60% of the candidates have no political experience. In non-open seat races, 6.4% of the candidates are state legislators, but in open seat races, 20% are state legislators. Non-incumbent candidates are much more likely to have political experience in open seat races than in non-open seat ones.

Of course there are exceptions to the political experience rule as former Nebraska Republican state chairman John Gale and Nebraska state board of education member Kathy Wilmot discovered when they ran for an open seat in Nebraska’s third
Congressional district. They were defeated by a candidate with no political experience but with a tie to voters in Nebraska that was unbeatable, former Nebraska head football coach Tom Osborne who had won three national championships and lost only three games during his last five years a coach. Of the major party candidates for Congress in 2000, 12 had experience in television or radio of which 8 won primaries (a 66.67% success rate compared to 44.5% for candidates without experience). However, only one achieved a general election win, Republican talk radio show host Mike Pence in the second district in Indiana, an open seat contest. Celebrity status does seem to advantage candidates, particularly in primaries, but does not ensure victory. It is important to remember that Tom Osborne campaigned hard for his election and celebrities, like all other potential candidates, can lose. Former local news anchorman Rich Rodriguez and former baseball player and broadcaster for ESPN, Jim Rooker, failed in their year 2000 bids for Congress.226

The Game Between Challengers

Larry Weatherford had little political experience before running for Congress (and was not a celebrity) and our analysis would suggest that he was less likely to win election because of that. But he had other disadvantages. He ran as a Democrat in a heavily Republican district and he ran against a popular incumbent, J.C. Watts. As the only black Republican in Congress, Watts was highly valued by national and Oklahoma Republicans. Moreover, he had not neglected his voters, turning down a seat on the Appropriations Committee in the House “so that he could continue to work on local issues on Armed Services and keep jobs at Tinker” Air Force Base, in his district. “He worked for $3.6 million to help build the dome on Oklahoma’s Capitol, . . . and for funds to preserve old buildings on the University of Science and Arts in Oklahoma in Chickasha. . . . He worked for the national weather research center in Norman and for advanced trainers for air traffic control at the FAA center in Oklahoma City.”227 Unlike Guy Vander Jagt or Matthew Martinez, Watts had a record with local voters that made them want to keep him. Although Larry Weatherford did have an issue with Watts’ lack of support for the Patient’s Bill of Rights, that issue was not strong enough with the voters in the Oklahoma 4th District to offset Watts’ strong record in the community. Weatherford had no competition for his party’s nomination and thus won the Democratic primary by default, yet he received only 54,808 votes in the general election to Watts’ 114,000.

In 1996, Watts, like Goodling, in Chapter 5, had made a promise to voters that he would serve a limited number of terms. Watts promised to retire in 2000, but with the urging of voters and family, he decided to run again. But his talk of retirement no doubt was known to potential challengers like Weatherford and most expected that he would soon retire. Therefore many were not surprised when Watts chose to retire in 2002. Furthermore, potential challengers also knew that in 2001 the new census would come out and the state would be drawing new district boundaries. Potential challengers are likely to anticipate that this can mean a higher probability of winning for a challenger as

226 Rodriguez won the Republican primary to challenge California Democratic incumbent Cal Dooley, but lost in the general election, Rooker lost the Democratic primary in a crowded open seat contest in Pennsylvania.

227 Barone, page 1257.
district lines are re-drawn to reflect new partisan balances or changes in population. But Weatherford did not challenge Watts in 2002. Instead he and two other former Democratic opponents of Watts gave their support to Darryl Roberts, a former state senator for 16 years who had also been a marine officer in Vietnam, a candidate with much more political experience than Weatherford but who had not run in 2000. Why did Weatherford run in 2000 but not in 2002? Why did Roberts not run in 2000?

We have examined the entry choices potential candidates make as independent decisions, but clearly they are interdependent. Both Weatherford and Roberts had a choice whether to run in 2000 or wait till 2002, and the outcome would depend on their joint choices, which they both knew. To understand how these choices are interrelated and Weatherford and Roberts’ decisions, we can use the following simple example. In the example, we will represent the probabilities facing the two candidates in Table 6-5, which is based on the following assumptions.\(^\text{228}\)

1. Weatherford, (assuming he wins the primary) will defeat Watts in the general election with a 25% probability. Weatherford (assuming he wins the primary) will defeat a non-incumbent Republican nominee to replace Watts in the general election with a 40% probability.
2. Roberts (assuming he wins the primary) will defeat Watts in the general election with a 30% probability. Roberts (assuming he wins the primary) will defeat a non-incumbent Republican nominee to replace Watts in the general election with a 45% probability.
3. Democratic primary voters strongly prefer Roberts to Weatherford because of Roberts’ experience and in a head to head primary contest, Roberts will win with an 80% probability.

These assumptions yield the following probabilities of winning for the different entry decisions for Weatherford and Roberts.

We can solve the game between Weatherford and Roberts using the concept of Nash equilibrium, which we used in Chapter 2. An equilibrium will exist when both Roberts and Weatherford are making the best choices given what the other is doing. First consider the optimal choices of Roberts given Weatherford’s choices. If Roberts knows for sure Weatherford will run in 2000, Roberts prefers to wait and run in 2002, when his probability of winning is higher, 33.75\% (if runs in 2002) to 24\% (if he runs in 2000). If Roberts knows for sure that Weatherford will run instead in 2002, again Roberts prefers to wait and run in 2002, when his probability of winning is higher, 36\% (if he runs in 2002) to 30\% (if he runs in 2000). Thus, whatever Weatherford does, Roberts prefers to run in 2002. What about Weatherford? Since Weatherford knows that Roberts’ optimal strategy is to run in 2002 instead of 2000, Weatherford’s optimal response is to run in 2000 as his probability of winning is 25\% in 2000 but only 8\% in 2002 when he might lose the primary to Roberts. The interesting aspect of the game between strong and weak potential candidates is that weak challengers like Weatherford are more willing to challenge incumbents who are harder to defeat, when strong challengers, like Roberts, typically wait until the seat is open and they will not face a strong incumbent.

One factor that our simple analysis ignores is that the cost of running can also be higher for more politically experienced competitors since often they have to give up current positions in order to run for office. Politically experienced potential candidates

\(^{228}\) See Banks and Kiewiet (1989) for a formal exposition of this game.
are often making politics their main career and as such need the support of party leaders and campaign contributors for a longer time period. Running when they have less chance of winning can tax that support, reducing the availability of it when the candidate may have a chance to win. Voters may view repeated election losses as signals that the candidate has undesirable qualities, and to counter principal agent problems, be less willing to support the candidate simply because of these losses. These are factors that can cause a politically experienced candidate to forgo running when the chances are less likely that he will win and the opportunity to run again in the near future with a higher probability of winning is a strong possibility. This leaves an opportunity for candidates with less political experience to run in the tough races that politically experienced challengers forgo. The key is that Weatherford has more of a chance of winning against the incumbent than if he waits because the more politically experienced potential candidate, Roberts, is likely to run in the future.

Of course our analysis simplifies the complex negotiations between potential challengers within the same party. Unlike the implicit assumption in the game above, where Weatherford and Roberts must choose between running in 2000 and 2002, Weatherford could have run in 2002. Roberts had run for Congress two times previously and some previous challengers of Watts did compete with Roberts for the nomination. Attorney Ben Odom, who had been Watts’ opponent in 1998, but had no political experience, challenged Roberts in the Democratic primary. Despite the costs of running and losing as discussed above, candidates do, like Roberts and Nunes, “repeat” their entry after early losses. Mack (1998) analyzed the success rate of repeat challengers in Congressional races. He found that repeat challengers can improve on their own vote totals in subsequent races, although there is little evidence that repeat challengers do better than those who have not run previously.

**Redistricting and Incumbency Advantages Redux**

Recall that Cox and Katz (2002) contend that the empirical evidence that Democratic incumbents are advantaged in Congressional elections may be a misunderstanding of the data. They point out that incumbents also make a strategic decision whether to stay in office or not and that they are more likely to retire voluntarily when the probability of winning their district is low for any candidate from their party (independent of the candidate’s own personal qualities). For example, Rep. Horn of California retired rather than run for his party’s nomination in his newly shaped district that advantaged Democrats. The Republican candidate who ran in his place, Alex A. Burrola, lost. Thus if we measure how well incumbents do in Congressional races relative to their party’s candidates in open seat races, what will look like the effect of incumbency may simply be due to the strategic retirement of incumbents because of the anticipation of a tough race for a candidate in their party in their district. The incumbents who run choose to do so when the support for their party is strong and the open seat races are districts, which are more hotly contested.

What would determine a tough race? If the incumbent sees that there is a strong challenger from the other party who is likely to enter, then the incumbent may retire, be “pushed out” or in Horn’s case, sacrificed. Then the incumbent’s party’s nominee faces the strong challenger and thus has a harder time winning. Thus, Cox and Katz argue that if we just compare how incumbents do versus non-incumbents, we overstate the
advantage of incumbency. Cox and Katz assert that after the one-man-one-vote Supreme Court decision forcing states to redistrict after each census, it became easier for incumbents and challengers to “coordinate” the decisions whether to run or not. That is, both knew that after redistricting the ability to be reelected could change significantly for the incumbent and the state could either gain or lose a district, also changing the political landscape facing incumbents – forcing them perhaps to have constituents unfamiliar with their records (like Condit in California) or with a different partisan balance (like Horn). Knowing that challengers might take advantage of these factors, incumbents may be more likely to strategically retire right after redistricting. Before the advent of regular redistricting, coordination between strong challengers and incumbents would have been less likely, leading to more head on contests between challengers and incumbents. It is well known that after redistricting the incumbency advantage increased. Cox and Katz maintain that this increased coordination ability is one reason why incumbency advantaged increased since incumbents who knew they would face strong challengers, knew this would happen at a particular time, and were better able to coordinate their retirement with the challenger entry.

Cox and Katz measure incumbency advantages by using controls for the strategic effect and claim that Democratic members of Congress in the 1970s and 1980s had little incumbency advantage while Republicans had a sizeable incumbency advantage. Why the difference in incumbency advantage by party? During this period the Republican party was in the minority within the House of Representatives. According to Cox and Katz, this meant that the utility of being a Republican in Congress was significantly less, which attracted lower quality new candidates to replace retiring Republicans. While on the other hand majority status for Democrats would attract more politically experienced, higher quality candidates, ready to run for office. This means that non-incumbent Republicans did particularly poorly in open seat Congressional races and thus the difference between the performance of an incumbent Republican and his or her replacement was large, leading to a large incumbency advantage, even when using Cox and Katz’ controls for strategic entry/exit of strong challengers.

In summary, the entry decisions of candidates in U.S. House elections are influenced by the redistricting schedule, which party controls redistricting, and the performance and potential exit decisions of incumbents as well as the entry decisions of other potential candidates. What may appear to be a strong advantage for incumbents in Congressional elections may simply reflect differences in party strength in Congress as well as strategic exit decisions by incumbents.

**Senate Elections**

One of Louisiana Democrat Mary Landrieu’s Republican challengers in 2002 (discussed in chapter 1) was former Congress member John Cooksey. Like eight of his colleagues, he chose to run for the Senate instead of Congress in that year. But he lost as Landrieu was reelected. Three of his colleagues who ran for the Senate did win, Saxby Chambliss of Georgia, John Sununu of New Hampshire, and Lindsey Graham of South Carolina. While the majority lost, in this sense Senate elections are a lot like House elections, political experience can make it easier to win. Table 6-7 presents a summary

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229 For evidence on this, see for example Gilmour and Rothstein (1993) and Ansolabehere and Snyder (1997).
of the political experience of non-incumbent major party candidates for the U.S. Senate in 2000. There are much fewer Senate races so there are less candidates. Candidates with political experience tend to have higher levels of experience, i.e. six former governors ran for the Senate in 2000. The one candidate who ran without political experience and successfully won nomination and the office was Jon Corzine in New Jersey (Hillary Clinton is classified as having party experience and because Mel Carnahan died before the election and votes knew his wife, Jean Carnahan would be appointed in his place he is classified similarly). Present and former members of Congress are likely to win Senate primaries when they enter Senate contests (10 out of 12 cases) but less likely to win general elections than state officials or governors. This, no doubt, reflects the advantages of holding state-wide office in running for the Senate. Present and former state legislators, while a good percentage of candidates come from that background, do less well than candidates with higher levels of political experience. Notice that incumbency seems to be less of a deterrent for high quality challengers and that high quality challengers defeated a fair number of incumbents in 2002.230

While having political experience matters in Senate races, in other ways Senate elections are distinctive. Members of the Senate must be thirty years old and U.S. citizens for nine years. In contrast to members of the House, members of the Senate are elected for six year, staggered terms. That is, every 2 years, approximately 1/3 of the Senate is up for reelection. Thus, unlike members of the House, there is a longer time between when voters evaluate incumbent Senators. Senators represent entire states and each state has two senators (who are elected in different election years). So while the Senate is elected from double member districts, each Senate election is separate unlike a traditional multimember district. Even if retirement or death leads to the election of two Senators from the same state in the same election year, the races are technically separate with separate candidates as when Barbara Boxer and Diane Feinstein competed for the two Senate seats in California in 1992 – while Boxer was running for an open Senate seat with a full six-year term, Feinstein’s race was to complete the remaining 2 years of the unfinished term of Pete Wilson.

As we noted in Chapter 3, it is not unusual for a single state, like Iowa, to have two Senators, like Grassley and Harkin, whose policy positions on many issues are quite different. We pointed out that because Senators are typically elected separately in different years, moderate voters might prefer to elect Senators who cancel out an extremist on the other side of the ideological divide. Furthermore, we saw that Senators are in general drawn to choose policy positions closest to the party position in their state in order to seek reelection (Chapter 5, Figure 5-4) and that members of the House of Representatives who seek upward mobility, are more likely to be successful if they have chosen policy positions close to the party position in their state as well (Chapter 3, Figure 3-13).

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230 Thomas Carper defeated incumbent William Roth in Delaware, Debbie Stabenow defeated Spencer Abraham in Michigan, Mark Dayton defeated Rod Grams in Minnesota, Mel Carnahan defeated John Ashcroft in Missouri, George Allen defeated Charles Robb in Virginia, and Maria Cantwell defeated Slade Gorton in Washington.
Not all Members are Equal

Are Congressional Races Special?

Once former football coach Tom Osborne was elected to Congress he held eight meetings with farmers around Nebraska. At each meeting two farmers were elected to meet at Kearney, Nebraska, to formulate a consensus farm policy. “After they produced their policy, Osborne said, ‘Now we’ll see where this meshes with the people in Washington. We’re not going to reformulate a national farm policy, but we may be able to move people in our direction.’” Osborne knew, that while he was a Republican, and his party was in the majority, he was still just one of 435 members of House of Representatives and lucky to get a seat on the Agriculture committee. Any changes in farm policy would have to result from more than just his and his constituents’ efforts.

In many ways the factors that influence both the decision to run and the electoral success (or lack of success) for Weatherford, McCollum, and Nunes in Congress and Cooksey and Landrieu in the Senate would have been the same if they had been potential candidates for mayor, or governor, or president. That is, the difficulties of facing an incumbent or a three or more candidate race and the advantages of political experience (or celebrity) and support from party leaders are similar. The requirement of periodic redistricting and apportionment across states does make House races different as we have seen and affects the choices candidates have open to them. Members of Congress like Stephen Horn can find their districts taken away from them when the legislature meets and given, in a new form, to Nunes. The fact that each state has two Senators also can affect which candidates can be successful. One reason why Republican Congressman Greg Ganske was unsuccessful in his campaign to defeat Democratic Senator Tom Harkin in Iowa may be that Iowa voters like balancing out the liberal Harkin with the more conservative Grassley. But a third significant factor that affects both House and Senate elections is that once in office making policy to please voters is a complex process and the ability of an incumbent to do so depends on which party is in the majority in Congress and how power is shared.

Does the Majority Party Rule?

Former Republican Congressman Mickey Edwards once compared his life on the Hill to that of his Democratic colleague Dick Gephardt: “As a Democrat, [he] set agendas; as a Republican, I reacted to them. As a Democrat, [he] helped to set the terms for debate, deciding what, if any, amendments would be considered when legislation reached the House floor; as a Republican, I pleaded with the Rules Committee for a chance to offer alternatives. As Democrats, [he] and his party’s committee chairmen decided who would be allowed to testify before congressional committees and on what bills; as a Republican I had to fight to get conservative views heard.” Why did party make such a difference? Edwards served in Congress during the forty years (1954-1994) that the Democratic party was in the majority. Fenno 1997 summarizes the relationship between majorities and minorities in the House: “The two crucial structural features of the majority-minority relationship are first that the majority party organizes and runs the

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231 Barone, page 939.
House and second that the minority party adapts to the governing majority.” [page 9, italics in the original] The majority rarely consults with the minority on scheduling of legislation. The majority party controls the organization of the House; selection of committee leaders, determines the jurisdiction of committees and their size, how staff resources are allocated and the internal procedures of committees. It is because being in the majority in Congress is so important that we see Texas Democrats running off to Oklahoma and Colorado Republicans passing redistricting measures between census years.

Michigan Democratic Representative John Dingell, who served with Edwards as a member of the majority party and then subsequently as a member of the minority, agrees with Edwards. “[A]sked what he had learned about being in the minority, he said ‘Avoid it at all costs.’” Yet, members of Congress in the minority are not completely powerless. Dingell ran for reelection in 2002, even though he had to defeat a fellow Representative, Lynn Rivers, to do so, suggesting that he still valued the office and hoped his party would gain a majority. In 2003 Republicans outnumber Democrats in the House of Representatives with 229 Republicans to 205 Democrats with one Independent, Vermont’s Bernard Sanders, who votes with the Democrats. While the 23-vote margin gives Republicans a majority, not since the mid 1950s has a majority party held such a slim margin. In 2003 the division between the parties is even closer in the Senate, there were 48 Democratic Senators, one Independent (Jim Jeffords, who votes with Democrats), and 51 Republicans.

The extent that majority parties dominate Congressional policy choices is one of the more hotly debated questions within current American political science research. However, as we noted previously, in majority rule situations, the voter at the median of voter preferences is pivotal in deciding outcomes. This can give moderate members of both parties, majority and minority power. Moderate members of Congress and the Senate recognize the power being close to the center gives them. New York Republican Representative Sherwood Boehlert “seems to relish the pivotal position he occupies in the House: as the Republican margin has shrunk [Democrats made gains in 2000], his voice and vote have become more important. ‘This is the moderate moment,’ he said in April 2000. ‘Our time has come.’”

While being moderate gives Boehlert and Louisiana Senator Breaux apparent power over policy, a number of factors complicate this simple conclusion. First, many legislatures require super majorities for bills to be passed – in Congress if the president vetoes a bill it must be passed with a 2/3 majority to override that veto. This shifts the pivotal voter away from the median when Congress wishes to make a policy choice that the President dislikes. Furthermore, since the majority party can control the agenda and the membership on committees, through agenda power they can structure the choices that are presented to the floor, further lessening the influence of moderates and the minority party.

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234 Barone, Almanac, page 818.

235 For different points of view on this subject see Aldrich (1993), Cox and McCubbins (forthcoming), Krehbiel, etc.

236 Barone, page 1106.
In the Senate, voting can also be delayed through debate. The term “filibuster” describes the sometimes consequence of this right – a filibuster is when a Senator takes the floor and talks endlessly for strategic reasons. Traditionally the advantage of filibustering is that this way a Senator can prevent legislation from being passed by monopolizing the time of the Senate and preventing it from carrying on other business as well as enacting the objectionable bill. The goal is to make the supporters of the bill in question voluntarily remove it from the Senate agenda.

Until 1917, the right to unlimited debate could not be abridged. However, in 1917, when a filibuster by a few Senators prevented a bill proposed by President Wilson to arm American merchant ships in response to the war in Europe and the outcry from the President and the public demanded change, the Senate adopted Rule XXII, which provides for cutting off debate in the Senate, or cloture. Originally Rule XXII required a 2/3 majority of the Senate and was rarely used. Currently, cloture requires a 3/5 majority of the Senate membership (60 Senators). It is used more than before, but often cloture petitions are filed in advance of a debate. In the 1970s, the Senate adopted the practice of allowing legislation to proceed on different tracks, so that a filibuster could be paused and unrelated Senate business could continue. This both lowered the cost of a filibuster for a Senator and for the Senate. The filibuster gives minorities significant power to delay legislation they do not like and the pivotal voter can be the voter whose ideal point is at the 3/5-majority point.

The Effect on Congressional Elections

While Osborne and his constituents cannot determine by themselves the nation’s farm policy, there are ways in which he can help his constituents, which might mitigate dissatisfaction with overall national policy and increase his chances of reelected. As Fiorina has argued, members of Congress can provide help to their constituents with the vast and complicated federal bureaucracy, or casework. As such members of Congress typically maintain staff in their districts as well as in Washington just to handle these constituent problems. Constituents then, when they vote retrospectively whether to reelect members of Congress evaluate not just an incumbent’s position on the issues and how he or she voted, but how effectively she or he provided constituency services.

Seniority, Elections, and Incumbency

Boehlert is not only pleased with his status as a moderate in a closely divided Congress, he also is proud of his seniority in Congress. He argues: “It’s pretty easy to sum up why it’s useful to be a high-ranking Member of Congress: the more seniority you have, the more you can help your constituents. . . . Thanks to my seniority, I’ve had the good fortune of attaining some key positions in the House of Representatives.”237 While we noted above that membership of committees and committee chairmanship positions are chosen by the majority party, giving that party agenda control over these positions, another important factor in determining who gets positions of power on committees is seniority – or the number of terms that a member of the House has served. The seniority system developed in the 1910s and was dominant in determining positions of power from about 1912 until the 1970s reform movement. It was a two-part arrangement. The first part was a system whereby once a member of Congress had a position on a committee, he

237 See statement on Boehlert’s web page, July 17, 2002.
or she could not be taken off that committee involuntarily. That is, once a member was on a committee, he or she had a property right to a place on that committee. The second part of the seniority arrangement was an understanding that the member on a committee with the longest continuous service got to chair the committee whenever the chairmanship became open.

The seniority norm, in effect, led to a clear system where, after initial placement on a committee, a member of Congress who succeeded in securing reelection could then move toward a position of power (a chairmanship) as older, more longer serving members chose to run for higher office or retire. Why might members of a committee prefer such a system? One factor in making legislation in Congress that we have largely ignored is the pork barrel or distributive nature of much of Congressional legislation. That is, consider the choices facing a Congressional committee, which must decide on the allocation of military bases across the country. A military base, placed in a member’s district, can substantially increase income in that district by providing the associated civilian jobs and supporting services for the base. We have discussed J.C. Watts efforts to make sure that the air force base in his district would not be cut, giving up a position on the Appropriations committee (which Osborne would have loved to get) in order to be on the Armed Services Committee.238

Suppose that the committee consists of three members, Adams, Barkley, and Campbell, each from a Congressional district in a different state, and the committee wants to build 9 more military bases.239 It is straightforward to show that the members of the committee, who all prefer to build as many bases in their state as possible, face a problem in allocating the bases. That is, suppose Adams proposes each gets 3 bases in his or her state. But Campbell might propose that Barkley have 4 bases, himself 5, and Adams 0. Campbell and Barkley would each vote for Campbell’s proposal, and Adams’ proposal would only receive one vote. Campbell’s proposal will defeat Adams. But then Barkley may propose that she, Barkley, have 5 bases, Adams 3, and Campbell 1, which would defeat Campbell’s proposal. But Adams could counter with a proposal that Adams have 5 bases, Campbell 2, and Barkley 2, which would defeat Barkley’s new proposal. The proposal and counterproposal making can potentially go on forever without a solution.

The problem facing the committee members is commonly called the “Paradox of Voting” and we will discuss it and how the paradox affects American politics in more detail in chapter 9. For now, we will focus on one way that the paradox can be avoided. That is, suppose that the committee uses the following rule to make decisions: The chair of the committee, chosen by seniority, is given the right to make a proposal on how to allocate the bases, and if his or her proposal is refused, then the bases are uniformly distributed across the three states (each state receives 3 bases), which we will call the reversion allocation of bases. Suppose the three legislators differ in seniority, with Adams currently in his third term in office, Barkley in her second term in office, and Campbell a freshman, or in his first term in office. By seniority, assume that Adams is the chair of the committee. He knows that if his proposal is defeated, each will get 3 bases in his or her state. If Adams wants to come up with a proposal that gives him more

238 Of course, military bases have some detrimental effects, but we will assume here that the effects from the standpoint of the districts are all positive.
239 The example that follows is based on the analysis of McKelvey and Reismann (19xx).
than 3 bases, he only needs two votes for his proposal to win. Since he has one vote himself, then he only needs to convince either Barkley or Campbell to vote with him. Either will vote for the proposal if the proposal gives him or her at least 4 bases (one more than the reversion proposal). But if Adams gives both 4 bases, he only has 1 left, hardly preferable to Adams. If Adams chooses only one, Barkley or Campbell, to give 4 bases too, he can have 5 to himself and defeat the reversion proposal. Suppose that Adams uses seniority to determine which, Barkley or Campbell, to give the 4 bases too. Then his proposal will be that Barkley gets 4, he gets 5, and Campbell gets 0. His proposal will pass.

Of course, the seniority system that gives Adams the right to make the first proposal only works if the committee members are willing to vote for that system over some other allocation rule. One alternative might be that the chairmanship is determined by a random draw where each member has an equal chance of being chair and then which committee member gets the extra base so that the chair can win his or her majority is also randomly chosen. How many bases could each member expect to get under such a system? One third of the time a member would get to be chair and receive 5 bases, another third of the time a member would get to have 4 bases, and the last third the member would get 0 bases. The expected number of bases would be \((1/3)*5 + (1/3)*4 + (1/3)*0 = 3\). Clearly, both Adams and Barkley prefer the seniority system to such an alternative if they are risk neutral or risk averse.

For voters, the system also leads to clear advantages to reelecting incumbents. For example, suppose that voters in Adams’ district have a choice between him or an opponent. Voters know that if they reelect Adams he will be advantaged by the seniority system (as Boehlert tells his constituents they will be advantaged through his seniority), their state will get more bases, and that Adams will vote for that system. Similarly, voters in Barkley’s district will choose her over an opponent who would then be in his or her first term, and voters in Campbell’s district, will vote for him, on the chance that either Adams or Barkley will be defeated, knowing that he is still advantaged over a new member by having served one term. Seniority distribution of resources and incumbency can then work hand-in-hand and be hard to dislodge once they take root.

While the analysis above shows how a seniority system can be used effectively to solve the paradox of voting inherit in issues of distributing resources, it is also possible for seniority to thwart the goals of the majority party if the senior members of the party have preferences over policy choices that are at variant with the majority in the party. In the 1970s many new Democrats (who were the majority) believed that the seniority structure was problematic for overall policy and as a result instituted two noted reforms in the seniority system: 1) committee assignments were taken away from the majority party membership (which at the time was the Democratic party) of the Ways and Means committee and given to a party committee dominated by the Speaker of the House and other majority party leaders and 2) an automatic ballot was instituted to ratify nominees for committee chairs, leading to greater violations of the seniority norm. Note that when the majority party voted over seniority each had an incentive to support, but a leader has the flexibility to work for what might be best for the party as a whole. In the 1990s, when Republicans gained controlled of the House of Representatives, they also wanted to give the party majority more control over policy and instituted stronger controls on the role of seniority and term limits for committee chairs. In general, while seniority is a
factor in allocating committee power positions, it is not the current determining factor, and increasingly the loyalty of potential committee chairs to majority party policy preferences plays a significant role.

**Party Control, Positions of Power, and Upward Political Mobility**

Republican Representative Nick Smith from Michigan, who is retiring from the House in 2004, had decided to vote “no” on the medicare bill presented before the Congress on November 22, 2003 because he felt the bill was too expensive. According to a posting he made on his website the next day: “‘[B]ecause the leadership did not have the votes to prevail, this vote was held open for a record two-hours-and-51-minutes as bribes and special deals were offered to convince members to vote yes.’ Smith also claimed that after being personally lobbied by Speaker Dennis Hastert (R-Ill.) and Health and Human Services Secretary Tommy Thompson, ‘other Members and groups made offers of extensive financial campaign support and endorsements for my son Brad who is running for my seat. They also made threats of working against Brad if I voted no.” Smith said his son told him to stay with his no vote.” Smith later said that he had misspoken, that he had not been technically offered a bribe and now refuses to comment. As of this writing, the House Ethics Committee is considering the case.240

In Chapter 3 we noted that most elected officials are career-oriented and that most candidates for office have some previous elected experience. We also observed how lower level elected officials might be induced to make choices in those positions that please party elites who influence nominations for higher level offices when these elites make choices retrospectively. We saw that members of the House, for example, whose policy choices in the House are closest to the overall party position in the state, are more likely to run for the Senate and to be their party’s nominee in the general election.

In legislatures like the House of Representatives where power is unevenly distributed, some members through committee chairmanships have greater agenda control than other members. This power can affect the policy choices as well as the distributive benefits or pork that the legislator can bring to his or her district. When seniority determines how these positions of power are distributed, representatives have an incentive to continue to please their district voters and district party elites (in order to achieve reelection) if they anticipate that achieving power through seniority in Congress has a higher expected utility than running for a higher elected office. And, as we noted, voters and party elites have an incentive to reelect incumbents who are more likely to have the extra power under seniority.

If, on the other hand, the majority party pays attention to loyalty to the majority party’s preferences as a whole in allocating positions of power and other resources provided through the party as well as seniority (like the current Congress), then representatives may have to balance out the preferences of the voters and party members in their district with the preferences of the party majority in the House. While what Smith was allegedly offered to vote the way his party leaders preferred was support for his son’s campaign for Congress, since he was retiring, it could have been a coveted committee membership or chairmanship or position of power within the party organization. If these two preferences coincide (i.e. the preferences of voters in a

member of Congress’ district and the party leaders in Congress), it is almost as if the member of Congress then is “destined” for power within the House. For others, district voters and party elites may be willing to accept some deviation from their preferences so that their representative can achieve power for the distributional benefits, or pork, that power can bring to the district. However, if the majority party’s position is far from the preferences of voters in the district, power seeking for a representative may be impossible and lead to defeat if he or she makes policy choices at variance with his or her constituents preferences, a “doomed” member.

For example, in the 1992 election Democratic Representative Majorie Margolies-Mezvinsky of Pennsylvania promised her constituents that she would vote against any tax increases. But in 1993, because of pressure from Democratic House Leaders (then the majority party in the House) who needed her vote to pass a tax measure she broke that promise and was defeated in the 1994 election. Thus, making choices to please the majority in the party in the House might help a member achieve a position of power, but only if the representative’s district voters and party leaders are willing to go along with these choices. In some cases an ambitious politician from a district where voter and party elite preferences are far from the majority and achieving a position of power and reelection are not both possible may choose upward political mobility to further his or her career instead of staying in the House of Representatives. Moore and Hibbing (1998) analyzed the retirement decisions for members from 1960-1996. They found that members who were less likely to achieve positions or power through seniority and those whose policy positions were far from the average party position in the House were more likely to retire ceteris paribus.

**Moving Down the Street**

In spring 2003 nine Democrats declared their candidacies for the nomination of their party for the presidential election of 2004: Vermont governor Howard Dean, North Carolina Senator John Edwards, Missouri Representative Richard Gephardt, Florida Senator Bob Braham, Massachusetts Senator John Kerry, Ohio Representative Dennis Kucinich, Connecticut Senator Joe Lieberman, former Illinois Senator Carol Moseley Braun, and activist and civil rights leader Al Sharpton. Of these nine, 7 are members of either the House or the Senate. While each has successfully competed and won office in U.S. Congress, they know that Presidential elections in the U.S. have their own unique features that can affect which candidate wins election. In the next chapter we analyze how presidential contests work beginning with the nomination battle that these candidates are fighting.

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241 For a formal analysis of this argument see Kanthak (19xx).
Chapter 7: Presidential Primaries

Skipping Around or Sitting in Place?

On Sunday, October 19th, 2003, Retired Army General Wesley Clark and Connecticut Senator Joseph Lieberman, both candidates for the Democratic nomination for president in 2004, pulled their campaigns out of Iowa, where the first contest of the nomination season would take place on Tuesday, January 20th. Instead they would focus on the New Hampshire primary on January 27th and the primaries and caucuses in seven states on February 3rd. Political experts were surprised at the decisions of the campaigns. Jenny Backus, a Democratic strategist who was neutral in the contest noted: “The harsh reality of a Democratic primary is you have to put numbers on the board. You have to wonder where and when those numbers start racking up” for Clark and Lieberman.\(^{242}\)

Clark and Lieberman knew that historically winning Iowa had not meant winning the nomination – for example, the first Iowa caucus in 1972 had selected Edmund Muskie who had lost the nomination to second place finisher George McGovern; in 1980 first president Bush won the caucus but lost the nomination to second place Ronald Reagan; in 1988 both Robert Dole and Dick Gephardt won their parties’ contests but lost nominations to third place finishers the first president George Bush and Michael Dukakis; and in 1992 winner Tom Harkin lost the nomination to Bill Clinton (who received only 4.1% of the vote). Thus, in five out of the ten contests where no incumbents ran, winning Iowa did not seem to matter. Moreover, never before had so many states been holding contests so packed together. Mounting a campaign across these states was costly. Both candidates were having trouble raising money compared to Vermont Governor Howard Dean, the current front-runner. Why not concentrate their limited resources and time on states also voting early, albeit not first, that the candidates felt they were more likely to win. Why not pick and choose?

Like Clark and Lieberman, in late fall 2003, John Kerry was behind and having serious trouble raising campaign funds. He changed his campaign manager to Mary Beth Cahill. As we discussed in Chapter 4 Kerry loaned himself money to keep his campaign going. Kerry made the opposite decision of Clark and Lieberman; he put all of his efforts into Iowa both time and money, not campaigning aggressively in the other states. His campaign staff in New Hampshire “shuddered at the idea of not having their candidate in the Granite state during the key weeks before the primary.”\(^{243}\) Political pundits also criticized Kerry as they did Clark and Lieberman: “Kerry’s gamble in Iowa is risky. Candidates who have relied on Iowa to bail them out in the past have exhausted their resources there and had little left to sustain a campaign anywhere else. That’s why ex-Gov. Michael Dukakis, a better money-raiser, was able to outlast Rep. Richard Gephardt and the late Sen. Paul Simon after they finished one-two ahead of him in Iowa in 1988. Dukakis mercilessly blitzed Gephardt with tough ‘flip-flop’ ads in other states and the


Missouri congressman was too cash-poor to fire back,” wrote Wayne Woodlief in an editorial in the Boston Herald. 244

It turned out that Clark and Lieberman made bad decisions and Kerry made a good one as we will see in this chapter. In 2004 winning the Iowa caucuses mattered more than ever, particularly because the primaries were so compacted. Why was this true? How had the presidential primary schedule become so compacted? How does that affect which candidates are selected as nominees? In this chapter we answer these questions. We begin with the process of getting on the ballot for the presidential primaries.

What it takes to get on the Ballot in Primaries

The Rules

The formal qualifications for presidential candidacy are contained in Article II, Section 1, of the Constitution, which limits the presidency to natural-born citizens who have lived in the United States at least 14 years and who have reached the age of 35 (so Devin Nunes could not run for president in 2004). There is some dispute as to the meaning of “natural-born,” namely whether children born to U.S. citizens abroad are eligible, but no candidate has ever directly challenged this issue. The 22nd Amendment to the Constitution (ratified in 1951) limits presidents to two terms.

As we discussed in Chapter 1, Presidents and Vice-Presidents are elected through the electoral college system, rather than directly elected by voters. Originally electoral college members were selected by state legislatures, but currently these members are now directly selected by voters. We discuss the effects of the electoral college system on candidate and voter choices in presidential elections in Chapter 8. But first candidates must get on the ballot. Although the election is national, state electoral laws govern issues of ballot access. The difficulty of attaining ballot access in all 50 states is a strong impediment to third party and independent candidates for the presidency – we will discuss minor party and independent candidates more fully in chapter 9.

To get on the ballot as a major party candidate, a candidate must first win the nomination of a major party, which may mean getting on the ballot in the many state primaries as state primaries now largely determine who wins the nomination. The process of getting on state primary ballots can be extremely difficult and expensive as Republican Senator John McCain discovered in 2000.

The Experience

On a snowy day in January 2000 Republican Senator John McCain stood in front of the Russian consulate in New York. He recalled his reason for calling a press conference there to comedian Jay Leno in a visit on NBC’s Tonight Show in 2002: “I don’t know if you remember or not, Russian elections were taking place at that time, and they had three or four names on the ballot. . . . New York State had only one on the ballot.” 245 As we discussed in Chapter 4, Republican George W. Bush had in 1999 built a

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244 Woodlief, Wayne, “If Kerry can’t do it in Iowa, he’s finished,” Boston Herald, Sunday, December 21, 2003.
huge campaign chest and support nationwide of Republican party leaders. New York Republican Governor George Pataki (called “Comrade Pataki” by McCain) was one of these supporters. And in New York state to get on the ballot statewide for the March 7th primary a candidate had to get signatures on a petition of at least 0.5% or 1,000 Republican party members in each Congressional district in 37 days from December through early January. With 31 Congressional districts, this meant 15,500 Republican voters signing petitions. Moreover, in heavily Democratic Congressional districts there were few registered Republicans to draw from (in the 11th district, for example, there were only 15,872 registered Republicans at the time of the primary). Finally, even if a voter was verified as a registered Republican, a signature could still be struck from the list if the voter failed to list his or her town or city in addition to their residence address. McCain was having trouble meeting these qualifications and his name was not on the ballot in all areas of the state when he spoke before the consulate.

Bush’s supporters in New York knew the difficulties and how they could make it even tougher for McCain. In December New York “state Republican Party chairman William Powers sent out a memo admonishing Mr. Bush’s district coordinators: ‘To ensure that Bush delegates get on the ballot in your Congressional district, your goal is to collect six times the signatures required by the election law.’” Why six times the minimum? Because Bush’s supporters knew that names on Bush’s list would decrease the number of names available for challengers like McCain. They also knew that there would be legal challenges to the signatures and planned to do some challenging themselves. The cost of such legal battles is sizeable; in 1996 Senator Bob Dole’s campaign budgeted $700,000 for post-petition challenges. With less money than Bush, and little support among Republican leaders in the state, McCain did feel like he was in Siberia instead of Manhattan.

Anticipating the battle, in December McCain’s supporters asserted that they would sue to get access. After McCain surprisingly defeated Bush in the New Hampshire primary, McCain’s criticism of Bush and Pataki began to stick to candidate Bush and Bush sent the signal to Pataki to back down. Pataki announced that all Republican candidates would be allowed to have their names on the ballot for the New York primary. So the names of Bush, McCain, Alan Keyes, and even Steve Forbes (who had dropped out of the race) appeared on the ballot. About the same time, addressing McCain’s supporters’ court case, U.S. Federal District Court Judge Edward Korman declared the ballot access rules as unconstitutional.

But voters like Angelo Fatta had trouble finding the candidates’ names on the ballot. Since voters were really voting for delegates pledged to support candidates at the convention, the names of the delegates appeared on the ballot as well as the candidates. Unlike the Democratic ballot in New York where candidate names were larger than delegate names, the candidate names were much smaller than the delegate names on the Republican ballot. Fatta, like a number of voters, could not find his preferred candidate “and ended up backing George W. Bush. ‘I admit it, I didn’t read the fine print.’ Fatta

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said.\textsuperscript{248} McCain lost the New York primary and withdrew from the presidential contest two days later.\textsuperscript{249}

**Hyperspeed**

As McCain discovered, getting on the ballot was just part of the war, the main battle was winning the primary and even with the voting problems in New York, on the first Tuesday in March, McCain lost not just in New York, but California, Georgia, Maine, Maryland, Missouri, and Ohio, winning in Connecticut, Massachusetts, Rhode Island, and Vermont for a much smaller delegate total than Bush (eleven states voted on the same day on both coasts and in the south and north of the nation). As we discussed in Chapter 4, Bush’s support built in 1999 was extremely difficult for a challenger to stop, particularly in the highly compacted primary calendar. In the presidential contests in the 1970s presidential primaries were spread out in the months prior to the national conventions. Candidates could spend weeks focusing on one state at a time. But McCain did not have the privilege and voters on the second Tuesday of March were irrelevant in the contest. In 2000 even a state like Texas, which had moved its primary to the second Tuesday in March in 1988, found that their votes did not matter in the Bush/McCain contest as McCain withdrew five days before they voted (although anticipating a large number of votes in Texas and other southern states for Bush probably led to McCain’s withdrawal before Bush had enough delegates to win the convention, which can imply that Texas voters did make a difference).

In 2003 Texas’ primary date was an issue before the state legislature. Shortly after the Killer D’s came back to Austin from Oklahoma in May 2003 (see discussion in Chapter 6), a bill passed the Texas state senate to move Texas’ primary from the second Tuesday in March, March 9\textsuperscript{th}, to the first Tuesday, March 2\textsuperscript{nd}. The later date conflicted with the scheduled spring break in most school districts in the state and would have therefore cost more money as closed schools, where many voted, would need to be opened and security added. Moreover, ten other states, including sizeable New York and California, would be voting on March 2\textsuperscript{nd} and by the 9\textsuperscript{th} the nomination contest could be over. Only two of the 31 Senators showed up, but no one objected and the vote would be recorded 31-0 (Texas state senators can be recorded as voting even if not physically there if they give their prior approval).\textsuperscript{250}

But after the Congressional redistricting battle was finally won by Republicans in October 2003, Republicans also pushed through a move of the Texas primary back to March 9\textsuperscript{th}. Republicans claimed that they would not get final approval of the new Congressional plan until January (since Texas is a covered jurisdiction under the Voting Rights Act, the plan had to be approved by the Justice Department, a topic we discuss in


\textsuperscript{249} Pataki did help McCain out with his legal expenses, however, with help from New York taxpayers. New York state and the Republican party each paid $200,000 to cover McCain’s legal costs. The Republican party also paid $50,000 to the Forbes campaign and $40,000 to Alan Keyes’ lawyers. See Kuo, Anny, “State, GOP to pay legal costs to put McCain on primary ballot,” the Associated Press State & Local Wire, Wednesday, August 9, 2000.

Chapter 10) and it would be impossible to schedule in candidate filing times, ballot printing and the 30 days advance time needed for overseas Texans who are members of the military to vote. But Democrats criticized the plan as undemocratic and worried about hurting the ability of Texas voters, particularly minority voters, to influence the outcome of the Democratic presidential nomination contest.\(^\text{251}\)

Texas was not the only state considering moving up sooner in the schedule in 2003. Wednesday, May 28, 2003 Tennessee state lawmakers sent the governor a bill to change their primary from March 9\(^{th}\) to Feb. 10\(^{th}\). “U.S. Rep. Harold Ford Jr., D-Tenn., called the change of primary ‘a positive thing. It’ll get all the candidates paying more attention to us.’”\(^\text{252}\) Earlier in the month Wisconsin voted to move their primary date from April to Feb. 17\(^{th}\). “Nothing is guaranteed” by the earlier date, acknowledged the state Democratic chairwoman, Linda Honold, but she hopes and expects the state will have significance. ‘I just can’t imagine by the third Tuesday in February, with nine candidates to sort through, they’re going to have it all figured out by then,’ she said.\(^\text{253}\) But beating Wisconsin, Tennessee, and Texas, Arizona’s Democratic Governor Janet Napolitano moved up the date for her state’s primary to Feb. 3\(^{rd}\) (and vetoed a bill from the Republican legislature to abolish the primary because of the state budget crises). Table 7-1 presents a list of the states who changed there primary dates to earlier times for the nomination contest in 2004.

Watching the jockeying for dates, presidential candidates and campaign managers geared up for a Democratic presidential nomination process in 2004 more compacted than any previous year. Anticipating the race, Chris Lehane, a worker for Massachusetts Senator John Kerry remarked: “I think things will move in hyperspeed.”\(^\text{254}\) Kerry was right. Kerry surprised pundits by winning New Hampshire, Iowa, and then most of the remaining states in the early contests.

By the time Texas had its primary in 2004, although 10 Democrats were on the ballot, only one major candidate, John Kerry, was still active. John Edwards, Kerry’s last major opponent, after failing to stop Kerry sufficiently in the Super Tuesday contests of March 2\(^{nd}\) canceled planned visits to San Antonio and Dallas on Wednesday, March 3\(^{rd}\) and returned home to North Carolina to withdraw from the race. Edwards’ spokesperson in Texas, Kelly Fero, complained about the movement of the primary date: “While Republicans say the date change was necessary to allow enough filing time for congressional candidates, Fero said the Republicans just wanted to prevent a parade of Democratic presidential candidates from coming to Texas and pointing out Bush's failings. ‘That was a stated goal of the Republicans. They wanted to take Texas out of play,’ he said.”\(^\text{255}\) If Texas had been in play, would Edwards done better in the contest with Kerry? Moreover, how did such a primary calendar develop? How did primaries


\(^{254}\) Gilbert, Craig (2003).

change from the slow leisurely pace of the 1970s to “hyperspeed”? To understand how this occurred, we need to examine the evolution of the presidential nomination system.

**What it takes to get nominated**

**When Conventions Made Real Choices**

*The World before Primaries*

The history of early presidential electoral politics is intricately connected to the story of the development of the American party system and excellently reviewed elsewhere [see for example Aldrich 1993, Epstein 1986, and McCormick 1982]. Here we highlight the way in which parties’ processes of nominating candidates for the presidency evolved into the present front-loaded system and the resulting concerns of policy makers.

Initially the early American parties worked through caucuses composed of party members serving in Congress to choose nominees for president. However, as the mass political party developed, it became clear that these choices were not electable and affected by the limited membership of the caucus. Parties gradually turned to national conventions, drawing delegates from state parties, which had developed over time along national party divisions. By the 1840s, national mass electoral parties, really confederations of the state parties, had evolved and the process of choosing nominees for the presidency by national conventions of delegates from the state parties had taken hold. The important impact of this period for our current system is that it established the role of parties as more than legislative caucuses – and cemented the role of states and individual voters, at first indirectly, in the presidential nomination process.

*Primaries in a Supporting Role*

**The Advent of Presidential Primaries**

The advent of presidential primaries in 1901 changed the process of presidential nominations although party leaders still retained ultimate control over nominations until after 1968. Direct primaries were an innovation of the Progressive movement and were used widely by the turn of the century for nominations for statewide office. As Jewell 1984 explains, direct primaries served different purposes in northern and southern states. In the west and midwest direct primaries were attractive for two reasons: “a theoretical belief in direct democracy” and “because the primary offered the best vehicle for wresting control over the parties -- and nominations -- from conservative forces. The Progressives concentrated most of their efforts on the Republican party, which was the normal majority party in most states. The Democratic party usually offered a poor alternative, both because of voter loyalties to the Republican party and because Democratic leadership was often conservative and/or ineffective.” (page 7).

The south, in contrast, used direct primaries with participation restricted to whites in order to maintain white Democratic control over the region as discussed by Kousser 1974. The conservative southern Democratic leadership feared that factions within the party might break away and mobilize black voters. They established the norm that unsuccessful white

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candidates would not challenge the nominees in general elections. Since blacks were largely Republican and other measures had restricted black voter turnout, such as poll taxes and literacy tests, the direct primary allowed the white Democratic party to maintain control by handling dissent within its ranks. We will discuss the “white primary” in chapter 10.

Direct primaries were first extended to presidential nominations in 1901 when Florida passed a law allowing state parties to conduct direct primaries to select national convention delegates. When the national Republican party rebuffed Governor Robert LaFollette’s delegates for others chosen in caucuses controlled by party elites in 1904, Wisconsin enacted direct primaries for presidential nominations the following year. The reasons for the early use of presidential primaries were natural extensions of the desires of the new state leaders to either secure dominion from old state party leadership as in Wisconsin or to maintain white Democratic domination in the south. Presidential primaries were much more prevalent in northern states than southern ones at this time, however. The first modern presidential primary law that resembles the ones used now was enacted in Oregon in 1910 where voters selected both between competing candidates and delegate slates. By 1912 California, Illinois, Indiana, Massachusetts, Nebraska, New Jersey, New York, Pennsylvania, and South Dakota had instituted presidential primaries. In his attempt to take over the Republican party in 1912, Theodore Roosevelt competed in these presidential primaries, winning nine. However, he was unsuccessful at the convention because of the dominance of Taft supporters among the delegates.

The idea of presidential primaries replacing state conventions was definitely popular among some policy makers and academics. In 1915, Dickey called for national presidential primaries in the American Political Science Review. President Woodrow Wilson, in his First Annual Message after election, also advocated expanding the role of primaries. Nonetheless, Wilson’s desired legislation was not enacted and, in fact, only states have explicit regulation of candidate nomination procedures of parties; there is no regulation of nominations at the federal level.

The Decline of Primaries

Despite continued growth in presidential primaries (reaching a peak in 1916 with 20 Republican primaries accounting for 58.9 percent of delegates), they declined in use in the twenties. As Palmer remarks (page 68) presidential primaries “ . . . had not produced candidates with mass popular appeal and had proved time-consuming and often prohibitively expensive. The prospect of unwanted nominees foisted by ignorant voters on reluctant party leaders dimmed its luster still further, while to most party officials the primary represented an open invitation to fratricidal conflict.”

It is interesting that while some states eliminated primaries, others used methods of restricting choices so that primaries could still be used for state-wide offices but had less of an effect on presidential nominations. Caesar 1982 summarizes (page 24) that some states retrenched from Progressive reforms by “ . . . the de facto insulation of the primaries from the national focus through laws that barred delegates from specifying on the ballot which

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257 Only Florida Democrats held presidential primaries before 1956.
258 Palmer 1997, chapter 3, reviews much of this history. See also Ranney 1977.
259 There is federal regulation of campaign spending of presidential candidates as discussed in Chapter 4.
260 New Hampshire, Ohio, and West Virginia started presidential primaries in 1916, while Alabama’s dates from 1924 to 1934 to restart in 1940.
candidate they preferred; and the development of a tradition in some states, enforced by the
power of the state parties, of running favorite sons in the primaries.” Many existing
presidential primaries never had specifications on the ballot for the presidential candidates
but only listed the delegates.\(^{261}\)

It appears then that the motivations behind the use of primaries for statewide offices
in the late 19\(^{th}\) and early 20\(^{th}\) centuries did not translate well to the presidency. That is, since
primaries were used in the south to prevent white factions of the Democratic party from
breaking out and joining with black Republican voters within the states, this was less an
issue in presidential nomination contests in these states where state level races were
sufficient for the unification desired.\(^{262}\) Presidential primaries, even during the heydey of
the Progressives, were used on a much more limited basis in the south. As Progressives
decreased in strength in Republican states, their ability to wrest control, never sufficiently
strong at the national level, diminished. Thus, presidential primaries declined.

**Making Primaries Count and Premonitions of Front-Loading**

Nevertheless primaries did continue to play a role in presidential nominations and
that role increased over time. Palmer reports that in 1928 Al Smith and Herbert Hoover
used primaries, in one case to demonstrate that a Catholic could receive votes outside New
York and in the other to squash a possible opponent. In 1932, Franklin D. Roosevelt
attempted to use primaries to discourage Smith. Wendell Wilkie’s lack of success in
Wisconsin’s 1944 primary hurt his chances for selection as the Republican nominee. Most
notably Harold Stassen, from Minnesota, in 1948 came close to using primary victories
combined with media publicity to take an underdog route to nomination.

Stassen’s success induced midwestern states such as Indiana, Montana, and
Minnesota to revive their presidential primaries by 1952. Palmer argues that not just the
increase in primaries but the candidacy of Eisenhower marked “a pivotal year in the
emergence of the modern campaign process.” He notes (page 69): “The candidacy of
General Eisenhower was launched by the New Hampshire primary of March 1952. In this
and succeeding primaries, the general’s backers demonstrated their candidate’s popular
appeal to national and state Republican party leaders and to the electorate at large.
Eisenhower’s victories proved crucial for delegate accumulation and in wrestling the
nomination from Robert Taft at the convention.”

But Eisenhower’s success was not the only one influenced by presidential primary
victories after World War II. Adlai Stevenson, despite receiving the Democratic nomination
in 1952 without participation in primaries, attained the nomination in 1956 after defeating
Estes Kefauver in the California primary. As with Wilkie in 1944, he entered primaries to
demonstrate that he could win despite loosing as his party’s nominee in the previous
presidential election. In 1960, John F. Kennedy used primaries to demonstrate his
electability to Democratic party leaders. Richard M. Nixon was a primary winner in
Republican primaries both in 1960 and 1968. Barry Goldwater used success in primaries to
achieve the Republican nomination in 1964. The first rejection of a primary winner since

\(^{261}\) New Hampshire’s primary, for example, although instituted in 1916 did not allow voters to express
preferences for presidential candidates in their delegate selections until 1949, see Palmer 1997 page 2.

\(^{262}\) Interestingly, gradually some southern whites began to vote for and support Republican presidential
candidates while maintaining a Democratic party identity at the state level.
1956, that of Eugene McCarthy in 1968, was as Epstein states “in extraordinary and politically disastrous circumstances.”

More telling than the relationship between primary winners and nomination choices from 1956 on is the fact that from 1948 for Republicans and 1952 for Democrats nominations were decided on the first convention ballot. Party leaders increasingly appeared to make commitments prior to conventions. Conventions were becoming less significant in determining the nominee, i.e. the negotiation and bargaining was occurring before the convention and whether by primary victories or high standings in polls, nominees were expected to demonstrate that they had public support. The nomination determination was occurring earlier in the electoral season and was influenced by primaries. State party leaders began to make commitments and negotiate earlier, a premonition of front-loading.

Impacts of the Mixed System

We believe that the current dilemmas in presidential primary contests are partly a consequence of the developments during the mixed period. Three such developments are important:

- Parties, their nomination processes, and elections in general are largely regulated at the state level. This makes any kind of national reform of the presidential nomination process difficult. It is one of the reasons why front-loading has occurred – states may all prefer that contests be spread apart, but because they see their own self interest is served by moving closer to the front of the season, primaries end up bunched together.

- Conventions largely ceased to be the place where nominations were settled – gradually candidates were nominated on first ballots. This meant that delegates were becoming “promised” prior to conventions and that the process by which delegates became promised became more important to securing nomination.

- National political parties arise, with formal staffs, and goals. However, the relationship between the national parties and candidates become complex since national rules can have effects on which candidates are selected.

Primaries in a Starring Role

Reforms that Mattered

Much has been written about the post 1968 Democratic reforms in delegate selection and the consequences these reforms have had for the presidential nomination process [see in particular Abramowitz and Stone 1984, Aldrich 1980, 1993, Ceasar 1979, 1982, Epstein 1983, Keeter and Zukin 1983, Polsby 1983, and Shafer 1983]. In general, the post 1968 period has led to the dominance of primaries in determining presidential nominees. Other changes during the post 1968 period, of course, had a contributing influence on presidential campaigns such as campaign finance legislation (discussed in Chapter 4) and the increasing power of the national news media. But the arrival of national rules controlling how state parties selected delegates has had a profound effect. Interestingly, although only the Democrats officially reformed their presidential nomination system, the Republican party was also significantly affected, primarily because of the necessity for coordination of state regulation over both parties.

The changes in the rules post 1968 are rather complicated and have been manipulated over time. The principal original goal of these reforms was to open up the
process by which non-primary states chose delegates to a broader spectrum of party members. Palmer in pages 70-75 and Keefe 1998 pages 91-108 summarize the changes and variations in national party primary rules from 1968 to 1996.

The major constant across the rule changes is the requirement for participation of rank-and-file party members either through direct primaries or restrictions on caucus-convention choice systems. Yet, the variations that have occurred over time are instructive. First, while there is a definite preference throughout the thirty years for delegate choice in the Democratic party to be proportional to vote totals, there are also consequential deviations over time in the degree of proportional representation and the tendency to reintroduce a role for party leaders. The first reform commission [McGovern-Fraser, 1969-1972] eliminated the unit rule and required that at least 75% of each state delegation be selected at a level no higher than Congressional districts. Then Mikulski commission [1972-1973] required proportional representation with a few exceptions, forcing California for example to change from winner-take-all to proportional representation. Candidates were required, however, to meet a 10% threshold which was later increased to 15%. The Winograd Commission [1975-1978] permitted states with at-large delegates to set their own thresholds, a 25% threshold for delegates chosen at the district level, but banned winner-take-all primaries for the 1980 election. The Hunt Commission [1981-1982] allowed some states to have winner-take-all primaries, “winner-take-more” where winners got extra delegates, and created “superdelegates” [14%] for the 1984 convention that were chosen on the basis of party status or public office. The Fairness Commission [1984-1985] increased the number of superdelegates for the 1988 convention but lowered the threshold to 15%. In 1992, winner-take-all and winner-take-more primaries were banned yet again. Palmer notes (page 75):

“The DNC’s prevarication over this issue was symptomatic of the vulnerability of successive rules reviews to the whims of powerful candidates such as Carter, Mondale, and Jesse Jackson. It also demonstrated the importance that delegate allocation was deemed to have in determining the dynamics of primary momentum. Proportionate allocation, the commission believed, would take the edge off Iowa and New Hampshire by slowing the pace of delegate accumulation and forcing candidates to spread their resources more evenly. The presence of winner-take-all primaries later in the contest was, conversely, seen as essential in persuading candidates not to fold their tents after discouraging early results.”

While the Democratic party has gone back and forth over whether to allow winner-take-all primaries, Republicans, on the other hand, have been agnostic on the issue and, as a consequence, more Republican primaries are winner-take-all. State leaders see an advantage in having winner-take-all primaries as it makes their state a larger prize for candidates to compete over. Republicans also allow for open primary participation of non-party members if a state chooses, while the Democratic party again has either banned outright or allowed only a few open primaries. Thus, while both Democratic and Republican primaries have become dominant in determining the nominees of these parties and subject to much of the same state regulations, there are important party differences in the way presidential primaries are held. Winner-take-all elections can allow a candidate to gain large delegate counts more quickly leading to shorter contests. Furthermore, as noted in Chapter 3, Gerber and Morton 1998, find evidence that in more open primaries members
of Congress are more moderate relative to the voters in their districts, suggesting that presidential nominees may be affected by the difference. Certainly many argued that John Edwards’ greater vote totals in open primaries like Wisconsin (discussed in chapter 3) and McCain’s success in Michigan in 2000 could be partly attributed to sincere crossover voting by members of the opposition party or independents.

**Primaries Rise Again**

As mentioned in the previous section, the writing of the first set of reforms was largely dominated by members of the Democratic national commission and staff. Ironically, the reformers believed that by making state and local caucuses more open, there would be a decline in demand for presidential primaries and that primaries might actually decrease in use and influence. Reformers expected and wanted greater use of caucuses which required voters to participate at a different level, i.e. in small groups with other voters, discussing candidates, a town-hall meeting idea of democracy. Instead many states opted to add direct primaries and in some cases caucuses that are more like elections than the ideal of the reformers (for example, as discussed in Chapter 2, Michigan’s Democratic party used internet and early voting for its 2004 caucus making it easier for voters to vote without the personal interaction of going to the caucus location).

This has occurred for a number of reasons. First, the caucus process under the new rules is more complicated to manage, with required participation first at the precinct level, then a county convention culminating in a state-wide convention. The detailed requirements added the specter of having a state’s delegation refused a role at the convention as Richard Daley’s 1972 Illinois delegation. Secondly, there is an advantage to states from the media exposure of a primary election – there is a greater degree of voter participation since participation is less costly in terms of time and thus in general a larger contest with more interest of the electorate. Finally, state party leaders may fear that ideological extremes, supporters of particular candidates, will dominate caucus choices leading to candidates that will be less successful with the general public. There is evidence that caucus participants are more unrepresentative of the general electorate than primary voters; in particular they are stronger partisans and more ideological [see Greer 1988, Hagen 1989, Norrander 1989, Stone, Abramowitz, and Rapoport 1989]. While Abramowitz and Stone 1983 find evidence that party activists are concerned with matters of electability, Norrander 1993 finds that the candidate choices in presidential caucus states are more ideologically extreme than those in states that use presidential primaries.

The increase in the use of presidential primaries after 1968 is startling given that prior to 1968 the last increase in presidential primaries had occurred in 1956 when Florida Republicans and the District of Columbia first held primaries. In 1968, only 16 states and the District of Columbia had presidential primaries [Alabama, California, Florida, Illinois, Indiana, Massachusetts, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, South Dakota, West Virginia, and Wisconsin]. By 1972, six more states switched to presidential primaries: Maryland, Michigan, New Mexico, North Carolina, Rhode Island, and Tennessee. By 1976 seven more states switched: Georgia, Idaho, Kentucky, Montana, Nevada, Texas, and Vermont while only New Mexico switched back to a caucus-convention system. Arkansas made its optional primary compulsory. In less than ten years, the number of states holding presidential primaries had almost doubled.
This trend continued into 1980 when 35 states and other convention constituencies in the Democratic party and 34 in the Republican party used presidential primaries. However, 1984 did experience a decline as a number of states dropped their primaries and only 25 Democratic and 30 Republican states and other convention constituencies held presidential primaries. Yet, these numbers rebounded by 1988 almost to previous levels. Since 1988, the number of Democratic primaries has leveled off while the number of Republican primaries has continued to increase substantially. By 1996, 36 states held Democratic presidential primaries and 43 held Republican presidential primaries.

The number of delegates selected by presidential primaries rather than caucus-conventions experienced a similar strong increase. In 1968, 37.5% and 34.3% of Democratic and Republican delegates were chosen by presidential primaries. By 1976, these percentages were 72.6% and 67.9% and in 1980 71.8% and 76%. In 2004, only 16.66% of Democratic delegatestes were ex officio or super-delegates. It is striking to note that although the reforms were written and devised to change the Democratic party they also affected the way Republican party delegates are chosen in that, by 1996, 88.3% of Republican delegates were selected through presidential primaries. This is partly because both parties are affected by changes in state regulations to satisfy the national Democratic party requirements.

Nevertheless, Republicans have continued some methods by which voter preferences and delegate selection are disconnected. Some states formerly had a legal ban on the identification of a delegate’s presidential candidate. While the Democratic national party had achieved full compliance with a prohibition on this type of primary by 1976, Republican primaries in Illinois, Mississippi, New York, and Pennsylvania used this type of primary in 1980. Republicans have not attempted to reduce winner-take-all primaries. In 2000 over half of the Republican primaries were winner-take-all, some used winner-take-all if a candidate received a majority of the vote, proportional representation if not, and about a fourth used proportional representation. Thus Republican contests benefit early front-runners more than Democratic ones since mathematically a candidate can build a majority quicker even through close wins.

Another significant difference between the two national parties exists in the voters allowed to participate in the delegate selection process. While the Democratic party has attempted to restrict participation in primaries and caucuses to party members (requiring with some few exceptions closed primaries or caucuses), the Republican party has somewhat allowed more open primaries and caucuses, allowing for cross-over voting by non-party members. Moreover, Republicans do not have super delegates like Democrats. Thus, Democratic controls suggest that delegates are chosen by a more representative group of rank-and-file party members and party elites, while Republican controls allow for delegates to be chosen by a wider distribution of the general electorate.

**Spaced-Out Primaries: 1972-1984**

While the increase in primaries is the most notable aspect of the plebiscitary system, there are substantial differences over time in how they have been organized. Two types of plebiscitary candidate nominations have occurred: nomination contests where voting is sequential and drawn-out and nomination contests where voting is closer to simultaneous as in a virtual national primary (after voting by Iowa and New Hampshire) because of front-loading of primaries earlier and earlier in the schedule. The first contests under the new
system, 1972, 1976, 1980 are clearly more drawn-out than the later ones of 1988-2004, with 1984’s contest a mixture. In the first contests, it became apparent that the schedule of primaries mattered and this realization led to manipulation of the schedule and front-loading.

When Sequence Did Not Matter

In the later years of the Mixed Period, while demonstrating public support either through polls or primaries was crucial for securing the presidential nomination of the major parties and evidence exists that much of the bargaining occurred prior to the national convention, the sequence and schedule of primaries was not as big an issue as it was to become post 1968. The proliferation of primaries made the sequence in which they were scheduled important. Prior to 1972, since primaries did not determine the outcome, candidates could pick and choose which primaries to enter and seek support from convention delegates based on poll results as well as primary outcomes. The key is that during the mixed period candidates for the nomination entered primaries to gain votes at the convention (achieve direct popular support which gained a set of delegates) but also used polls and other mechanisms, to influence state party leaders (who determined the vast majority of the delegates). Polls and other mechanisms could play an important role pre 1972 and the sequence of the primary outcomes was less important. States scheduled primaries to fit their own electoral calendars which varied, due to state specific calendar issues such as differences in harvest times, local holidays, etc.

Post 1968, primary delegate votes are a greater percentage of the outcome. But the mechanics of caucus-convention choices are also significantly different since rank-and-file members were given greater roles in determining delegate choices. With greater participation by rank-and-file party members both through direct primaries and in caucus-conventions the majority of delegate votes now were in the hands of these members rather than party leaders. This meant that unless a state’s voters could choose early enough in the process before one candidate got a majority of the delegates, their votes would not be consequential. Theoretically, if two or more candidates are in a close contest for the nomination through the end of the primary season, the votes of a state scheduled late in the season could make a difference in the outcome. But over the years candidates became “winners” earlier and earlier in the primary season. A phenomenon popularly called “momentum.” States that waited late in the season to vote were increasingly inconsequential.

When Sequence Became Important or the Story of the Killer Bees

The Killer D’s (see Chapter 6) were not the first Texas Democratic state legislators to walk out rather than vote on a bill they disliked. On Friday, May 18, 1979 12 legislators walked out of the Texas state senate (ten hid out in a Austin garage studio apartment). Why? Former Texas Governor John Connolly was going to run for president in 1980 as a Republican.263 But Lt. Gov. Bill Hobby and other conservative Democrats in Texas were worried. The presidential primary in the state would be held in May at the same time as the primary for state legislators and members of Congress. If conservative Democrats crossed-over in Texas’ open primary to vote in the Republican

263 He had switched parties during Nixon’s presidency and served as Nixon’s Secretary of Treasury.
contest for Connolly, then the Democratic primary would be dominated by liberals, who would vote against the conservative Democrats.

Hobby came up with a solution. Texas would have two separate primaries, one for president held in March and then a second one for state and Congressional races in May. This way the conservative Democrats could vote in both primaries. Of course liberal Democrats did not like this idea at all and the Republicans (in the minority in the state at this time) also were eager to have the presidential primary in May since they wanted more conservative Democrats to join the Republican party. Hobby gave in to the “Killer Bee’s,” as the opposition to Hobby was called at the time, and the split primary idea was defeated as was John Connolly, who withdrew from the presidential race on March 9, 1980 when he was decisively trounced by Ronald Reagan in the South Carolina primary. Connolly, despite spending millions, coming into the campaign with the most money only won one delegate. Having a primary late in the season was costly for Texas in 1980 since by the time they voted their favored candidate was no longer in the race. By 1988 Texas had moved its primary to March.

Front-Loaded Primaries: 1988-2004

Texas was not the only state that moved up its primary date in 1988. Figures 7-1 and 7-2 show how the percentage of primaries completed by week in the primary season has risen over time (2004 for Republicans is omitted since Bush had very little opposition). The figures show how primaries began to be increasingly front loaded beginning in 1988. There is also ample evidence that candidates with the ability have attempted to manipulate the scheduling of primaries to their advantage (not just ballot access rules) like Connolly’s supporters. For example, in 1992, Arkansas Governor Bill Clinton induced Georgia Governor Zell Miller to get Georgia’s Democratic primary moved to a week earlier, helping Clinton win the nomination.

As Palmer remarks (page 78): “With the formation of the Winograd Commission in 1976, primary scheduling became a target for candidate organizations seeking to mold the timetable to their political advantage, and post-Mikulski reform bodies soon degenerated into intraparty squabbles between the most influential candidates of the period.” Democratic national reforms have generally led to a shorter primary season. The Winograd Commission shortened the Democratic primary season from six to three months, while the Hunt Commission reduced the period of time between the Iowa caucuses and the New Hampshire primary from thirty-six days to eight. In contrast, until 1996, the Republican national party had not attempted to control the primary schedule.

264 The liberals had been nicknamed Killer Bee’s by Hobby during one of their earlier filibusters. He “called the pesky liberals killer bees because ‘you never know where they’re going to show up next.’” Dave McNeely, “‘Killer Bees’ made political history; Liberal senators hid out,” Austin American-Statesman, January 10, 1999. See also Chase Untermeyer, “Texas Politics would Never be the same after ‘Killer Bees’”, The Houston Chronicle, Sunday, August 22, 1999. Texas state troopers were also called out to find the missing senators although federal forces were not brought in. The brother of one of the missing senators was arrested when he was mistaken for the senator.
265 Barone 432.
266 Iowa and New Hampshire actually violated the Democratic National Party rules in order to schedule primaries in advance of other New England states in 1984. Yet neither delegation was unseated at the convention. See Palmer pages 137-154 for a discussion of the intricate scheduling battles between the two states, the national party, and other states. Because of the complicated battle, the Democratic party subsequently led to exemptions for Iowa and New Hampshire in the subsequent electoral cycles,
Perhaps the first example of front-loading was not the movement of a primary to an earlier date, but the movement of Iowa’s caucuses in 1972 ahead of New Hampshire’s historical first-in-the-nation primary. Iowa’s caucuses became an important early stopping ground for candidates and publicity followed which is why Clark and Lieberman’s decisions not to campaign there were surprising to many political experts. At first states resisted front-loading. Front-loading began in earnest with the first southern regional primary, labeled “Super Tuesday,” held on the second Tuesday in March in 1984. While the first Super Tuesday involved a total of nine states [five primaries and four caucus-conventions held simultaneously], in 1988 twenty-one states and convention regions held primaries or caucuses on one Super Tuesday date resulting in the selection of 31.4% of Democratic delegates and 33.1% of Republican delegates simultaneously.

1992 did show a decline in front-loading in presidential primaries as shown in the Figures. Yet, these graphs are misleading since they omit caucus states. Despite the decrease in front-loading of primaries in 1992, thirty-one states held primaries or caucuses by the end of March of that year (more than half). Moreover, front-loading of primaries was re-invigorated in 1996, nearly equally the compression of primaries in 1988. Notably, delegate compression in 1996 succeeded 1988 levels because of front-loading. Arizona, Delaware, and Louisiana with varying degrees of success, attempted to hold either caucuses or primaries in advance or extremely close to Iowa and New Hampshire. New England states held a “Junior Tuesday” of primaries prior to Super Tuesday. Most substantially, large states such as California, Ohio, and New York moved their primary dates closer to the beginning of the primary season. California’s primary was held in June in 1988 and 1992 but in 1996, its 165 Republican delegate votes and 422 Democratic delegate votes were determined in the 4th week of March. Ohio’s primary [67 Republican delegate votes and 172 Democratic delegate votes] was in May in 1988 and 1992 but on “Big Ten” Tuesday, March 10th in 1996. New York’s primary [102 Republican delegate votes and 289 Democratic delegate votes] formerly in April in 1988 and 1992 was held on March 7th in 1996, two days after Junior Tuesday. As discussed above, in scheduling the 2004 contests states have continued the front-loading (see Table 7-1). In summary, by 1996 the Plebiscitary System had evolved to a virtual national primary for the states after Iowa and New Hampshire through front-loading. States front-loaded their primaries because over time later states found the outcome virtually decided before they voted – that is, early wins or successes were turned into big wins and competing candidates dropped out. Contests were decided before later voters had a chance to choose. Thus, states bunched their contests toward the beginning of the season, shortly after Iowa and New Hampshire.

mantaining their first-in-the-nation status. Other states have challenged these states, notably Louisiana, Arizona, and Delaware in 1996.

267 Republicans attempted to induce states to spread primaries out in 2000 without much success.

268 While New Hampshire has not needed to engage in front-loading, its actions and attempts to maintain its first-in-the-nation status are clearly similar to other states attempts at front-loading. In 1975 the state enacted legislation to require that its primary be held either the second Tuesday in March or on the Tuesday immediately preceding the date on which any other New England state scheduled a similar election. This law was amended in 1995 to required that there be a gap of seven full days between New Hampshire’s primary and any other primary. See Palmer 1997.

269 The southern states which held primaries on Super Tuesday in 1988 were Texas, Florida, North Carolina, Georgia, Missouri, Virginiia, Tennessee, Maryland, Louisiana, Alabama, Kentucky, Oklahoma, Mississippi, and Arkansas. Massachusetts and Rhode Island also held primaries on the same date. And Washington, Hawaii, Idaho, Nevada, and American Samoa held caucuses.
Why did later states become inconsequential? Mathematically it was always possible for a close contest to be decided at the end of the primary season rather than the beginning if candidates who were behind could have later primary successes. But candidates like Connolly and others dropped out after early losses or if they stayed in the contest, they failed to be successful. While it is true that the winners in Iowa and New Hampshire did not always become the ultimate nominee as noted in the introduction to this chapter, it became increasingly true that early success in these states and others meant that later states were simply too late. Skipping Iowa like McCain in 2000 or Clark and Lieberman in 2004 was deemed a mistake and hurt.

How the Current System Works

Do Voters Learn During Primaries?

Susan Crotto, a 40-year-old schoolteacher from Keane, New Hampshire was not sure who to vote for in the upcoming primary after she learned the results from Iowa. She summarized her dilemma: “I really thought Clark was the best person to beat George Bush until the Iowa caucuses.” Twenty-one year old Sean Luther, a political science major at Clemson University in South Carolina also looked to the results in Iowa as well as New Hampshire in thinking about who to vote for in South Carolina’s primary a week after New Hampshire. Luther concluded: “The big thing New Hampshire showed us is that Clark isn’t as popular as he thought, and Lieberman . . . just totally blew it.’ Luther had liked former Vermont Gov. Howard Dean’s stance on issues. Then he heard his screaming concession speech in Iowa. ‘I was totally turned off.’ Luther concluded that he was leaning towards John Edwards or John Kerry.

Early research on presidential election campaigns in the 1940s suggested that voters did not alter their preferences much during the campaigns and concluded that campaigns and the mass media had a minimal effect on voter preferences. Initial research suggested that nothing much happened during primaries either once primaries became important in the nomination process; in a study of voter information levels during the 1980 primary season, Keeter and Zukin 1983 argued that there was little evidence that voters “learn” during the electoral process. However, recent analysis shows a different story. Bartels 1988 and Popkin 1991 demonstrate that during presidential primary campaigns voter information levels do change in response to campaign events and news media reports. Norrander 1992 shows how candidate preferences of voters developed during the 1988 contest.

In Chapter 4 we discussed how voters use a Bayesian learning process to update their evaluations of candidates as they gain information and how voter preferences can change as a result of new information. Using that approach, Alvarez and Glasgow 1997 apply a Bayesian model of voter learning to the 1976 and 1980 primary election campaigns. They use data on both media reports and voter evaluations and find support for their model. Interestingly, they show that in 1976 voters demonstrate a high level of learning about Carter, when he began as an unknown, and much less in 1980 when he ran as an incumbent despite the fact that in both cases the amount of substantive information provided about

Carter during the campaign was large. Similarly, examining 1984, Bartels 1988 finds that at the beginning of the campaign voter evaluations of Mondale are initially more well formed (i.e. based on Mondale and his campaign positions) than those of Hart (which were based more on anti-Mondale sentiment), but during the course of the campaign, the evaluations of Hart became more like the evaluations of other candidates (based on Hart and his campaign positions).

Learning by Voting in Presidential Primaries

The above literature and chapters 4 and 5 discuss how voters can learn from campaign messages and events in election campaigns. Yet these mechanisms cannot explain why it is that later primaries became increasingly inconsequential in determining which candidates were nominated in the 1980s and 90s. In presidential primaries voting is sequential. This means that voters learn how others have chosen before they choose. Voters are doing more than just making their estimates of candidate policy positions and qualities more precise and therefore stabilizing preferences during the primary season based on traditional campaign messages and events – they are using the choices of earlier voters in that process.

How does that work? Later voters can learn two types of information from earlier voting in presidential primaries: 1) information about a candidate’s policy positions or general qualities and 2) information about how successful a candidate can be in defeating the “opposition” or expected candidate in the general election. As we discussed in chapter 3, voters in primaries care about their expected utility. If there is uncertainty about the ideal point of the median voter in the general election, these voters will weigh the closeness of a candidate’s policy positions with the probability that the candidate can win in the general election (electability) and the weights and estimates they will place on these matters will also vary with the information they have. We saw how voters Bob Peter, Jana Jayroe, and George Hollman in the South Carolina primary in 2004 varied both in the weight they placed on electability versus policy and in their uncertainty over which of the candidates would be most likely to win in the general election (for example even though Jayroe felt Edwards or Kerry might be more electable, she was unwilling to support them over Dean whose policy positions she preferred more; Peter chose Kerry over his first choice Clark because of electability issues; and Hollman chose Edwards both for electability and policy preferences).

What we did not discuss in Chapter 3 was how these South Carolina voters were forming their impressions of the candidates after learning about the voting in Iowa and New Hampshire. How did that voting affect their impressions of the policy preferences of the candidates and their chances of winning in November? Since this is a complicated process we will divide it into two parts. First we will consider how later voters can learn about the candidates’ policy positions through sequential voting ignoring electability (that is, we assume voters are myopic and just looking for the candidate to win the nomination that would give them the highest utility given what other voters are doing). Then we will consider how voters learn about electability.
Learning About Policy

Iowa Voters

To see how voters can learn about policy positions of candidates when voting sequentially we will work through a simple model. Suppose that there are three types of voters, Liberals, Moderates, and the Conservatives. The voters are divided into states, who will vote sequentially as in the presidential primary system. Iowa voters will choose first, then New Hampshire, then the rest of the states. The winner of the election is the candidate who gets the most votes of all the votes combined. The voters know that candidates can be one of three types as well, either Liberal, Moderate, or Conservative. Figure 7-3 illustrates how these three types of candidates’ policy positions would be placed ideologically. Assume that the voters’ ideal points are also given by the candidate positions. Then Liberal voters’ first preference is a liberal candidate (whose policy position is at their ideal points), second preference is a moderate candidate (whose policy position is next closest to their ideal points), and last preference is a conservative candidate (whose policy position is the most far from their ideal points). Conservative voters have the opposite preferences. Moderate voters first preference is a moderate candidate and are indifferent between either a Liberal or Conservative candidate.

Now suppose that there are three candidates named Libby, Manny, and Connie. Libby is a liberal, Manny is a moderate, and Connie is a conservative. However, voters in Iowa, who will vote first, don’t know the policy positions of all the candidates, but do know the policy position of one of the candidates. Why might this be the case? We can think of the candidate they know as the candidate that is well known from past campaigns or because she is from Iowa (as Tom Harkin was when he ran for president) or a nearby state like Missouri (like Dick Gephardt) or because she is the incumbent president or vice-president (like Al Gore). There are three possibilities – 1) the voters know for sure that Libby is a liberal but are uncertain as to the positions of Manny or Connie; 2) the voters know for sure that Manny is a moderate, but are uncertain as to the positions of Libby or Connie; or 3) the voters know for sure that Connie is a conservative, but are uncertain as to the positions of Libby or Manny.

How will the Iowa voters choose? Assume that no voting type is a majority and the Iowa voters are just voting according to their policy preferences. In the first case when Libby’s policy position is known and Manny’s and Connie’s are unknown, liberal voters are likely to vote for Libby and the other types will randomize their votes between Manny and Connie. If the liberals are large enough as a voting group, Libby can win. Similarly in the third case when Connie is the one candidate whose policy position is known, conservative voters will be likely to vote for her and the other types will randomize between Libby and Manny. If the conservatives are large enough as a voting group, Connie will win. The second case is a bit more complicated and depends on how risk averse voters are. If voters are risk averse, then Manny will get votes from all types and will win, even if the group of moderate voters is not that sizeable. This is because the liberal and conservative voters would be willing to vote for their second preference Manny over the lottery between a liberal and a conservative. If the group of moderates is sizeable, then Manny is even more likely to win.
In summary, who wins in Iowa in our simple example depends on the distribution of voter preferences and which candidate is better known by the voters. If a particular ideological group has a majority in Iowa and a candidate whose policy position is close to that group is better known than other candidates, that candidate will be advantaged and is more likely to win. If voters are risk averse and a moderate candidate is better known than other candidates, he or she is likely to win with larger percentages of the vote than liberals or conservatives when they are well known, attracting votes from all types of voters.\footnote{Of course Iowa voters know that they are choosing in a complicated strategic game with New Hampshire and other states’ voters. To the extent that they are forward looking, anticipating the effects their voting can have an effect on later voters, the choices they make may be different. However, it turns out that given the information environment described they do not have an incentive to vote against their preferences. These issues are addressed further in Morton and Williams (1999, 2001).}

We can see this effect in the Iowa caucuses in 2004. Kerry was not doing well in Iowa in December as compared to Dean (who had built up support through the web) and Gephardt (who had campaigned there in previous years and is from a neighboring state). As we saw in Chapter 4, Kerry decided that he needed to put an all or nothing effort into getting to know the voters in Iowa, meeting one-on-one with as many as possible. Clark and Lieberman chose not to campaign heavily in Iowa and voters there knew less about them than Kerry, Dean, Edwards, or Gephardt. Kerry was not doing well there before spending that time. Yet as voters got to know him as well as Gephardt and Dean, they revised their preferences more in favor of Kerry. Edwards also benefited from the time he spent in Iowa. Clark and Lieberman, however, by not spending time there, did not gain votes. Obviously being well known in itself is not why Kerry beat Gephardt, Dean, and Edwards who were also spending time in Iowa. This happened because when Iowa voters got to know Kerry, Edwards, Gephardt, and Dean better they discovered that they most preferred Kerry and their second preference was Edwards. The Iowa voters may have found either Lieberman or Clark more attractive as well, but did not have the chance to find out.

New Hampshire and Voters in Later States

It is obvious that being better known advantaged Kerry in Iowa, but why did it advantage him in New Hampshire? And why did doing well in New Hampshire advantage Kerry further in South Carolina? New Hampshire voters have some idea what the preferences are of Iowa voters and know the results of Iowa’s caucuses. They also have some information about the candidates, but a bit different from the information that Iowa voters have. How could this be? We can imagine that one of the candidates’ home state is close to New Hampshire (as was the case for Kerry and Dean) or to other states like South Carolina (as was the case with Edwards) or that there are a group of voters who know the candidate for other reasons (such as the high percentage of voters with military service experience in South Carolina who knew Clark from his previous job as a General and also know something about the preferences of those in the military). The New Hampshire voters hear about the outcome of voting in Iowa through the news media. Given that they also may have some idea what these voters are like they can update on what these voters knew about the candidates. They can “learn” from the horse race results.
How might the “learning” from the horse race results work? Suppose that the voters in Iowa are known to be largely liberal and they split their votes between Libby and Manny, not really voting for Connie. The voters in New Hampshire can infer that there is a high probability that Connie is conservative and that Libby and Manny are probably either moderate or liberal. Suppose the New Hampshire voters also know for sure that Libby is liberal because she is from a nearby state, having served as governor there and instituted liberal policies. Therefore, Manny is the only unknown candidate to them. How to vote? If the New Hampshire voters are liberal their choice is easy, to vote for Libby, and not largely affected by what they learned from the first group. But if they are moderate then they may want to vote for Manny as there is some probability that Manny is a moderate (and inferring that Connie is conservative and knowing Libby is liberal). And if the New Hampshire voters are conservatives, then they can use the information they gained from Iowa voters’ choices to vote for Connie. Similarly, voters in later states can learn from both the voting in Iowa and New Hampshire. However, there is more time for them to digest the information out of Iowa (two weeks in advance of their voting) than to digest the information from South Carolina.

In this example voters learn about the ideological positions of the candidates from earlier voting and depending on the distribution of preferences, winning a first primary may not always be an advantage for a candidate in winning the later voting. The winner in Iowa will win in our example if Democratic voters in Iowa are like the rest of the nation, if voters are different across states, then the later voters will have a chance to update from Iowa voting to make different choices. As we saw earlier, in 50% of the cases historically, the winner in Iowa has not gone on to win the nomination. In these cases later voters could either be ignoring the Iowa results or using those results to judge that the Iowa winner was not who they preferred.

However, these cases are all in 1992 and before. In the last three presidential contests, which have been more frontloaded after Iowa and New Hampshire than before, winning in Iowa has been essential. To understand why, consider how voters can learn about electability through the presidential primary season.

**Learning About Electability**

We can think of all voters, across states, as trying to pick a candidate with the same quality – the perceived ability to beat Bush in November and using the information they gained from that to decide. Suppose now that voters do pretty much know the candidates’ policy positions on the issues and that the majority of voters see these positions as close enough not to make a big difference, that is, the majority of voters would prefer any of the three to their likely opponent in the general election, who we will call Harry. The majority of voters want to select the most electable of the three candidates. However, each candidate does have some group of voters who prefer him or her so much that they are willing to vote for him or her even if there are serious doubts about the electability of the candidate (like Jayroe in South Carolina). Some voters will almost always vote for Libby, another group will almost always vote for Manny, and another group will almost always vote for Connie.

Suppose that voters face a potential information problem – that is, they may not know which of the three candidates are electable. So imagine the problem facing the Iowa voters in our story – there are three candidates, Libby, Manny, and Connie. One
may be electable, two may be electable, or all three. Conversely one or more may be unelectable. Libby and Manny decide to campaign in Iowa and Connie decides to forgo campaigning and wait. Suppose that Iowa voters learn that Libby is electable, Manny is not, and Connie they don’t know about. The majority vote for Libby and Connie and Manny only get the support of those who will vote for them independent of electability. Libby wins.

In the meantime Connie has been campaigning in New Hampshire and voters there have discovered that Connie is electable. Libby and Manny have been campaigning some, but not as much. So some of the voters have figured out that Libby is electable and Manny is not, although perhaps not all. They know that the majority of Iowa voters picked Libby and did not vote for Manny, reinforcing the view that Libby is electable and Manny is not. Should the New Hampshire voters choose Connie or Libby, given that both are electable? If they split their votes Manny may win. So even though they don’t see much difference between Libby and Connie, they need to coordinate on one (either Libby or Connie) to be sure that Manny, who they have good reason to believe is unelectable, loses. An easy way to coordinate is to focus on the winner in Iowa, Libby.273

Now what about the voters in South Carolina and the other seven states voting a week later? They haven’t seen the candidates nearly as much as Iowa and New Hampshire voters have so they have much less information on electability. Although there is a week between New Hampshire and their elections, the seven states are larger and spread out across the nation (South Carolina, Missouri, Delaware, Oklahoma, Arizona, New Mexico, and North Dakota). Thus these voters do not get to know the candidates that well but know that Connie and Manny have lost twice and that Libby has won twice. They can infer that both Iowa and New Hampshire voters figured Libby was electable. They don’t know for sure whether Connie or Manny are unelectable. But why take the chance? So in the states that vote after Iowa and New Hampshire voting for Libby for the majority who care about electability is an easy choice even if they have some information on their own that Connie is electable. Connie, who is electable and who could have done better if she had campaigned in Iowa, loses again.

One important piece of our analysis is the effect of early wins in Iowa and New Hampshire on the ability of candidates to raise resources. As noted in Chapter 4, contributors who give resources for policy reasons will give in order to maximize their expected utility, much as voters will. If they see that the candidates are ideologically similar, then they will want to give to the candidates they perceive as most electable as well. The contributors, then, also “learn” from the early voting about electability and the candidates who do well can benefit from that. Contributors who give resources for favors or access will want to coordinate on a winner as well, albeit for different reasons (as discussed in chapter 4). Early winners receive, losers don’t. The advantage in campaign contributions is amplified by the fact that candidates’ needs for resources increase with the number of states they have to cover in their campaigning – having to plan larger events, mailings, television and radio ads, etc. The expenses of campaigning are higher if the candidate is perceived more of an unknown simply because he or she did not win in the early contests since he or she has to spend more to convey to voters their qualities.

Of course our story is an oversimplification of what happened in the 2004 Democratic presidential primaries. Yet, it does provide an explanation for why

273 We will discuss voter coordination in multicandidate races like this in more detail in Chapter 9.
campaigning in Iowa was particularly important for candidates in a year like 2004 when electability was seen as an important factor for voters and why it was desirable of voters to coordinate on one candidate who they saw as electable even if they also recognized that some of the other candidates could be also electable and they liked them as well.

Recall how Kerry withdrew from all later states to concentrate on Iowa, while Clark and Lieberman decided to hope that by campaigning in states that voted later they could win and make the race competitive. Kerry’s efforts paid off, he won in Iowa and in New Hampshire. In the voting on February 3rd, Kerry won five of the seven states with South Carolina going to Edwards and Clark barely winning Oklahoma after spending considerable time and effort into that state. Lieberman dropped out of the race. Clark stayed in for the February 10th primaries, but he had so little money his campaign staff gave up their paychecks to run television ads in Tennessee.274 In contrast, Kerry’s wins helped him raise money to campaign in the other states, winning 27 out of 30 primaries by Super Tuesday. From having no money, he began to raise $270,000 a day in February to almost a $1 million a day in March. In contrast, Edwards, his last major opponent, began to see his cash dry up and by the time he dropped out he only had $1 million in the bank and twice as much in debt.275

The use by Michigan Democrats of early voting in their caucuses provides a nice illustration of how voters were influenced during the primary season. Figure 7-4 shows how the support for the candidates in Michigan changed during the voting period, mirroring the choices in earlier primaries. At the beginning of the voting period, Gephardt and Dean dominated. Gephardt’s strength reflected his strong union ties and Dean’s his support among younger internet voters and unions as well. Prior to Iowa’s caucuses on January 19th, Clark, began to show growth in support and to a much lesser extent Kerry’s vote totals grew. After Iowa where Kerry won, Edwards came in second, Dean third, and Gephardt withdrew, support for Kerry and Edwards develops, however Kerry’s support clearly expands at a faster rate, reaching its height before the New Hampshire primary, then receding a bit before the caucus date of February 7th, but not relinquishing the lead.

Note, however, that the majority of votes in Michigan were cast in the last week of the campaign, see Figure 7-5. Hence, even though Dean led early on, this was during a period when very few voters were casting ballots. Recall how in chapter 2 we discussed that in elections with early voting, most voters who are undecided wait until closer to the election to vote. This makes sense as voters wait to see if they will learn new information (as discussed in chapter 5) that will change their vote. One of the reasons why Kerry took the gamble of not campaigning much in New Hampshire until after Iowa, just before the New Hampshire primary was that his pollster told him that most New Hampshire voters were unlikely to make up their minds until right before election day. Thus, he felt he still had a chance to sway these voters and would do better if he showed success in Iowa.

Problems with Learning by Voting

Iowa and New Hampshire Voters are Different

The process that I have described gives a lot of influence to voters in Iowa and New Hampshire if later states’ voters and contributors believe that these voters can judge electability. Yet these states are not mirrors of the nation and their influence because of that has been strongly criticized. Why should “tiny New Hampshire with its elderly population, its large French-speaking minority, its backward economy, and its lack of statewide communication other than the wildly idiosyncratic Manchester Union-Leader” have such influence?276 Such criticism may reflect prejudices that are unfounded, but there is objective evidence that New Hampshire is ideologically different from many states. One important aspect of New Hampshire politics is that the state’s two parties are highly polarized. Wright, Erikson, and McIver 1993 measure the degree of polarization between the two major political parties in states and find that New Hampshire’s is the sixth highest in the nation, suggesting that in both parties the average party member is more extreme than the average party member in most other states. Keeter and Zukin 1983 also conclude that New Hampshire Democrats are more liberal and Republicans more conservative than national party members.

New Hampshire is also greatly Republican. Erikson, Wright, and McIver (page 55) measure the effect of living in New Hampshire versus living in Arkansas (highly Democratic): “...the difference in party identification produced by the difference between the political cultures of Arkansas and New Hampshire (40.8 points) approaches the partisan consequence of being Jewish instead of Protestant (55.9) or of being black instead of white (59.4)! And remember that the state coefficients are derived from an analysis in which all major demographic variables are controlled. These differences in state effects on partisanship are not a function of the measured state demographics.”

While the differences between Iowa voters and the “average” American ideologically are not as strong (in Figure 3-12, Iowa is about midpoint of all states), the rural, agricultural dominated economy no doubt influences the issues that Iowa voters consider important which can also potentially affect their policy choices.

Does Non-representativeness Matter?

How does it matter whether Iowa and New Hampshire voters are different ideologically from the rest of the voters? As we saw above if later voters know this, they can use that information to reject Iowa and New Hampshire choices in favor of candidates they like better. This has happened apparently as Iowa and New Hampshire winners have lost nomination contests. However, this is less likely if voters also value electability and contributions are related to electability. How? Suppose that Iowa voters know that both Libby and Connie are electable, but Manny is not. They also know that Libby is a liberal and that Connie is a conservative and that they would prefer a liberal to a conservative. So they vote for Libby over Connie. Libby wins.

Later voters are now getting mixed signals, they learn that Libby is electable and they also suspect that she is a liberal. They don’t know much about Connie or Manny. They care about electability, so they will want to focus on Libby as well, even if they

think there is some possibility that either Connie or Manny are ideologically closer to them and electable – because they don’t know this for sure and want to avoid choosing a candidate that is unelectable, they end up picking Libby. The Iowa voters’ ideological preferences then can affect the candidate that later voters focus on. If the early voters are different ideologically from later voters, but later voters have less information and care about electability like early voters, early voters can affect the ideological position of the nominee.

How the Current System Works: The Evidence

While the analysis above has sketched out how in primaries later voters can learn about unknown candidates and thus advantage them, as well as empirical evidence of voter learning and the suggestion of momentum in these primaries, we lack enough data to say that the primary system itself leads to the types of candidates elected. The story of Kerry in 2004 “seems” to fit the data, but that is hardly an empirical test. As Gary King argues, the common practice of using the president as the unit of analysis in presidency research is “extremely unlikely to yield reliable empirical conclusions” because the number of observations available is far too few.\footnote{King, 1993.} He calculates that at least a number of centuries would need to pass before we would have enough observations even using all the former presidents as observations. Since the use of presidential primaries to select party nominees have dominated only since the late 1970s, it would be quite a long time before we could say something that makes statistical sense out of the history we observe. Moreover, since the system has changed over the years and will continue to do so, it is highly improbable that we will ever be able to do a proper empirical analysis of the effects of the primary system on which candidates are nominated.

Experimenting with Primaries

In order to address the data problem, Morton and Williams (1999, 2001) analyze a series of laboratory elections designed to represent two different election systems, sequential voting as in presidential primaries and simultaneous voting as in a single national primary. There were three candidates – like in our example above – call them Libby, Manny, and Connie. To induce subjects to have preferences over the candidates, subjects were paid according to which candidate won, but how much they were paid varied. That is, some subjects would get $1.10 if Libby won, $0.90 if Manny won, and $0.15 if Connie won. Other subjects got $1.10 if Connie won, $0.90 if Manny won, and $0.15 if Libby won. Still other subjects got $1.10 if Manny won and $0.90 if either Libby or Connie won. However, in the elections voters were only given information about one of the candidates. That is, the voters were told what their payoffs were for one of the candidates but not for the other two (they knew what the possibilities were, but not for sure).

Morton and Williams conducted 250 laboratory elections. In some of the elections the subjects voted simultaneously and in others they were divided into two groups and voted sequentially. Not surprisingly, in the simultaneous voting the candidate who was revealed to the voters (well-known) was much more likely to win than the candidates who were unknown. In the sequential voting elections the voters were divided into two voting groups, an early and a late group. Early voters were told the identity of one of the candidates. In some cases the early and later voters were similar (that is, the numbers of voters who
preferred Connie or Libby or Manny is the same in both the early and the later voters), while in other elections the early voters were more likely to prefer Connie and the later voters were more likely to prefer Libby. Later voters were told two things, the outcome of early voting and the identity of a different candidate. Later voters also knew the payoffs of the early voters. In some cases they knew how the different payoff groups of early voters voted, not just how the whole group voted. The laboratory elections were designed to capture the reality of primaries where voters hear “horse race” information – how an early state, say New Hampshire, voted, and also have some idea about the preferences of the voters in New Hampshire. News reports also convey information about how women vote versus men, or how different ethnic groups vote.

In the sequential voting elections, Morton and Williams found that early voters tended to choose “informatively” – i.e. it was generally possible for later voters to infer what the early voters knew given the horse race information they had and the information on one of the candidates. This was also evident because later voters were less likely to choose their least preferred candidate than early voters or voters in the simultaneous voting elections who did not have the horse-race information. There was also evidence that candidates who are well known are more likely to win in the simultaneous voting elections than they were in sequential voting elections, where later voters could use their information to affect the outcome and advantage another candidate. The “moderate” candidate, Manny, was more likely to win in the simultaneous voting elections, when that candidate was known to the voters, but when Manny was not known in the beginning, he was more likely to win in sequential voting elections.

Finally, Morton and Williams found that non-representative early voters were able to influence the outcomes significantly if they knew whom their favored candidates were – their favored candidates (when known) were more likely to win than other candidates. This did seem to have a momentum-like effect. Later voters did not appear to learn as much from non-representative early voters’ choices as from detailed information about representative early voters’ choices. But when early voters were non-representative, there was a slight increase in the probability that moderate candidates win.

Morton and Williams conclude that when voter information is asymmetrically distributed across voters, the representativeness of early voters can affect the electoral outcome, an argument against allowing non-representative states to vote first. Furthermore the argument that in primaries later voters learn from early voters’ choices was supported only on a limited basis, when voters received detailed horse race information about early voters’ choices and early voters were representative. However, on the plus side for the current primary system, moderate candidates were more likely to win when they were not well known at the beginning under sequential voting, suggesting that moderate candidates can benefit from sequential voting if they are not well known.

Views of the State of Primaries

Should there be a Return to Convention Rule?

The dominance of direct primaries has had both numerous critics and supporters, particularly in the 1980s. On the one hand, Polsby 1983 argues that the reforms have led to less desirable nominees and problematic consequences for the role of parties in American politics. He notes that the openness of the caucus process and primaries gives a stronger
role to activists who may be ideologically extreme, “purists,” and have significantly reduced the roles played by party leaders. Keeter and Zukin 1983 contend that voters are making choices that are uninformed and thus worse than those which would have been made by party elites. Epstein 1983, in contrast, observes that the evidence on the types of candidates is based on too few data points, that the old process led to a number of disastrous nominees, and that the other consequences are more complex. And we have already reviewed the evidence from Alvarez and Glasgow 1997, Bartels 1988, and Popkin 1991 that voters learn through the primary process. Finally, Abramowitz and Stone 1983, based on surveys of party activists selected from caucuses in 1980, demonstrate that they are not purists but are also concerned with the electability of candidates as well.

Regardless of whether the critics of the Plebiscitary System are correct or not, most recognize with Epstein 1983 that it is highly unlikely that the presidential nomination process will move away from rank-and-file participation to again be controlled by party leaders in restricted caucuses and conventions. Even the addition of super delegates has not led to much change since many of these make commitments to particular candidates prior to the conventions. Consider the experience of Ohio Representative Sherrod Brown, a super delegate for the Democratic convention in 2004. Initially he pledged his support to his colleague in Congress, Dick Gephardt. But when Gephardt withdrew he started to think about other candidates. In mid February “Kerry spoke to Brown about the senator's views on trade, manufacturing and jobs - issues especially dear to Brown’s blue-collar northeast Ohio district. Brown said a conversation was also scheduled with Edwards, but that fell through and was never rescheduled. Brown … endorsed Kerry. The lobbying for endorsements is ‘part of the business,’ Brown said. ‘But what I got out of this is it gave me a chance to explore their views on issues and what needs to be done in the state.’” Although Brown gave Kerry his endorsement in late February, most super delegates “are more bandwagon-jumpers than trailblazers” waiting until the Super Tuesday results to make their decisions.”

It is unlikely that the nomination contest will become the exclusive domain of political elites again.

The central question facing reformers currently is whether to formally legislate procedures for candidate nominations at the federal level. As we have seen the trend has been a “virtual” national primary with states front-loading primaries and caucuses extremely close to the first-in-the-nation Iowa and New Hampshire contests and in some cases attempting to challenge their opening status. Front-loading seems to advantage well-known front-runner candidates. On the other hand, when primaries are drawn-out there is empirical evidence that voters learn information about candidates that allows them to make what may be more informed decisions. Political pundits have argued that drawn-out primaries give candidates a chance to be “seasoned” to face critical questions before the general election campaign. As New York Times columnist and Public Broadcasting commentator David Brooks noted after Kerry won the nomination: “Kerry rose and really nobody has gone after him in any serious way. So he will emerge into very unfamiliar territory. Massachusetts is not like America. And he will face criticism at his record, about his personality that he has never faced before. I think it is the short loading of this process that will be remembered for.”

Yet drawn-out primaries give early voters an opportunity to perhaps influence the

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results of the sequential voting, early voters who are not representative of the general national party membership.

**How Can Primaries be Reformed?**

A number of reformers take as given the Plebiscitary System of presidential nominations and address the question of how to devise a more “sensible” alternative. Essentially the free-for-all in scheduling which has resulted in front-loading and earlier and earlier campaigning is viewed as costly to both candidates and states alike. Reform, regulation of the primary system into an easily understood and “fair” schedule has been proposed by a number of policy makers. The principal two alternative types are a set of regional primaries or one single national primary.

Plans for regional primaries would schedule them approximately two to three weeks apart with an order randomly determined to some extent at first. While regional primaries have endogenously arisen as in the southern Super Tuesday primaries, the eastern states’ “Junior Tuesday,” and the movement toward “western” primaries as a bloc early in the season, these have also been part of the front-loading process as groups of states jockey to together for a bigger role in the nomination process. A standardized regional primary system, in contrast, is expected to increase the length between primaries. Regional primaries are believed to be an advantage in that candidates would be able to campaign in one area of the country at a time and voters may gain information through the primary process. Regional primaries are an enforced sequential voting process. February 12, 1999 the National Secretaries of State approved a proposal for regional primaries. It would be a rotating system of four regions as divided in Table 7-6 with Iowa and New Hampshire’s contests held prior to the regional contests. It remains to be seen whether the plan will ever be passed. At this writing the National Secretaries of State are evaluating whether to continue to push their proposed plan.\(^\text{280}\)

At first glance, a national primary would seem to be a legislated version of the result of front-loading. However, a national primary would take away the role of Iowa and New Hampshire and if it is held later, during the summer, it would give voters national exposure to more candidates than the current front-loaded system because of the time allowed for candidates to campaign more broadly as they do in national elections.\(^\text{281}\) However, it may not be possible for voters to “learn” at a national level about more than one or two well-known candidates. Campaign contributors might take a bigger role in being “king makers” since campaigning nationwide will be a daunting task.

**The Next Step**

To get the nomination for president a candidate has to pay attention to the variations in state rules about getting on the ballot, when they vote, and how they vote. But the differences in the individual states also factor in determining who wins the presidency once the field is narrowed to the party nominees. Presidents in the U.S. are elected by the number of electoral votes, which are in almost the states given by state (Maine and Nebraska allocate electoral votes by Congressional district). As a


\(^{281}\) We thank Philip Paolino for suggesting this point. For discussions of the reform proposals see Ceasar 113-153 and Palmer 1997 pages 159-167, 175-179.
consequence, while voters in New York mattered in the presidential primaries in 2000 (and to some extent in 2004), they were virtually ignored by the candidates during the general election. In the next Chapter we discover why.

John Edwards was elected to the U.S. Senate in 1998. He first took a lead role in major legislation in the Senate the same year he began to prepare to run for president, in February 2001. With Senators John McCain and Edward Kennedy he cosponsored a bill to regular HMO (health maintenance organizations) in August 2001 the bill passed the Senate. But President George W. Bush opposed the legislation. Did Edwards actually have hope of getting it passed? Even if elected a President does not have the power to make significant policy changes without the consent of Congress. We also consider in Chapter 8 the relationship between the electoral process and the shared but limited powers aspect of American politics. We see why a representative from Georgia might require three days of a president’s full attention and persuasive powers on the bill that Edwards helped pass in the Senate.
Chapter 8: Presidential Elections and Divided Government

Going West

Republican candidate George W. Bush’s campaign chairman in California, Gerry Parsky, didn’t like the assumptions that a lot of journalists and analysts were making about his state’s importance in the presidential race in September, 2000. “There is a theory out there that a Republican can win by winning the Midwest,” he said. “Our whole focus from the very beginning has been to play to win in California.” Yet journalists predicted that Bush would ignore California in the campaign – reporter John Marelius contended: “According to the prevailing electoral vote model, the Midwestern heartland stretching from Pennsylvania to Wisconsin and down to Missouri is the region where the election will be won or lost . . . . There may be occasional sightings of presidential campaign ads in California. In Pennsylvania, Ohio, and Michigan, they’re difficult to avoid.” California had gone for Democrat Bill Clinton in 1992 and 1996. Both U.S. Senators were Democrats and the state had a Democratic governor in 2000. Gore had “double-digit” leads in opinion polls in the state over the summer. All the signs pointed to very few Bush sightings in the state.\(^{282}\)

But Persky was right and Marelius was wrong, Bush spent a lot of money and time in California during the campaign. He spent $1.5 million on new TV ads in California the week before the election (including a new Spanish language ad to reach Latino voters in the state) in addition to $1.5 million, which had been already “spent each week on commercials by the state Republican Party and Republican National Committee.”\(^{283}\) He visited the state for a two-day trip that same week and even sent vice-presidential candidate Cheney to the state right before the election. In all, Bush visited California 11 days during the presidential campaign in the fall of 2000, which was more than his visits to 48 other states – only Michigan received more visits from Bush (12 days). While he did visit the heartland states pundits predicted he would concentrate on like Michigan – Pennsylvania 10 days, Wisconsin and Missouri each 8 days, and Ohio six days, California certainly got more than its expected attention.\(^{284}\)

Why did Bush visit California so often? While Gore’s lead appeared to narrow in opinion polls, Gore still carried California with 53.45% of the vote to Bush’s 41.65% (minor party candidates received the remainder). Wouldn’t it had been better if Bush had spent more time in Florida or another state that was close given how close the electoral vote ended up nationally? Some speculated that Bush’s visits were primarily to help out Republican candidates for Congress in the state. Yet, two of the Congressional candidates Bush spend considerable time campaigning for, Rich Rodriguez and Jim Cuneen, lost to Democrats Cal Dooley and Mike Honda, respectively. Bush’s time and energy in


\(^{284}\) Data courtesy of David Stromberg.
California seems, in retrospect, to have been a mistake. In this chapter we will investigate whether Bush’s decision to spend so much time and money in California was a mistake.

**How the Electoral College Works**

Although Gore benefited from the front-loaded primaries in defeating his challengers as the well-known candidate, and even succeeded in winning the popular vote in November, he failed in his effort to become president. Why? As noted in Chapter 1, in the US voters do not vote directly for President or Vice President. Instead, voters vote for a slate of electors, who are called the “electoral college” “pledged” to support a presidential and vice-presidential candidate. Each state is entitled to a number of electoral votes equal to the number of the state’s senators and representatives combined, for a total of 538 electoral votes for the fifty states and the District of Columbia (note that the District of Columbia does not have senators or representatives but by constitutional amendment has 3 electoral votes).  

Table 8-1 summarizes the electoral vote for the states for 2004. In every state except Maine and Nebraska, the entire slate of electors that receives the most popular votes is selected (plurality rule determines the winners in these states). In Maine and Nebraska the plurality vote winner for the whole state receives two electoral votes and the plurality vote winners in each House districts receives that district’s single electoral vote (in Maine this was two in 2000 and in Nebraska three). While electors are pledged to vote for designated candidates, occasionally these pledges are broken (in 1976 one elector from the state of Washington refused o vote for Gerald Ford). Whereas some states have laws against electors breaking pledges, it is unclear if these laws are Constitutional.

The electoral college has a majority requirement. That is, if no candidate receives an absolute majority of the electoral vote, the names of the top three candidates are submitted to the House of Representatives, where each state would be able to cast one vote. Whether a state’s vote would be decided by a majority, plurality, or some other fraction of the state’s delegates would be determined under rules established by the House. To win, a candidate must receive a majority of the votes of the states.

**The Majority Requirement in the Electoral College**

Historically, there have been only two elections where the electoral college failed to produce a majority, 1800 and 1824. In 1800 there was no distinction between presidential and vice presidential candidates, specifying only that the candidate receiving the majority was the president. Two candidates from the Republican party, Thomas Jefferson (who had been designated as the party’s presidential candidate) and Aaron Burr (who had been chosen to be the vice-presidential candidate) received an equal number of votes. Burr, to the anger of many of his party members, refused to defer to Jefferson. However, with the help of Federalist Alexander Hamilton’s support, Jefferson was

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285 Each state, regardless of population, has 2 Senators. The total number of Representatives is fixed at 435. After each census the House of Representatives is reapportioned by state population. Each is popularly elected in single winner elections.

286 In 1824 one fourth of the states (6) selected the electors in their state legislatures, but by 1828 this was reduced to only 2 states and after 1828 only one, South Carolina, continued this practice.

287 An absolute majority requirement means that a majority of the voters eligible must vote for the winner, not just those who vote as in the use of most majority requirements in large elections.
elected President. The Twelfth Amendment, ratified in 1804, separated voting for President and Vice-President to prevent a repeat of the 1800 election. In 1824, four candidates divided the electoral vote (John Quincy Adams, Andrew Jackson, Henry Clay, and William H. Crawford) and the House of Representatives ended up choosing Adams despite the fact that Jackson had won the popular vote through a coordination of Adams and Clay (famously labeled the “corrupt bargain” when Adams made Clay his Secretary of State). These two cases illustrate how the majority requirement in the electoral college has the potential to lead to problematic outcomes. If the electoral college is divided among three candidates with none receiving a majority, then what might happen when voting occurs by state can be difficult to anticipate (since how states’ votes will be determined is left uncertain).

It is noteworthy that since 1824, there has been a winner of the absolute majority of the electoral college vote for President and that this winner has been a candidate from one of the two major national parties at the time. Because most states use a winner take all system to allocate electoral votes, it has been difficult for minor party and independent candidates to receive electoral votes even when they have strong support nationally. Minor party and independent candidates typically get a lower share of the electoral vote than the popular vote although there are exceptions in cases where a minor party or independent candidate had strong regional support [Strom Thurmond in 1948 received 2.4% of the popular vote but 7.3% of the electoral vote]. Since 1968 there have been a number of third or minor party candidates with nationwide support (as we saw in Table 2-3 above). Only one of these candidates received any electoral votes, George Wallace in 1968 who received 8.5 % of the electoral votes, because of his regional support, yet this was not enough to challenge the absolute majority of electoral votes received by Nixon and was less than his popular support of 13.5%. Ross Perot, despite receiving 18.9% of the vote in 1992, received zero electoral votes. Thus the national parties have been able to use widespread national support such that in most states one of the major parties has a plurality of support, enough to keep minor party and independent candidates from preventing a major party candidate from receiving an absolute majority in the electoral college. We will discuss minor party and independent candidates more fully in chapter 9.

The Electoral Vote Versus the Popular Vote

While all US Presidents since 1824 were able to win with an absolute majority of the electoral college in the first stage of the process, often these candidates had less than a majority of the popular vote (only a plurality) and in three noteworthy cases as in 2000, not even that, losing the popular vote. In 1876, the electoral votes from southern states were held in dispute and although Samuel Tilden is considered the popular vote winner, the dispute led to a contested election, which took months to resolve (longer than the 2000 election) and resulted in a win by Rutherford B. Hayes, who had the majority of the electoral vote. In 1888, Grover Cleveland received more popular votes than Benjamin Harrison, but Harrison won the electoral vote. And in 2000, Al Gore received a plurality of the popular vote but lost the electoral vote to George W. Bush.

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288 The Presidents who won an absolute majority of the electoral vote but had only a plurality of the popular vote were James K. Polk, Zachary Taylor, James Buchanan, Abraham Lincoln, James A. Garfield, Grover Cleveland, Woodrow Wilson, Harry S. Truman, John F. Kennedy, Richard M. Nixon, and Bill Clinton.
The disconnect between the popular and electoral votes has caused many to criticize the electoral college, yet although there have been renewed calls for reform since the 2000 election, so far these efforts have not received enough support to be viable. The reasons for the disconnect are clear and two-fold – 1) Because each state receives at least three electoral votes, smaller states have a greater weight in the electoral college than their population and 2) Because most states use winner-take-all rules to allocate electoral votes, states where there is tight competition between candidates are likely to play “king maker” roles in determining the outcome of the election. Thus, the relationship between the electoral vote and the popular vote is not a direct one-to-one correspondence.

What is the likelihood of a candidate winning the electoral college and losing the popular vote? Katz, Gelman, and King (2002) devise a statistical model using historical data and estimate that the electoral college vote will differ from the popular vote only when the average vote shares are very close to a half. Stromberg (2002), in simulations of a theoretical model of the presidential campaign process with historical data incorporated (we will discuss the model in more detail below), calculates that the probability of electing a president without a majority of the popular vote is approximately 4%, which implies the event occurring once every 100 years (since we elect presidents every 4 years). If you consider only 1888 and 2000 as true cases (in 1876, with the dispute in the south, it is difficult to determine who actually won the popular vote), then once a century is about the actual experience.

The Electoral College and Campaigning

Optimal Campaigning

Is it Just Electoral Vote Size?

All states are not equal. Not in electoral vote or in partisan balance or in the time candidates spend in them in presidential campaigns. What determines where candidates spend the most time? It seems fairly obvious that states with large electoral votes are important, but if the state, like California seems to be in the other candidate’s column, shouldn’t a candidate concentrate on getting out the vote in states that he has more of a chance winning? This is why the pundits did not expect Bush to campaign in California. In 1992 and 1996 Republican presidential candidates Bush senior and Dole did not campaign there like Bush Junior. New York and Texas both have large electoral votes, but in 2000, neither state was visited by Gore, Bush, or their vice-presidential nominees. Few campaign ads were aired in these areas. So size isn’t everything.

To understand what determines where candidates campaign in presidential contests, we will consider a model of the process constructed by Stromberg (2002). While the model is fairly complex, the underlying assumptions of the model are relatively easy to understand. We will first go through the assumptions, then describe Stromberg’s predictions and how they match up with the data.

How Campaign Visits Influence Voters

Stromberg assumes that campaign visits of presidential candidates matter – that they affect how voters will choose on election day. Stromberg does not provide micro foundations for this assumption, but in Chapter 4 we considered some of the explanations
for why these visits might matter in our discussion of the effects of campaign advertising. Essentially campaign visits can affect voter preferences in the same ways – by mobilizing voters, helping voters coordinate, influencing their psychological impressions of the candidate, signaling the candidate’s abilities, and reducing voter uncertainty. We describe how campaign visits influence voters in each of these ways below.

First, campaign speeches and rallies help with mobilization of the candidates’ supporters, particularly close to the election, by reinforcing the social benefit from voting as a group to support the candidate. Usually interest groups organize individuals to attend these rallies and often the rallies are held before particular targeted audiences (at a meeting of a labor union, for example). In these rallies candidates often call on voters to help with the mobilization effort and frequently remark how they plan to win the state they are visiting. In West Palm Beach, Bush urged the crowd: “The voters are there, let’s turn them out.” Moreover, the turnout effect of candidate visits is probably a big factor in why they are seen as helping advantage other candidates from the party. When Al Gore visited Fond Du Lac, Wisconsin, Democratic state assembly candidate Lewis Rosser remarked: “We’re definitely hoping for some runover . . . It energizes the base.”

Second, campaign visits can serve as a coordination mechanism in multicandidate presidential races, particularly if minor party candidates are trying to convince supporters of the size of their backing. In 2000, Nader wanted to achieve at least a 5% size of the presidential vote in order to secure public funding for the Green Party’s candidate in 2004. But to do so, he needed to convince voters that it was possible for him to generate that large of a share of the vote. He attempted to do so with rallies. Von Sternberg reported on a Nader Minneapolis rally in September, 2000 at the Target Center where organizers hoped to draw a huge crowd of 15,000 (11,500 showed up): “With little cash, Nader chose cities that have either large college populations or that he thinks are inclined to be liberal and receptive to his anti-corporate, pro-consumer message. News coverage of the campaign has been picking up, with organizations as disparate as the New York Times, USA Today and Swedish Television covering the tour; the rally was broadcast on C-SPAN.” By the first of November, Nader’s use of rallies had built what appeared to be a strong enough following in Minnesota and a few other states to make Democrats worried that he would make the difference in the tight contest between Bush and Gore, taking away votes from Gore, even though Nader had raised only $6.5 million dollars by that date (the FEC reports that Bush raised over $94 million and Gore over $49 million). Nader did get 5.2% of the vote in Minnesota, which Gore won 47.9% to Bush’s 45.5% (Nader won 2.74% nationwide, failing to meet his objective). At this writing Nader is running as an independent candidate for President in 2004.

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292 For examples of the worry of Democrats about Nader see Sweet, Lynn and Scott Fornek, “Nader won’t back down,” *Chicago Sun-Times*, Wednesday, November 1, 2000 and von Sternberg, Bob, “Nader voters take spotlight; In Minnesota and other battleground states, liberal Democrats are imploing those leaning Green to reconsider,” *Minneapolis Star Tribune*, Wednesday, November 1, 2000.
Third, campaign visits can influence a voters’ psychological attachment towards candidates. We discussed how this might work with campaign advertising even if we assume voters are rational. That is, if a voter is indifferent between candidates on policy grounds, then if they get some tiny bit of utility from campaign advertising or in this case a campaign visit, that would cause voters to be more likely to vote for the candidate who has advertised more or they have had more such contact. Additionally, having a physical interaction with a candidate (albeit far removed) may have a greater influence on this psychological attachment than simply viewing the candidate on television. For example, after one of Bush’s campaign stops in Fresno, California, voters remarked on the common feelings they felt they shared with the candidate. Voter Kari Vennendall concluded about the reaction she and her friends had to the rally: “We knew he meant what he said. It was heartfelt.” Voter Marge Borne reported: “I thought he was great, very clear and concise about how he feels for our country.” In Fond Du Lac Wisconsin one rally attendee hugged both vice-presidential candidate Lieberman and Gore.

Fourth, campaign visits can also serve as a way of signaling candidate ability to perform the job as an elected official. A campaign stop gives voters a chance to actually observe a candidate first hand and determine if in their perception the candidate has the ability to serve as president. When Gore made a round-the-clock campaign blitz on Labor Day, the workers he visited noted that “they were glad to see Gore also toiling over the holiday weekend. . . . Ray Della Vella, a 36-year-old electrician, said that by campaigning all night Gore was ‘showing the work ethic this country needs.’” In addition, like campaign advertising, campaign visits often involve other political leaders and celebrities, who by their attendance as well as words endorse the candidate. Ben Affleck campaigned for Gore in this manner in 2000 (as we discussed in Chapter 2). Usually the political leader or celebrity is someone with some connection to the crowd. Gore was joined by civil rights leader Martin Luther King, ’s grandson Martin Luther King, 3rd when he campaigned before black groups in Memphis. Bush campaigned with Republican Governor Tommy Thompson and the Oak Ridge Boys in rallies with rural voters in Wisconsin.

Fifth, campaign visits may be an opportunity for voters to learn more about a candidate’s policy positions, etc. We discussed in Chapter 4 and in our analysis of presidential primaries, how reducing the uncertainty that voters have about candidates can affect their preferences between candidates. Twenty-one year old Pennsylvania voter Patsy Cunningham remarked after seeing Bush at a campaign stop: “That actually made me really start to think, start to want to be politically educated.” She concluded that as a consequence “she began following issues important to her, such as taxes and foreign policy, and settled on Bush.” Candidates discuss campaign issues in visits they make, usually issues that they have been told by their campaign staff that the voters in the area are particularly concerned about. For instance, in Florida Bush held a long question and

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295 Hampson, Rick, “ ‘Battleground’ voters nearing combat fatigue” USA Today, Wednesday, November 1, 2000.
answer session at a retirement center in Clearwater because state Republican party leaders wanted him “to work harder to explain his tax cut, prescription-drug and Medicare proposals” in order to reach the large population of senior citizens who live in the state.296 In West Virginia, where perceptions of Gore’s positions on the environment had alienated some in the mining industry and hunters were worried about Gore’s stance on gun control, Gore spoke directly to a crowd about his thinking on these issues.297

**Modeling the Effect of Visits on Voters**

In summary, there are many ways that campaign visits can positively influence how much support a candidate receives. Thus, it is justified to assume that the more campaign visits a candidate makes to a state, the more utility a voter in the state receives from the election of that candidate. We assume that there are two candidates, D and R (sometimes we refer to them in terms of their 2000 incarnation, Gore and Bush). For now we ignore the impact of minor party candidates, which we discuss in more detail in chapter 9. In terms of notation, we use \(d^D\) to represent the number of visits candidate \(D\) makes to state \(s\) and \(d^R\) to represent the number of visits candidate \(R\) makes to state \(s\). The utility that a voter in state \(s\) gets from visits from candidate \(D\) is then represented as \(U(d^D_s)\) and from visits from candidate \(R\) as \(U(d^R_s)\).

We assume that the effect of visits on utility decreases with the number of visits, that is, visits increase voter utility but at a decreasing rate. Essentially, we are assuming that voters’ utility from campaign visits is like Sona’s utility from policy in Chapter 3, concave.298 Voters also have policy preferences over the candidates of course, and we assume that the ideological preference of a voter for candidate \(R\) over \(D\) is given by the term, \(R\). In terms of notation, we can think of \(R\) as the difference in utility the voter gets from Bush being elected instead of Gore in a state where there are no campaign visits (like for example New York). If \(R\) is positive, the voter has a preference for Bush independent of any campaign visits and if it is negative, the voter has a preference for Gore independent of any campaign visits. Obviously, \(R\) will vary by voter and by state.299

**Adding in Electoral Uncertainty**

In Chapter 3 we noted that often candidates and voters are uncertain about voter preferences in advance of an election. This is also true in presidential campaigns. To some extent we can think of voter preferences over presidential candidates as affected by national shocks. For example, after September 11th, many voters were much more concerned about fighting terrorism than previously and this affected their policy preferences. Willingness to increase defense spending and to allow for increased police surveillance went up. If a national shock occurs during an election that changes voter

298 Although we do not assume that the utility over campaign visits has a peak as we assume for utility over policy positions. That is, more campaign visits are always good for the voters, but the additional benefit from an additional visit is decreasing as the number of visits increases.
299 The subscript is omitted.
preferences, that can obviously similarly affect the outcome. Voter preferences might also be affected by more localized state level shocks. For example, late season forest fires in the west might alter voter preferences in a western state over some environmental issues or an unexpected downturn in a state’s economy due to a decrease in demand for one of its largest industries might alter the state’s voters’ preferences over government spending and unemployment insurance. We denote $\eta_s$ to represent a state level shock in state $s$. If it is positive, then the shock increases the voter’s preference for Bush, if it is negative the shock increases the voter’s preference for Gore. We denote $\eta$ to represent a national level shock. If it is positive, then the shock increases the voter’s preference for Bush, if it is negative the shock increases the voter’s preference for Gore.

At election time, if any shock is going to occur it will have happened. A voter will then vote for Gore if (we assume that if the voter is indifferent, she votes for Gore):

$$U(d^B_s) - U(d^R_s) \geq R + \eta_s + \eta$$

If the above equation is not true, then the voter chooses $R$.

However, while voters choose individually, we assume that a candidate wins a state’s electoral vote if he or she wins the most votes in the state (winner take all distribution of electoral votes rather than proportional) and that states vary in their electoral vote. Thus the candidate’s probability of winning the election is the probability that she or he will win the most electoral votes, which depends on the probability of winning each state times the electoral votes that each state has.

Candidate Preferences

Given voter preferences and the distribution of electoral votes across the states, we assume that candidates choose how many days to campaign in each state in order to maximize their expected probability of winning the presidential election. Candidates are obviously in a strategic situation where each needs to make the best choices he or she can make given what the other is doing. However, candidates are constrained in how many days they have to campaign (presidential campaigns historically begin around Labor Day and end on election day – although candidates often campaign as soon as the nomination is secure, and political conventions are today viewed as more free advertising).

Of course, candidates may have other goals in campaigning such as helping out Congressional or Senatorial candidates or in state and local races. While, these factors are likely to be important, we assume that candidates first concentrate on maximizing the probability of victory and to the extent that there is leeway in how a candidate does this, the candidate will also help out other candidates in other races. So for example, if Bush wishes to visit California, rather than pick an area of the state at random, he may choose to campaign specifically in the Congressional district where a candidate is running that he wishes to help, like his visit to Fresno to help out Rich Rodriguez. Bush also added at the last minute a visit to New Jersey to help out the Republican candidate for the Senate in the state, Bob Franks. It was an easy add-on, as he was in Philadelphia, on his way to Florida and only came because a poll showed Franks having a competitive race. But Bush did not take the time to cross the Hudson and visit New York to help out...

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Republican senatorial candidate Rick Lazio who was running against Hillary Clinton in a tough race even though it is probably a given that supporters of Lazio wished he had.

Equilibrium Choices

Visit Counter Visit

Stromberg solves the model for the equilibrium campaign strategies of the candidates. First of all, he finds that in equilibrium the candidates should end up visiting the same states. This follows from the fact that the probability of winning for one candidate is just one minus the probability of winning for the other. So if Gore finds it optimal to visit a state because it will increase his probability of winning the electoral college the most, it is also probably true that a visit by Bush to the state will increase Bush’s probability of winning the electoral college the most as well. In general the candidates did visit pretty much the same states as shown in Figure 8-1. This figure shows the percentage of presidential candidate visits added to one half times vice-presidential candidate visits by state for each party. There are some notable exceptions where the candidates’ visits varied. Gore visited Florida many more times than Bush and Bush visited California many more times than Gore. Gore also visited Iowa, Wisconsin, and Missouri more than Bush, and Bush visited Michigan, Pennsylvania, and Ohio more than Gore.301

Decisive Swing States

Secondly, Stromberg finds the candidates should optimally devote more time to visiting states that are likely to be “decisive swing states.”302 What does it mean to be a decisive swing state? Candidates want to reach voters whose votes can be pivotal in terms of the final outcome. It is fairly obvious that candidates will concentrate on states where the race is close (swing states) and where the undecided voter can potentially make a difference in how the state goes. For this reason in the 2000 election Texas and New York did not see much attention, nor did Illinois or New Jersey. In contrast, Florida, where the race was close, saw a lot of attention. Florida Republicans thought that Bush had Florida sewed up before the election in late summer and were surprised when the race got close and Gore ended up campaigning a great deal in the state.

But closeness of a state is not the only thing that matters in determining whether the state counts significantly in determining the outcome. Because states vary in the size of their electoral vote, and for most states the electoral vote is allocated on a winner-take-all basis, not all states have the same probability of being pivotal in terms of the overall outcome even if the candidates are in equally close races in the states. For example, Bush won the presidency with 5 more electoral votes more than Gore. Bush won New Hampshire with just 7,211 more votes than Gore. New Hampshire was clearly a swing state, ex post. But with only 4 electoral votes, if Gore had won New Hampshire, he still

301 While Bush personally visited California more than Pennsylvania as noted earlier in the text, if we add in Cheney’s visits as well, percent of time campaigning in Pennsylvania is equivalent to Michigan, the state Bush visited the most. California still has the second highest percentage of campaign visits by Bush and Cheney, remarkable given the prediction prior to the election that the state would be ignored and the lack of visits by Gore.
302 See also Snyder (1989).
would have lost the election. New Hampshire, ex post, was not a decisive swing state. Another state Bush won was North Carolina. North Carolina had 14 electoral votes and thus if Gore had won North Carolina, it would have been decisive for him. But here Gore had a comfortable margin of over 370,000 votes, so North Carolina was not, ex post, a swing state. Florida in contrast, ex post, was both close, Bush won with a little over 500 votes, and decisive as it had 25 electoral votes.

Of course these calculations of which states were decisive swing states are made after knowing the outcome, something not possible for Bush and Gore when they planned their campaign visits in the fall of 2000. Stromberg calculates the probability a state is a decisive swing state using poll and other data that the candidates would have had available the first of September, when campaigning began. We compare these estimates to the actual visits in Figure 8-2 (Gore/Lieberman and Bush/Cheney visits are combined). Some of the states that are decisive swing states are not startling, they are Florida, Michigan, Pennsylvania. But surprisingly for the experts, California has the fourth highest rating, justifying Bush visiting the state, however, perhaps not as much as he did.

There is a strong correlation between the probability that a state is a decisive swing state and the percentage of time the candidates visited the state, the raw correlation is 0.91. For Republican visits alone the correlation is 0.90 and Democratic visits alone the correlation is 0.88. Iowa, Illinois, and Maine received notably more visits than predicted, and Colorado received less. These differences between theory and the facts may represent decisions candidates made based on new information during the campaign as the predicted choices are made based on information available September 1st.

Having decisive electoral votes and a close election are factors affecting whether a state is a decisive swing state, but they are not the only determinants. Yet the theory predicts that some states should be visited more often than their closeness or electoral size would normally predict either because of the anticipation of national and state shocks or because visiting the state might affect the variance in the national electoral vote. Why?

The Effect of National and State Shocks

Suppose that in the national election Bush is expected to receive 60% of the vote to Gore’s 40%. In such a case individual states are likely to vary in how close they are, some will be close with the two candidates tied, some will have Gore winning, and some will have an expected vote difference like the nation with Bush expected to win by 60%. In 1996, in September Clinton was ahead 60% nationally and in Pennsylvania. But in Texas the race was close. Should Clinton campaign in Texas or Pennsylvania? Clearly campaigning in Texas is likely to increase Clinton’s margin in the state and increase his ability to win the election given the current expectations.

But recall that the candidates recognize that there are national shocks that can affect voters’ preferences and their probability of winning. Suppose the economy had

\[303\] The correlation between the percentage of combined campaign visits per electoral vote and the predicted percentage per electoral votes is 0.81. Stromberg also compares his predictions about campaign visits with the choices made by candidates in 1996, 1992, and 1988. The predictions fair less well in comparison to the actual choices in these races. Stromberg speculates that the lack of success is because of the unevenness of the races and that the candidates chose to use visits to help out Congressional races or other goals.
taken a sudden downturn during the campaign and as President voters blamed Clinton. Assume that Clinton faced a situation where the race was suddenly 50/50 due to that shock. Then it is likely that Pennsylvania is also at 50/50 since the national shock affects all states, while Texas is expected to surely go to Dole.Campaigning in Pennsylvania then would be best for Clinton because the state is clearly a decisive swing state, whereas Texas is a lost cause. So given current expectations, Texas is the better state to campaign in, but if a large national shock occurs Pennsylvania is more important.

How should candidates balance out these two effects? Recall that voters’ preferences are also affected by state specific shocks as well. Stromberg calculates that the probability of being a decisive swing state per electoral vote is highest when a state’s forecasted electoral outcome is halfway between 50/50 and the forecasted national electoral outcome. In 1996 this would mean visiting more often large states where Clinton was ahead about 55%. In 2000, when opinion polls suggested that Gore had a slight lead, it meant that both candidates should give weight to states where Gore was just slightly ahead of Bush (such as Pennsylvania).

**Increasing the Variance**

But of course Gore’s small lead over Bush in September was in the expected vote share, in actuality all knew that the vote share might be larger or it might be smaller, i.e. there is a margin of error in the estimate or a variance in the vote share. The higher the variance, the greater the chance that Bush can still win even though the expected vote share is less than Gore’s. Thus one strategy that Bush should use is to try to increase the variance somehow and Gore should try to reduce that variance. But how?

It turns out that the variance in the national vote, conditional on the national shock, is the sum of the variances across all the states. Each state’s variance is proportional to the electoral votes in the state squared. So this means that the effect on total national variance, per electoral vote, is higher in large states. So Bush should visit large states. But which ones? The variance in the state is also higher the closer the expected result in the state is to a tie. So to increase the variance in a state Bush would want to visit states that he is behind so that he can move that state toward an expected tie. Lagging candidates, like Bush in September 2000, should visit states with large electoral votes that are in Gore’s column (which is of course reinforcing the effect mentioned above).

On the other hand, Gore, the leading candidate would like to reduce the variance. So Gore would want to increase his defense of states where he is ahead. In September 2000, the large states where Gore was ahead were Michigan and Pennsylvania, more so than Ohio, where Bush was slightly ahead. Similarly Gore should visit these states as well, defensively. Thus the probability that a state is a decisive swing state then depends on the effect that it can have on the variance of the vote as well as the expected vote. As we see in Figure 8-2, Michigan and Pennsylvania received more campaign visits than Ohio, as predicted. Finally, note that the reason why increasing (decreasing) the variance may be desirable for a lagging (leading) candidate is related to the fact that the election has a win or lose outcome, i.e. it doesn’t matter to the candidates by how much they win, just that they win. If candidates care about electoral vote totals as well or instead, then
the prediction about which states to visit would be different and there would be less advantage from affecting the variance.\footnote{304}

**Why California?**

While our analysis helps explain what makes a decisive swing state, the fact remains that the candidates did not always visit the states predicted at the rates predicted or the same states. Bush did go to California more than the prediction in Figure 8-1, even though California was predicted to receive a lot of campaign visits by both. One important thing to recognize about the real world data, is that if one candidate does not choose the optimal distribution of visits, then the other candidate’s optimal strategies are affected. In September 2000, Gore’s expected vote share in California was 56%. Defensively, Gore needed to visit California because of its large size, since as a slightly lagging candidate in September, if Bush could move California closer to a tie, that increases the variance in the national outcome as discussed above. But Gore neglected California and Bush visited and the expected vote share moved downward, which further increased Bush’s advantage of visiting the state. Bush appeared to try to capitalize on this by visiting there even late in the campaign. However, the strategy was apparently not successful since Bush lost California and perhaps costly to Bush since visits in Florida instead might have shored up his vote there and avoiding the battle of the ballots in Florida after the election.

In Florida, Bush seemed to make a strategic error by not visiting a lot, but did make defensive visits against Gore, who recognized early on that it was a highly decisive swing state that Gore had a chance of moving to his column. Apparently knowing that Cuban-Americans were unhappy with the Clinton administration’s (when Gore was Vice-president) return of the child Elian Gonzalez to Cuba and that they would be energized against Gore, and with Bush’s brother recently elected as governor, Bush’s team felt that Florida was a relatively safe state for them at the beginning of the campaign. But Bush was surprised that Gore’s choice of Joe Lieberman, the first Jewish candidate for President or Vice-President, would carry so much of the state in Gore’s direction in opinion polls.\footnote{305} Bush did defensive visits to the state, but Gore clearly spent more time

\footnote{304}{There are a number of sports analogies that show how lagging teams might take actions to increase the variance around the expected outcome in a last ditch effort to win. Stromberg mentions how in ice hockey, a team behind might take out their goalie and replace him or her with an offensive players. The team trades a decrease in the expected chance of winning for an increase in the variance around that value. In basketball, players on a team that is losing sometimes intentionally foul a player late in the game because although the player gets a free throw and chance to score, the losing team gets the ball back and the chance to score. Similarly in football, teams that are behind and the game is close to ending and are facing a fourth down, may choose an onsides kick which they can potentially catch and score with, but in many cases the opposing team just catches it and since they are closer to their end zone are more likely to score or just run out the clock. Another football example is when a quarterback at the end of the game throws what is commonly referred to as the “Hail Mary” pass, hoping that one of his or her players will catch it, but taking the chance the other team will catch it and increase their score or run out the clock. And in baseball, a team may pull a pitcher who is doing better than his or her potential replacement defending the team against runs and put in a “pitch hitter” who is likely to score a run. One exception to this norm in sports is world cup soccer where a team’s place depends on their scores and thus, teams care not just about winning or losing games. I thank Sandy Gordon for this insight.}

\footnote{305}{This example shows how sometimes candidates appear to use Vice-Presidential picks as strategically as they allocate campaign visits – Gore’s campaign probably anticipated the effects of the Lieberman choice on Florida, although of course other factors were important in the choice as well.}
there overall. Chuck Reed, a Flagler Beach, Florida businessman concluded about Bush’s increase in visits as the campaign progressed: “I know he didn’t plan on spending that much time here, but if it’s necessary, that’s what has to be done. It will make a tremendous difference. It will give the voters a little more closeness to him and his ideas.”

Why Albuquerque?

Voters in New York not only didn’t see Gore and Bush much in person during 2000, they didn’t see them on television either. Just as candidates strategically choose which states to visit, they also strategically spend money on advertising. Stromberg also models the game the candidates play in advertising across the states. The same sorts of factors that affect candidate visits also affect candidate advertising – candidates should advertise more in media markets where the voters are in decisive swing states. Stromberg finds that the model predicts that the two media markets where most campaign ads should appear were Albuquerque – Santa Fe and Portland, Oregon, markets that per advertising dollar had the greatest effect on the probability of winning. It turns out that these are the same media markets where candidates did advertising the most. Why Albuquerque instead of a media market in a state that called for a lot of campaign visits like Florida or California? 95% of the voters in the Albuquerque market lived in New Mexico and New Mexico is hardly a state with a lot of electoral votes, i.e. it only had 5 electoral votes in 2000. But with only 1.8 million citizens it has a high electoral vote per capita (the effect of small states). The state was also a very close race, clearly a swing state. Furthermore, the cost per ad is one of the lowest in the nation. So the price differential means that the areas of the country where advertising should be high are not always the same as those where candidates should visit a lot (although there certainly was more advertising in the states visited a lot like California and Florida than in New York and Texas).

The Electoral Vote and Government Spending

Thousands of people on a Sunday afternoon in October 2000, crowded the downtown area of East Lansing, Michigan. Usually a slow day for businesses, Troppo Restaurant tripled its sales. Why the increase in business? Democratic Presidential candidate Al Gore was holding a rally. “People were stuck in front of us for about six hours,” reported the manager Curtis Turner. “Tom Guastello, president of Center Management, said business has increased at his four metro Detroit hotels because of the entourage of reporters and Secret Service agents that follows Democrat Al Gore and Republican George W. Bush as they campaign. ‘Being a swing state, we’ve had a lot of traffic come through, especially in Macomb County,’ Guastello said.”

The fact that candidates are elected through the electoral college rather than a national popular vote potentially benefits voters in decisive swing states in more ways than bringing in customers to restaurants during campaigns. Recall in Chapter 5 how voters might choose in elections retrospectively, according to what they have received in

the past from the incumbent. As long as the incumbent is viewed as better than the random draw of a challenger, the voters will prefer the incumbent. If an incumbent knows that he or she is going to be facing reelection and that voters will choose retrospectively, then to the extent that the incumbent can discriminate in the distribution of resources, the incumbent will want to please the voters in decisive swing states and distribute resources more to them than to other states. This implies that not all voters will be treated equally when federal resources are distributed. Of course, presidents are limited to two terms, which may mean that the potential for an inequitable distribution of resources across voters nationally is not a large problem. However, if presidents care about the success of their party’s nominee and voters evaluate candidates based on the performance of their party if the incumbent is in their party (if Gore is evaluated on Clinton’s record), then the president may find it optimal to distribute resources unequally across voters according to which lived in decisive swing states.

Stromberg points out that if the president was elected through direct popular vote and federal resources were distributed across states to influence that vote, the resources would be allocated to influence marginal voters (independents or moderates) nationwide. Marginal or moderate voters are more likely to be in states that where the vote shares vary with the national vote shares. Stromberg compares the distribution of such voters nationwide and finds that there is less of a variation in these voters than there is in the probability of being a decisive swing state under the electoral college. This implies that there would be less unequal distribution of resources across states under a direct popular vote for president than the electoral college. While I am not aware of empirical support for the electoral college having such an effect on the distribution of federal resources, it is a potential problem with the electoral college that would not exist with a direct national vote.  

Voters and Divided Government

The Saga of Patient’s Rights

When he ran for Congress in 2000, Larry Weatherford had a main issue – support for the patient’s bill of rights legislation allowing patients to sue their HMO’s, which the incumbent member of Congress did not back and is outlawed by federal law. Weatherford lost, as we discussed in Chapter 6, but Republican Charlie Norwood, a dentist elected in 1994 from Georgia, has made patient’s rights a significant part of his agenda since 1997. As discussed in Chapter 6, under the Federal law, Employee Retirement Income Security Act of 1974, or Erisa, patients can sue HMOs for the dollar value of services found to have been improperly denied, but not for damages resulting from the denial. Norwood quickly learned (as Osborne told the farmers in Nebraska), that getting legislation passed in Congress is a difficult process. In 1999, with a large bipartisan majority, Norwood and his cosponsor, Democratic Representative John Dingell saw their patient’s bill of rights pass 275-151 in the House. President Clinton announced his support for the bill, stating that the bill was “a major victory for every

308 Mebane and Wawro (2002) examine federal expenditures as a function of a county’s support for an incumbent president and find evidence of targeting of expenditures. However, they do not consider the effects of the electoral college on these choices.
family.” But the legislation could not reach the president to sign unless the Senate also passed the bill and the Senate had only passed a limited version of the bill. “For the next year, all sorts of negotiations took place: Republican-Democrat, House-Senate, Congress-White House. But the bill remained logjammed.” 309 It was this logjam that motivated Weatherford’s candidacy. Gore also campaigned on the issue.

Bush became president, replacing Clinton. Republicans controlled both the House and the Senate (although in the Senate only by Vice President’s Cheney’s tie breaking privileges and by only 9 votes in the House). The White House started to lobby fellow Republican Norwood on the patient bill of rights issue and when the bill was reintroduced in the House in 2001, Norwood was no longer the main sponsor. In March, Bush announced that he had his own plan on the patient protection, but that he disliked the plan proposed by Dingell and was being considered in the Senate (sponsored by Senators John Edwards, John McCain, and Edward Kennedy). The Senate plan allowed patients who sue their insurance plans after treatment is denied to be able to get as much as $5 million in punitive damages (not surprising since Senator John Edwards is a trial lawyer and against limits on damages). But Bush argued that this limit was too high. In a speech before a convention of cardiologists he declared: “To make sure health care coverage remains affordable, I will insist any federal bill have reasonable caps on damage awards.” 310 His press secretary, Ari Fleishcer, told reporters that Bush’s statement was a “veto pledge” – meaning that if the bill came before the president without lower caps than the Senate bill, the president would veto the bill.

In May, Vermont Senator James Jeffords announced he would become an independent and vote with Democrats on organizational issues in the Senate. Democrats were now in the majority and could control the agenda. June 29th the Senate passed the bipartisan bill with a majority of 59-36 (nine Republicans joined the 50 Democrats). 311 Now the bill would go to the House and Republicans were apprehensive. If it passed the House which many worried would happen since the House had passed a similar bill in 1999, then “[t]hat would force Bush to veto a bill popular with millions of Americans, or to back down before triumphant Democrats.” 312 What to do? Would the House pass the legislation like the Senate? Would the President then veto the bill? Would Congress attempt to override the veto, if it happened? And how does all this relate to elections?

**The President and Legislation**

**Legislation without Congress**

The Constitution of the United States gives Congress the power to pass legislation and the control of the national government. However, the Constitution also contains the Presentation Clause, which requires that Congress present all bills to the president for his or her signature. Executive Orders, Rules, and Regulations. Furthermore, the President,

309 Barone, page 460.
311 Interestingly, Jeffords did not support the bipartisan bill, but with Senators Bill Frist, Republican from Tennessee, John Breaux, Democrat from Louisiana proposed a bill with limits on damages that was defeated 59-36.
as head of the executive branch, is involved in the implementation of legislation through the control of the executive branch, the federal bureaucracy, and has the ability to make executive agreements with foreign countries and domestic executive orders in order to implement policy as required by the Constitution. All this gives the President significant power over legislation.

It is useful to reflect on how much the President and the executive branch can do independent of Congressional action. After the 2002 midterm elections, President Bush announced a review of all federal rules and regulations. His office began to declare new executive orders and rules at a rate of one every few days causing many to claim that he was bypassing Congress.\textsuperscript{313} But actually, issuing such orders is normal. Clinton issued 57 executive orders in his first year office while Bush issued 54. These executive orders and rules have policy implications. Even simple executive branch decisions on the way to calculate student aid can affect millions of Americans and reduce federal support for education.\textsuperscript{314} When the Department of Health and Human Services increased subsidized child health insurance for prenatal care, the rules noted that the fetus should be treated as a child. And in two executive orders issued in December, 2002, Bush “required that federal agencies not discriminate against religious organizations in awarding money to community and social services groups for programs to help people in need” and created new offices of religion-based initiatives in the Agriculture Department and the Agency of International Development.

Of course the rules are limited by existing legislation and the Constitution and Congress can act to alter executive branch decisions it dislikes. After the Federal Communications Commission under the leadership of Chairman Michael K. Powell, appointed by President Bush, voted along party lines to allow for greater deregulation of media control, a number of Senators criticized the decision and immediately introduced legislation to change the ruling which according to the Congressional Review Act of 1996, Congress can do without approval of the president.\textsuperscript{315} Congress did use this power to overturn one of President Clinton’s administration’s workplace ergonomic rules. Nevertheless, executive orders and administrative rule making give the president agenda power independent of Congress.

\textit{The Presentation Clause: When the President and Congress Both Want Change}

While executive orders, rules, and regulations are a way that the President can bypass Congress, for major legislation, Congress must be involved. President Bush cannot cap liabilities for HMOs or legislate patients’ rights significantly without such a bill first being passed by Congress. We will use a simple model to understand the process of how this works. We assume that Congress’ preferences over policy can be represented by the ideal point of the median voter in Congress, which we will call C. While we recognize that the process by which Congress makes decisions is complex, we make the assumption that the median voter in Congress is the one who is “decisive” in

passing legislation. We assume that as policy moves away from this point, Congress is less and less happy as a whole (similar to the decline in utility that Charlotte suffers as policy moves away from her ideal point in Chapter 3). Similarly, we assume that the President has a most preferred policy position, P, and that as policy moves away from P, he or she is less and less happy.

Given the status quo policy position, which we call SQ, and the positions of C and P on a policy issue, when will Congress pass a bill that the President will sign and what will that bill look like? There are two configurations of these three points that will result in Congress passing a bill that the President will sign. We will call these Cases 1 and 2. Figure 8-3 presents an example of Case 1 and Figure 8-4 presents an example of Case 2. In Figure 8-3 the President’s most preferred policy position is at 25, Congress’ most preferred position is at 40 and SQ is at 45. The President will approve any bill between 5 and 45 since any point in that range is closer to 25 than 45 is. Any bill that Congress presents to the president that is within that range the President will sign. Congress would like to propose a bill that is as close to its most preferred position at 40 as possible. Since the President prefers 40 to 45, Congress can just pass a bill equal to its median voter’s “ideal point” at 40 and the President will sign the bill. Clearly this is not the case with the patient’s bill of rights legislation as the indications suggest that the President does not want to allow patients to sue as much as the Congress prefers.

Case 2 is somewhat closer to the disagreement between Congress and the President over the patients’ bill of rights legislation. Figure 8-4 the President’s and Congress’ median voter’s ideal points are reversed, now the President’s ideal point is at 40, while Congress’ is at 25. The President will sign bills in the range from 35 to 45. Congress’ median voter’s ideal point is no longer in this range. However, the policy choices that the President prefers to the status quo are also points preferred by Congress to the status quo. Congress will want to propose a bill as close to its ideal point as possible but one that the President is willing to sign. Assume that if the President is indifferent between the SQ and Congress’ bill, the President will sign Congress’ bill. Congress therefore will propose a bill at 35, where the President is just indifferent between the SQ and the bill and is as close to Congress’ median voter’s ideal point as the President is willing to approve. If case 2 is the situation, then we would expect that Congress would just alter the legislation to please the president and the president would sign the legislation.

Notice that Congress, by having the power to pass legislation, has proposal power. That is, Congress determines the choices that the President faces. The President can only get his ideal policy preference passed if that point is equal to the SQ. Thus, instead of being able to choose policy from the range of all possible alternatives, he or she can only choose whether to accept Congress’ proposed bill or the SQ. A multitude of choices has been reduced, through Congress’ power to set the agenda, to only two choices. No doubt this is frustrating to a President like Bush, who has his own ideas about what should be passed.

When Only Congress Wants Change

In both cases 1 and 2 the President and Congress’ ideal points were on the same side of the status quo – that is, Congress and President agreed that the status quo should be changed. What happens if the President and Congress do not agree that the status quo
should be changed? Figure 8-5 presents an example of this situation. Here the President’s ideal point is at 25, the status quo is at 45, and Congress’ ideal point is at 80. Unlike cases 1 and 2 above there is no overlap between the points that the President prefers to the status quo (points less than 45) and the points Congress prefers to the status quo (points greater than 45). Clearly the President will veto any bill that Congress prefers. The President has “veto power” over legislation. The veto of a President can be overridden if the House and the Senate pass the bill a second time by a two-thirds or greater vote. However, if a president does not sign a bill within 10 days, it automatically becomes law. But if the president chooses not to sign a bill during the last 10 days of a legislative session, the limit will expire after Congress is out of session and the bill is vetoed, which is called a “pocket veto.”

If a veto occurs what can Congress do? While the President has veto power, the Constitution allows Congress to pass bills over a Presidential veto if there is a 2/3 majority in Congress that is willing to vote for an override. This means that in the case where Congress and the President disagree, the decisive voter in Congress is not the median voter, C, but the voter whose ideal point such that 2/3 of the voters whose ideal points are either greater or less than his or her ideal point prefer the bill. In our example, if 2/3 of the voter ideal points are greater than some point greater than 45, say 50, then Congress can choose a bill at that point and even if the President vetoes it, enough members of Congress will vote to override the veto, passing the bill. If this 2/3 point is less than or equal to 45, then there is no bill that the median voter in Congress will prefer to SQ that could get enough votes to override a veto.

When is it likely that Congress and the President would disagree as shown in Figure 8-5? Generally the Congress and the President are more likely to disagree over policy when the two branches of government are controlled by two different parties, divided government. In the post World War II era, divided government has occurred 62% of the time (36 out of 58 years). Table 8-2 presents a summary of divided and unified government in the U.S. during this period, with periods of divided government highlighted.

**Why and When Vetoes Happen**

**Uncertainty**

If the President and Congress understand the rules of the game, it seems from the analysis above that we should never observe Presidential vetoes. If the two branches agree that the status quo should be changed, they should be able to come to some compromise agreement. If the two branches disagree on changing the status quo, and Congress passes a bill with a 2/3 majority or is likely to, then the President should not veto it as the veto is meaningless. If Congress does not have a 2/3 majority, then they should not pass a bill, as they know it will be vetoed. Yet Presidential vetoes do occur although they are rare events. Of the 17,428 bills passed by Congress from 1945 to 1992,

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316 In 1996 Congress gave the President the power to veto particular line-items within a bill, which was used by President Clinton in 1997. In 1998, the Supreme Court ruled that such power could only be given the president through a constitutional amendment and that the line-item veto as passed by Congress was unconstitutional.
only 2.3% were vetoed\(^3\). Why might this happen? It could occur if members of Congress and the President are uncertain about each others’ ideal points.

If some vetoes occur because Members of Congress are uncertain about the President’s ideal point, then we would expect that when Congress attempts to re-pass the bill after a veto there may be some concession made to the President, i.e. that the bill is modified toward the President’s ideal point. Charles Cameron (2000) has analyzed Presidential vetoes from 1945 to 1992 and estimates that 80% of the time Congress appears to make concessions in re-passed bills, suggesting that Congress is updating on Presidential preferences after a veto (note however that Congress only re-passes a bill approximately 50% of the time).

Blame-Game Politics

But what was the situation facing Congress and Bush over the patients bill of rights legislation in spring and summer 2001? It is doubtful that there was much uncertainty about Bush’s position on the issue or the views of Congress since the legislation had been debated and discussed since 1997. Bush’s statements seem to imply that the situation is as in case 2, where he is willing to see a change in the status quo in the same direction as Congress, but with liability limits. Congress should be able to compromise with the President and pass the legislation that the President wants. Yet Congress didn’t seem willing to compromise, or at least the Democrats. The Senate bill did not have the limits and the House was ready to vote over the same bill and Republicans did not believe they could stop it. A veto would look bad for the President as the bill had popular support and Democrats were eager to hold Bush to his threat.

With agenda control over the House, Republican Speaker Dennis Hastert postponed the vote on the bill for a few days, realizing that he did not have the votes to defeat it. And Bush invited Charlie Norwood over to the White House to talk about things. “Bush spent several minutes lavishly praising the Georgia Republican for his skill in leading a band of rebels that had outmaneuvered Bush . . . But Bush soon dispensed with the pleasantries. ‘So now that I’ve kissed your [rear end], what do I have to do to get a deal?’ Bush asked, according to several sources familiar with the meeting.”\(^3\)

After a three-day intensive lobbying effort, Norwood caved – on August 1, 2001, he and Bush announced an agreement and the next day the House passed a bill with the limits on liability Bush wanted. *Time Magazine* labeled Norwood its “Person of the Week.” However, the game was not over. Because of Jeffords’ defection (a legislator that Bush had failed to court), the Senate was controlled by Democrats and the legislation would again go to a Conference Committee. There was still the possibility that the bill would not be to Bush’s liking. “These are not legislative victories until they are signed into law” stated Kori Bernard, a spokesperson for House Democratic Leader Representative Dick Gephardt.\(^3\)


Why would Democrats in the Senate press to pass a bill that they suspect would be vetoed when compromise was at hand that indications suggested was preferred by both to the status quo? Moreover, since the House had passed a bill Bush liked, even if they were successful in the Conference Committee, passage with 2/3 majority in both Houses to overcome a veto was highly unlikely.

An answer might be in the popular support they knew the bill had with the public. They could use Bush’s veto to try to communicate to the public that Republicans’ were against patients’ rights. If vetoes are a way that elected officials are communicating with voters then we would also expect that there is a relationship between elections and veto occurrence. This relationship is likely to be complex. If members of Congress are using Presidential vetoes to communicate with the electorate then they will pass bills they know the President will veto. They are more likely to do this when the President is a member of a different party from the one that dominates Congress. Similarly, if the President is using his or her veto power to communicate with the electorate he or she will veto more often when he or she is up for reelection and divided government exists. Nolan McCarty, 2002, has analyzed Presidential vetoes from 1829 to 1996. He finds evidence that incumbents up for reelection are significantly more likely to veto under divided government than lame duck incumbents (incumbents in their last term) and veto more often than incumbents up for reelection with unified government (200-400% more vetoes).

In August 2001, because of Democratic strength in Congress, Bush had to work hard to convince Republicans like Norwood in the House to support his bill and still faced the possibility of Senate Democrats forcing Bush to veto a conference committee bill. Divided government limited Bush, but it also limited the Democrats. Gephardt called Bush’s bill “special-interest legislation” that did “the bidding of the health insurance companies and the HMOs over the interests of the people that we represent.” John Dingell, who had cosponsored the original bill with Norwood, had felt victory was in reach and Bush would either veto or be forced to sign his bill. But divided government worked against him.

The Moderating Voter Theory

Norwood and Augusta

Bush and the Democrats had to deal with divided government because of choices voters made to elect both. Why would voters prefer divided government? To understand why, consider some of the voters in Norwood’s district. The city of Augusta, Georgia, home of the famous Masters Golf Tournament, was part of Republican Representative Charlie Norwood’s Congressional District in 2000. The city is one of the more liberal areas of the state. Although Georgia was one of the few states Republican presidential candidate Bob Dole won in 1996, Augusta gave Clinton 54% of its vote. In 2000, Gore won 55% of the city’s vote. Yet in 2000, Norwood won reelection over a Democratic opponent with 53% of the vote in Augusta (63% in the entire district). Clearly some Augusta citizens were voting Democratic for President, but Republican for the House of Representatives. If we assume that all the voters in Augusta who voted for Bush also voted for Norwood, that means that 13% of Norwood’s votes in Augusta came from

\[320\] After the 2000 redistricting, only part of the city remained in his new district.
voters who had chosen Gore for President (of course some of Bush’s supporters might have voted for Norwood’s Democratic opponent, implying an even greater percentage of Norwood voters who also chose Gore).

Like the voters in Iowa who elected both Republican Charles Grassley and Democrat Tom Harkin to the Senate at the same time (see the discussion in Chapter 3), some voters in Augusta seem willing to support both parties in national elections. While Norwood had before the 2000 election fought for patient’s rights which was at odds with more conservative members of his party, his voting record in general was a solid Republican one, earning a 5 from the ADA, and the Republican Speaker of the House Dennis Hastert attended a fundraiser for him in Augusta during his campaign. Norwood has been a consistent opponent of abortion and gun control (earning a 0 out of 100 from Panned Parenthood and an “A” from the National Rifle Association). The environmental group, League of Conservation Voters, gave him a 10 on a 100-point scale. Gore, on the other hand campaigned in favor of abortion and gun control, as well as placing a significant focus on the environmental positions preferred by the League.

Fiorina’s Moderating Voter Theory

One theory that has been proposed to explain this tendency is the moderating voter theory of Fiorina (1988, 1992), which was mentioned in Chapter 3. According to this theory voters recognize that policy will be determined by bargaining between the president and Congress. Assuming that the president has some slight advantage in the bargaining process and that elected Democrats are more liberal than elected Republicans, one example of the different policy choices before the voters is represented in Figure 8-6. 321 In the example, if a Democrat is elected president and Democrats control Congress, policy is at point DD, which is 0 on the graph. If a Democrat is president and Republicans control Congress, policy is at DR, 20 on the graph. If a Republican is president and Democrats control Congress, policy is at RD, or 60, and if Republicans control both the presidency and Congress, policy is at RR, or 80. Fiorina’s theory is that voters will recognize these differences and will vote sincerely for the most preferred outcome (assuming they have single-peaked utility functions like Charlotte in Chapter 3). This means that voters whose ideal points are between 0 and 10 will vote a straight Democratic ticket, voters whose ideal points are between 10 and 40 will vote for the Democratic candidate as president and for a Republican member of Congress, voters whose ideal points are between 40 and 70 will vote for the Republican candidate for president and for a Democratic member of Congress, and voters whose ideal points are greater than 70 will vote a straight Democratic ticket.

Although some of the voters in this example may be voting for divided government, they do not prefer divided government in itself. What they most prefer is the policy outcome that is closest to their ideal point and it turns out that given the positions of the political parties and the institutional nature of checks and balances in the federal government the policy outcome under divided government is closest to their ideal points on policy. They would be just as happy with a united government at the same policy position.

321 This example is drawn from Alesina and Rosenthal 1995.
The Evidence

Does Fiorina’s theory hold up? Table 8-3 presents a summary of the extent of split ticket voting by how voters identify themselves on the liberal/conservative policy dimension in National Election Studies surveys for presidential elections from 1980-2000. 18.57% of those surveyed reported splitting their vote between the parties in presidential elections. It does appear that as voters are less ideological, they are more likely to split their votes, which is supportive of the moderating voter theory. Voters who report themselves as moderates, split their votes 25.37% of the time (non moderates split their votes 20.5% of the time). However, even voters who report that they are either extremely liberal or extremely conservative sometimes split their votes. Extremely conservative voters in the surveys are also willing to vote Democratic in both races a surprising 15.38% of the time, significantly more than extremely liberal voters are willing to vote Republican in both contests (1.27% of the time).\footnote{This is true even for voters outside of the south and for elections in the 1990s.}

There are many possible alternative explanations for split ticket voting besides intentional moderating voters. In Augusta, liberal voters may see that reelecting Norwood is beneficial because he would have more seniority than his challenger and can potentially bring more for the city. Alternatively, voters may be using a retrospective voting strategy, which benefits incumbents. And, as noted in Chapter 5, because incumbents are more likely to be “known” quantities, voters may prefer them to other candidates whose positions on issues are unknown. If we examine only those surveyed in open seat Congressional races, moderates split their votes 23.2% of the time and non-moderates split their votes 14.62% of the time, suggesting that some of the splitting of both moderates and non-moderates reflects the influence of incumbency, but incumbency is more likely an explanation for split ticking voting of non-moderates. Incumbency may also benefit presidential candidates – which may lead votes to split their tickets as well. If we examine just the year 2000 when no incumbent was running for president and races where no incumbent was also running for Congress, 25% of moderates split their votes to 7.41% of non-moderates.\footnote{A number of political scientists have conducted more sophisticated analyses of the extent that voters appear to split their tickets in order to balance between the two parties. The evidence is mixed, some argue that Fiorina’s theory is supported, others not, suggesting that incumbency and other factors may be resulting in ticket splitting, not moderate voters balancing between the parties. See Alvarez and Schousen 1993, Born 1994a,b, Burden and Kimball 1998, Fiorina 1994, Frymer 1994, Garand and Lichtl 2000.}

Strategic Moderating Voters

The data show a greater likelihood of split ticket voting by moderates, although the majority of both moderates and non-moderates do not split their tickets and some non-moderates do. Does this mean that voters are not recognizing that policy is a compromise between the president and Congress and are not moderating between the parties? No. The problem with simply looking at split ticket voting and concluding that lack of evidence of such voting implies that voters are not intentional is that voters who preferred divided government might find it strategically to vote a straight ticket and such voting may be more likely to result in divided government than if the voters split their tickets. How?
Suppose that in the example in Figure 8-6 voter ideal points are uniformly distributed from 0 to 100. That means that 10% of the voter ideal points are between 0 and 10, 10% are between 10 and 20, 10% are between 20 and 30, etc. If the voters vote sincerely for their most preferred policy outcomes then 10% (voters with ideal points between 0 and 10) will vote for a Democratic president and a Democratic congress, 30% (voters with ideal points between 10 and 40) will vote for a Democratic president and a Republican congress, 30% (voters with ideal points between 40 and 70) will vote for a Republican president and a Democratic congress, and 30% (voters with ideal points between 70 and 100) will vote for a Republican president and a Republican congress. These voting choices are shown in Figure 8-7. The Democratic candidate for president will get 40% of the vote and the Republican candidate for president will get 60%. Congress will also be Republican, with Republican candidates receiving 60% of the vote and Democrats 40%. Although 60% of the voters, all the moderates, are splitting their votes, Republicans dominate the government.

The voters who chose outcome DR cannot be happy as they received the outcome they prefer the least. Interestingly, it is the outcome that many of Augusta’s liberal voters experienced in 2000 even though they had chose to vote DR. Alesina and Rosenthal (1989, 1995, 1996), Mebane (2000), and Mebane and Sekhon (2002) present alternative models where voters’ choices take into consideration electoral outcomes and choose the optimal strategy given what other voters are choosing. They point out that in the simple sincere voting case, the voters whose ideal points are between 10 and 40 are not choosing optimally given what the other voters are doing. If instead of voting for a Democratic president and a Republican congress, the voters whose ideal points were between 10 and 40 voted for a Democratic president and a Democratic congress, then they would be better off. Why? The Democratic candidate for president would still lose with 40% of the vote to 60% for the Republican, but now Congress would be majority Democrat (70% of the vote for Congress would be Democratic and 30% would be Republican). The government would be divided with a Republican president and a Democratic congress, outcome RD, which is closer to the ideal point of the voters who most prefer DR but, by voting sincerely, were getting RR. These choices are shown in Figure 8-8.

While it is clear that voters with ideal points from 10 to 40 prefer voting the straight Democratic ticket, to be sure that this is an equilibrium, we need to check to make sure that other voters are also choosing optimally. That is, would any of the other voters change their choices in Figure 8-8? First, consider voters whose ideal points are between 0 and 10. There is no alternative way that they can vote, given how the others are voting, that will lead them with an outcome they prefer more. Voters whose ideal points are between 40 and 70 are getting their most preferred outcome and have no reason to want to change their choice. Finally, voters whose ideal points are between 70 and 100, cannot improve on the outcome by changing their voting choice, given what other voters are doing. So in equilibrium, some moderate voters (those whose first preference is divided government) should instead vote a straight Democratic ticket so that they do receive divided government. Not all moderate voters will split their tickets in equilibrium.
The Empirical Evidence Again

The example above is simplistic, but Mebane (2000) has devised a more general formal model of voting in Presidential and Congressional elections where voters choose optimally to balance tickets based on their expectations about the electoral outcome. Voters have both common knowledge of what that outcome will be as well as private information. He uses the model as a basis for a statistical analysis of the NES survey data from 1976 to 1996 and shows that voters do in fact make choices to balance between the House of Representatives and the President and that enough voters split tickets to affect election outcomes. In the empirical analysis he incorporates other factors that affect voter choices in the elections – such as incumbency and the state of the economy, as factors that affect voter preferences and private information. Mebane also compares the model with strategic voter choices with the Fiorina non-strategic choice model and finds that the strategic choice model better explains the data. He finds that “moderation is almost always a feature of every voter’s choices” but as our example showed, moderation “has no direct implication for the numbers of voters who may have been splitting their tickets to try to balance the House position with that of the future president” (page 50).

Coattails, Incumbency, the Economy, etc.

One feature of Presidential elections is the so-called “coattail effect” – it appears that an increase in the probability of a party’s candidate winning the presidency increases the votes received by the party’s candidates for Congress but the converse does not occur, i.e. an increase in a party’s Congressional vote share does not lead to an increase in the probability that that party’s candidate wins the presidency. Mebane finds the same relationship in his empirical analysis. He notes that this relationship “reflects the patterns in which changes have occurred across election periods in ideal points, party positions, partisanship, economic evaluations, and incumbency” (page 50). As with the coattail effect, Mebane does find that partisanship, economic evaluations, and incumbency do often outweigh concerns about policy in determining how an individual votes. Nevertheless he concludes that policy-related balancing of voters is frequently large enough to be “an important determinant of election outcomes.”

The fact that things such as partisanship, economic evaluations, and incumbency frequently outweigh policy moderation, no doubt helps explain why some non-moderate voters split their tickets and some moderates choose either to split or not split their votes when it might not be optimal for policy concerns. These were certainly factors that were likely to influence the ticket splitting that appears to have occurred in Augusta, Georgia even though it helped result in the outcome of a Republican President and a Republican Congress, which some liberal voters may have not preferred on policy grounds. Norwood’s efforts on the patient’s bill of rights legislation had given him a lot of stature within Congress and the visit of the Speaker of the House during the campaign signaled to voters that Norwood would continue to have power within Congress. Compared to his politically inexperienced opponent (also a dentist), Norwood had a lot of advantages.
Midterm Elections

The Moderating Voter and Midterm Elections

Liberal voters in Augusta got a second chance to try to get an outcome of greater Democratic control in the bargaining in the federal government. While they could not vote President Bush out of office, Norwood, like all members of the House of Representatives, faced election again two years later. Typically, in these elections the party of the president experiences a loss of seats. Table 8-4 presents a summary of the seat losses for the president’s party in midterm elections from 1946-2002. With the exception of the last two midterm elections of 1998 and 2002, the President’s party has experienced seat losses. If we consider 1946 and 1974 as the equivalent of second terms for administrations, then it appears that historically presidents in their second terms have higher seat losses than those in their first. However, the data is hardly sufficient to reach strong conclusions about seat losses and the effect of terms. One of the largest losses occurred in Clinton’s first term in 1994. The losses in 1946 and 1974 may have been the consequence of concerns about the change in administration due to death in one case and resignation in the other. And classifying 1950 and 1966 as Harry Truman’s and Lyndon Johnson’s second terms respectively, is another judgment call.

Alesina and Rosenthal (1989, 1995, 1996) show that a midterm loss for the president’s party is to be expected if voters are choosing strategically to moderate policy. That is, when voters make their choices in a presidential election, there is uncertainty about the outcome of the voting. Once the election has occurred, some voters will wish that they had made different choices since policy is a result of bargaining between the President and Congress. Consider the following example. Suppose a moderate voter, who is slightly on the conservative side, would like to have a Republican president balanced by a Democratic Congress. Suppose further that the presidential election is a toss-up as in 2000, she expects that there is a 50/50 chance that the Democratic candidate will win. So if she tries to balance by voting for a Republican president and a Democratic Congress, she could end up with a Democratic president and Congress, an outcome that she prefers less than having a full Republican administration. So she votes for Republicans for President and Congress. Then in the Congressional midterm election occurs, and there is no presidential contest, she can safely vote Democrat to balance out the Republican president if he or she won, resulting in the president receiving a midterm loss. If the Democratic candidate won the presidency, other voters who voted straight Democratic tickets in the presidential election can moderate similarly by voting Republican. One implication is that when presidential elections are exceptionally close, midterm losses should be greater.

The Reality

Mebane and Sekhon (2002) statistically evaluate Mebane’s (2000) moderating voter model of midterm elections, which has the same prediction as Alesina and Rosenthal about midterm losses using NES data from Congressional midterm elections. While Mebane and Sekhon find evidence that midterm losses are a consequence of presidential election uncertainty, they find that this effect is minor and accounts for only a small portion of the midterm change in seats. By simulation they show that uncertainty
alone would result in a midterm loss of about 0.01 to 0.06% of seats. Moreover, the result of 2000, where the election was exceptionally close and the president actually experienced a midterm gain, suggests that this effect is also not likely to be significant.

Campbell (1966, 1987) presents an alternative theory of midterm losses that is related to voter turnout and mobilization. He contends that in presidential elections more independent voters are mobilized who have a preference for the president and his or her party’s position and during midterm elections only more committed partisans vote. Thus, the president’s party loses vote share in the midterm elections. Mebane and Sekhon (2002) find little support for this explanation. They show that turnout at midterm does not appear affected by policy concerns, suggesting that if more voters voted, the outcome would have been largely unaffected. If the turnout decision is a strategic choice by the same groups who mobilize voters in general elections, it is not surprising that the difference in turnout is not policy related. What Mebane and Sekhon find instead is that at midterm elections both voters and nonvoters typically have policy preferences farther away from the president’s party than was the case in the preceding election, although in 1998 the effect was the opposite (their study did not include data from 2002).

**Augusta and the 2002 Election**

Did moderate voters use midterm votes strategically in 2002? If they did so nationally, the effect was overwhelmed by other factors, as the president’s party actually gained seats. To see how these factors worked, it is useful to consider Augusta’s experience as illustrative of the national trend. Did moderate votes who wanted some Democratic control get a chance to correct for the effect of the unexpectedly close presidential election by voting against Norwood or Republicans for Congress nationwide? Three events between 2000 and 2002 probably kept this from occurring in Augusta and other areas and led to Bush’s seat gains nationally. The first was redistricting, the second September 11, 2001, and the third was Jeffords’ defection.

**Redistricting**

Georgia grew significantly in population in the 90s and gained two new Congressional districts for the 2002 election. Democrats controlled both houses of the state legislature and the governorship and after much wrangling and a court challenge, Congressional district boundaries were totally re-drawn. Figures 6-2 and 6-3 in Chapter 6 present the new boundaries used in the 2002 election. Most of Augusta was assigned to one of the new Congressional districts, district 12, where the son of one of Democratic party’s leaders in the state ran for office. 81.3% of Richmond County (Augusta and Richmond share a combined government) was allocated to district 12, with Norwood’s old district containing only some northern suburbs. As a consequence, Norwood’s new district (district 9) was now heavily Republican and he won reelection easily with 72.8% of the vote in his district, and 78% of the vote in the conservative northern suburbs of Augusta. Augusta’s experience was not unique. Redistricting across the nation altered in other districts voters’ incentives and abilities to use midterm elections to moderate Bush’s win. While Democrats controlled redistricting in Georgia, their effort to increase their seats made Norwood’s seat safe – a similar effect in California made it easier for Devin Nunes to gain a seat. Sophisticated gerrymandering to advantage the party in control of
the state redistricting processes affected the ability of voters to alter the partisan balance significantly. 324

What about the district where most of Augusta now resided? Did the Democratic candidate win as Augusta voters attempted to moderate from the all Republican outcome of 2000? While the Democratic candidate, Charles Walker, Jr., received 52.2% of the vote in Augusta, this was less than Gore had received in 2000 and not significant enough to win the district (he received 44.8% of the vote of the district and lost to Republican Max Burns). The two other events between 2000 and 2002 probably prevented this from happening in Augusta and across the nation.

September 11th

It is obvious that September 11, 2001 and the war on terrorism made foreign affairs and concerns about fighting terrorism more important in voter preferences in 2002 than during the presidential election of 2000. A post election poll taken by USA Today/CNN/Gallop demonstrates that voters also believed in 2002 that the Republican position on these issues was more desirable than the Democratic one, “57% of those polled said Democrats are not tough enough on terrorism, while 64% said Republicans are. And 54% of Democrats polled said the party needs to moderate its liberal message.” 325 Rebecca Dunbar, a 49 year-old voter in the Denver suburbs who voted for Gore in 2000 told Washington Post/ABC News pollsters in September 2002 that she had “come to admire Bush for his handling of the war on terrorism.” She remarked: “The international issues are domestic issues right now. Terrorism is the number one issue causing fear and trepidation in the American public. People aren’t sure; they don’t know if we’re capable of defending ourselves, if attacking is right. People are apprehensive.”

Georgia Republican Congressional candidate Burns emphasized Iraq and the fight against terrorism in the campaign and that he would help Bush and Republicans in Congress in fighting terrorism. Vice President Cheney attended a fund-raising reception for him in Augusta. Cheney “spent most of his time . . . delivering a strong message from President Bush about the looming war against Iraq.” 326 Other Republican candidates nationally ran on these issues. The evidence suggests that contrary to the norm in previous midterms with the exception of 1998, in 2002 voters’ policy preferences moved closer to those of the president’s political party nationally and that gave the president a pickup in seats rather than a loss.

324 In nine states Republicans controlled both houses of the legislature and the governorship during the redistricting process affecting 109 seats (Florida, Idaho, Kansas, Michigan, New Jersey, Ohio, Pennsylvania, Utah, and Virginia) and in eight states Democrats controlled state government affecting 102 seats (Alabama, California, Georgia, Hawaii, Maryland, Mississippi, North Carolina, and West Virginia). The remaining states had some form of divided government. See Barone, pages 1703-1705.
326 The Richmond County Republican Party chairman, Dave Barbee, summarized Cheney’s role in the campaign to voters: “He is a messenger for the president of the United States, and he came here and talked to us about homeland security and what the president was doing for our country and what he needed to do. And also why it’s so important . . . that we keep control of Congress.” Cooper, Sylvia, “Cheney pays visit to support Burns, Vice President discusses Iraq, Terrorism,” The Augusta Chronicle, Saturday, October 5, 2002.
Jeffords’ Defection

The final event that may have affected voters in Augusta, and nationally, was Jeffords’ defection in the closely divided Senate in May, 2001. In 2000, the Senate was tied between Democrats and Republicans and although the ability of Vice President Cheney to vote to break ties gave Republicans control on paper, Democrats demanded and received a greater role in decision making within the Senate in early January 2000. Republicans lost their tenuous control over the Senate through Jeffords’ actions and thus when voters chose in November 2002, Republicans did not have full control over Congress. Not only did voters see the Democratic party as less capable to deal with the war and terrorism, Republican candidates also blamed Democratic control of the Senate for delay in passing the measures they wanted to fight terrorism.

Still most of the respondents in the September poll did say they felt government worked better if Democrats were in control of Congress to check the power of the president, echoing statements like Bruce Babcock an Iowan pharmacist who reported: “As much as I’d like to see Republicans control it, you’ve got to have the check and balance." But by the time of the election, voters were more solidly in favor of full Republican control. In the post election poll, 74% of voters said that with one party in charge more things would be accomplished including the creation of a Cabinet-level homeland security department (legislation on the department was before Congress before the election, but had not been approved and a number of Democrats had criticized the lower level of civil service protection for employees in the legislation). The percentage of survey respondents who said that Republicans controlling the White House and Congress is a “good thing” for the country for foreign affairs was 57%. Even on the economy, united Republican control was seen as desirable by 53% of voters. Between 2000 and 2002, redistricting, Democratic control in the Senate, and the new emphasis on fighting terrorism coupled with belief that Republican control was better capable of handing the problem helped Burns in Augusta and led to an unexpected gain by the president’s party in 2002. At this writing it is uncertain the extent that voters will continue to want united Republican control in 2004.

What Happened to the Patients’ Bill of Rights?

Norwood was reelected and Bush and he had an agreement. Republicans won majorities in both the House and the Senate. Yet the patients’ bill of rights legislation remained in limbo. Why? There is a simple answer to this question: September 11th. The new war on terrorism and the anthrax mailings to Congress members significantly dominated Washington affairs for a considerable time. Then when in 2002 Democrats lost control of the Senate and saw their size reduced in the House of Representatives, they no longer had the chance to pass a bill that Bush would veto or be forced to sign to please public opinion. However, Republicans did not seem to motivated to present the new

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328 Of course, local issues were important in the Georgia Congressional race as well. Burns criticized Democratic candidate Walker for his lack of experience and raised questions about his ethics. The point is that because of the events of redistricting, September 11th, and Jeffords’ defection, moderates voters had less desire to intentionally vote Democratic to balance out Republican control.
compromise legislation to the President either. Perhaps the reason was that the situation in summer 2001 was more like Figure 8-4, where Bush and the Republicans preferred no change in the status quo, but recognizing that Democrats had popular opinion on their side, they were willing to go through with what they interpreted as a smallish change to prevent Democrats from using the issue in the 2002 elections. But as a consequence of the effects of September 11th and Bush’s and the Republicans’ apparent success in voter’s eyes in managing the war on terrorism, patients’ bill of rights was no longer the hot issue in Congressional races as it was in 2000. February, 2002, Norwood introduced new legislation that avoids the liability issue altogether and simply gives patients the right to an external review of their health condition when their doctor and insurer do not agree. As of the time this chapter was written the new legislation had not been presented for a vote.

More Checks and Balances

An injury forced Texas oral and maxillofacial surgeon David Sibley to give up his practice in 1985. He decided to enter politics, becoming mayor of Waco and going to law school. He became a Republican Texas state senator in 1991. Like Weatherford, Norwood, and Edwards, he too wanted to enact legislation that would allow patients to sue HMO’s for damages when needed care recommended by doctors was refused.329 In May 1997 he succeeded, the Texas state legislature passed the Texas Health Care Liability Act, allowing patients to sue HMOs in Texas state court. Sibley’s golfing buddy330, Governor George W. Bush, was uncertain whether to sign the bill. It went against the tort reform that he was proud of successfully pushing through the Texas legislature. A number of business interests who had supported him electorally and through campaign contributions opposed the bill. But Bush also had supporters who had pressured him to provide relief for patients and he worried about voter demands. He had vetoed a Patient Protection Act two years before. “I don’t think the public could avoid looking at it (veto) paired with what he did last time,” said Lisa McGiffert, senior policy analyst for Consumers Union Southwest Regional Office.”331 Expressing concern over the possibility of a bonanza of suits that might result from the bill, Bush decided to let the bill become law without his signature.332 By 2004, nine other states – Arizona, California, Georgia, Maine, New Jersey, North Carolina, Oklahoma, Washington, and West Virginia – had passed similar laws.

Bush used Sibley’s bill in his campaign for president as evidence of his willingness to work with Democrats and support patient’s rights. On Tuesday, October 17, 2000 presidential candidates Governor George W. Bush of Texas and Vice-President Al Gore debated in St. Louis, Missouri. One of the issues that came up in the debate was the Patient’s Bill of Rights. Gore summarized his position and his view of Bush’s: “I support a strong national patient’s bill of rights. It is actually a disagreement between us. The national law that is pending on this, the Dingell-Norwood bill, a bipartisan bill, is

330 “Tee time with the president,” Austin American-Statesman, Saturday, August 23, 2003.
one that I support and that the governor does not.” But Bush strongly disagreed with Gore’s statement: “Actually, Mr. Vice President, it’s not true. I do support a national patients’ bill of rights. … I brought Republicans and Democrats together to do just that in the state of Texas, to get a patients’ bill of rights through. … We’re one of the first states that said you can sue an H.M.O. for denying you proper coverage. … I support a national patients’ bill of rights, Mr. Vice President. And I want all people covered. I don’t want the law to supersede good law like we’ve got in Texas.”

As we have seen in this chapter, as of spring 2004 such a national law had not been passed or signed by the now President Bush. State senator Sibley seemed to have accomplished what Weatherford, Norwood, and Edwards had not been able to at the federal level. However, can states enact such laws when Congress chooses not to? When ERISA, the federal law had been passed in 1974, state laws providing patient protection from insurance company denials were voided. The federal law does not provide for suits for damages as these state laws do. Was it permissible for the state to provide an additional remedy that the Congress had chosen not to provide for programs regulated by ERISA?

The day after Ruby Calad’s hysterectomy in Texas in 1999, she was told that her health insurance company, Cigna Corporation, would not pay for an additional day in the hospital even though her doctor had recommended the longer stay. She could stay if she paid the charges herself, $1,500 per day. Calad was released but had to return to the hospital several days later, still suffered from the preliminary release in 2004, and needed further corrective surgery. Calad sued Cigna under the new Texas law, but Cigna claimed that the suit was a violation of ERISA. In 2003 the United States Court of Appeals “ruled that individuals could sue in state court. Given that decisions on whether to pay for a particular treatment are decisions about both insurance and medical practice, the court reasoned, insurance companies can be held liable under state laws that enforce health care standards.”

Cigna appealed the case to the U.S. Supreme Court, which heard the case and another similar Texas case in March 2004. Interestingly, the Bush administration’s Justice Department joined the case on the side of the insurance companies, against the Texas state law. Assistant Solicitor General James A. Feldman summarized the administration’s view: “To allow states to essentially say, as the state has said here, ‘Well, we’re going to provide an additional remedy that Congress rejected when it drew that careful balance would be to completely undermine Congress’s decisions about how this system should be structured.’” As of this writing the decision in the case has not been handed down by the Court.

Sibley’s quest for patient’s rights at the state level illustrates the complexity of the checks and balances of policy making in American politics. While we have discussed how voters can try to use elections to reach desired policy outcomes by using their votes in Congressional and presidential elections to moderate partisan differences, voters also

realize that the federal structure of American government also means that the ability of actors both at the state and federal level to control policy outcomes is limited in many cases. In some cases, non-elected Supreme Court justices end up making decisions that ultimately affect the success of legislators like Sibley in succeeding to provide the policy choices they have promised voters. These factors are some of the reasons why voters have difficulty in American elections evaluating the performance of incumbents, as we discussed in Chapter 5 and why voters may see participation in the electoral process itself as too costly for the expected benefits received.

Despite the dying of patients’ rights in Congress after September 11th, Charlie Norwood remained optimistic. “I just got the easiest district in Georgia. I’m going to be here 10 years, and I’m going to lay it up for them every year.”336 As noted before, Norwood’s district was made “easy” because Democrats were trying to increase the likelihood of electing more Democratic members of Congress. But Georgia’s redistricting, was more complicated than other states because it was subject to judicial review and a court case, not because Democrats were engaging in aggressive partisan gerrymandering but because of its potential effects on minority representation. In fact, even though Norwood won election in the new district in 2002, the district boundaries were still a court case under review before the U.S. Supreme Court in Ashcroft versus Georgia. This was not a new situation in Georgia, the state’s Congressional district boundaries after the 1990 census were redrawn several times, and only settled for the 1996 election. North Carolina’s Congressional districts from the 1990s were still under review by the courts after the 2000 census had been completed. The debate over the boundaries centered on fundamental questions of how minority voters are incorporated in the American electoral process. In Chapter 10 we explore the issues and how Norwood benefited.

What About Other Parties and Candidates?

In 1990 Democrat David Worley came close to defeating Georgia Republican Representative Newt Gingrich in his race for reelection to Congress. Worley lost by only 983 votes. Defeating Gingrich would have benefited Democrats – at the time he was a powerful leader in his party in Congress, the Minority Party Whip. In 1994 he led the Republican take over of Congress where Democrats had held the majority for forty years and became the Speaker of the House. Worley’s close race surprised many, mainly because he did not run a single television ad and campaigned only via direct mail. The Democratic party only gave him $5,000, one tenth of what they gave him when he ran against Gingrich in 1988, and only in the last week of the campaign. Why not? If Worley had won, would Democrats have been able to maintain control of Congress in 1994? But an even stranger consequence of the Democratic party’s refusal to provide Worley with the types of contributions they typically give in key races may have been the 2000 election of George W. Bush. In the next chapter, where we consider how minor parties and independent candidates are involved in American elections, we see why the

Democratic party’s choice could be partly responsible for the loss of the presidency ten years later.
Part III: Challenging the Majority

Chapter 9: Minor Parties and Independent Candidates

Winning by Division

In California

Republican Devin Nunes ran for Congress first in 1998, when he was 24 and then again in 2002. While redistricting had made the new 2002 district safe for Republicans as discussed in Chapter 6, Nunes was not the only potential candidate who decided to compete for the Republican nomination, two other, more politically experienced candidates joined the race, state assemblyman Mike Briggs and Fresno mayor Jim Patterson. When the race began, Briggs and Patterson were the front-runners. According to our analysis in Chapter 6 of the effects of political experience and the difficulty for weak challengers to defeat them, Nunes should not have won. How did it happen?

One reason Nunes won was geography. Both Briggs and Patterson’s main support came from Fresno, while Nunes was the only candidate from Tulare county, his home (Tulare county comprised 57% of the district). If Nunes could carry the majority in Tulare, and Briggs and Patterson divide Fresno with Nunes receiving some votes there, Nunes could win. Nunes had help, he had the strong support of Congressman Bill Thomas, a powerful member of Congress on the House Ways and Means Committee and both Briggs and Patterson had baggage along with their experience. Nunes did lose Fresno to Patterson (Patterson received 37.9%, Briggs 30.5 % and Nunes 28%) but won Tulare (Nunes 46.4%, Patterson 27.8% and Briggs 20.6%) to win the district overall with less than a majority of the votes, but more than the other candidates (Nunes 37.1%, Patterson 33%, Briggs 25.7%).

In Chicago

Democrat Harold Washington had a similar fight for the nomination for mayor of Chicago in 1983 (recall our discussion of Washington’s campaign in Chapter 2). While Nunes’ success was remarkable because of his youth and limited political experience compared to his opponents, Washington’s was historic. The first (and only) black elected as mayor of the city, Washington successfully took on the Chicago Democratic political machine and the white establishment by splitting the white vote between two white candidates. He received 36.65% of the vote, but because that was greater than each of his

337 Briggs had broken party ranks in California to cast the deciding vote in the California state assembly to pass the 2001-2002 state budget, angering Republicans not only statewide but nationally. Although this had brought aid to farmers in his Assembly district, which significantly overlapped with the new Congressional district, the anger from Republicans made his ability to attract support within his party in the primary difficult. Patterson, as mayor of Fresno, had also developed enemies. See California Journal, Friday, February 1, 2002.

338 Four other candidates received votes in the primary as well.
two opponents (incumbent Mayor Jane Byrne received 33.55% and then Cook County State Attorney Richard M. Daley received 29.79%), he won the Democratic nomination. It is doubtful Washington would have won the primary if there had not been a three-way race given the racial tensions in Chicago at the time.  

Almost all U.S. elections are winner-take-all contests. While ten states and a number of cities have majority requirements which mean that a candidate cannot win with a simple plurality like Washington and Nunes, in most cases it only takes a plurality of the vote to win election. Yet, close three-way contests, which allowed Nunes and Washington to win, are relatively rare in U.S. elections, particularly so in general elections (both of the examples above are in primary contests). The reasons for their rarity are also reasons for the lack of success of minor parties in electing candidates and why it is that designing legislative districts has become viewed as the main way to increase the representation of minority voters. In this Chapter we explore these reasons. But first we need to understand how elections with more than two candidates work. Thus, we begin with the story of an unusual three-candidate race for the Senate.

**Voter Choices in Three Candidate Elections**

**“The Christine Jorgensen of the Republican Party”**

In 1970, voters in New York faced a dilemma. The Republican candidate for the Senate, Charles Goodell, wasn’t acting like a Republican. He was denouncing the Vietnam War and the Republican President Richard Nixon. A minor political party, called the Liberal Party, often viewed as to the left of Democrats in the state, had publicly given Goodell support. The Republican Vice-President, Spiro Agnew, called Goodell the “Christine Jorgensen of the Republican party,” in reference to the highly publicized sex-change operation that Ms. Jorgensen had just completed.

But while the Liberal party had supported Goodell, the Democratic party had their own candidate, Richard Ottinger, and there was even a third candidate, James Buckley, running as a nominee of the another minor political party called the Conservative Party, who was publicly supported by a number of prominent Republicans. How were Republican voters supposed to vote in the election if their own national party leaders were denouncing the state party’s candidate and the official Republican candidate was receiving support from liberals? How were Democratic voters supposed to vote when liberal voters in their state were supporting the Republican candidate and not the Democratic candidate? How were voters who thought of themselves as more leftist liberals supposed to vote?

**New York’s 1970 Senate Race**

In the 1970 New York Senate race the incumbent was Republican Charles Goodell, who had been appointed to fill the vacancy after the assassination of Democratic Senator Robert Kennedy. In New York, there are other active political parties, particularly the Conservative and Liberal parties. New York law allows the parties to nominate the same candidates. That is, a candidate can run as both a Republican and a

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340 See Bibby and Maisal 1998, page 47.
Conservative, for example. Typically, this is what happened in New York, the Conservative Party nominated the same candidate as the Republicans, and the Liberals nominated the same candidate as the Democrats.

However, in 1970 things were not as straightforward. The Republican candidate, Goodell, had decided to take a liberal stance on the Vietnam War and opposed Republican President Richard Nixon’s pro war policies. The Liberal Party, which also opposed the war, as a result, endorsed Goodell. But the Democrats chose a candidate from their party’s mainstream, Richard Ottinger. The Conservative Party, dissatisfied with Goodell, chose to nominate a third candidate who supported the Vietnam War, James Buckley, brother of conservative columnist William F. Buckley. As a result, there were two candidates who were perceived as liberals, Goodell and Ottinger, and one conservative candidate, Buckley. In a three-candidate race such as this one, determining how a voter will choose is not as easy as in two-candidate races.

A simple way to think of the situation in New York in 1970 is that there were basically three types of voters: voters whose first preference was Goodell (which we will call G voters), voters whose first preference was Ottinger (which we will call O voters), and voters whose first preference was Buckley (which we will call B voters). These voters’ utilities from the three candidates reflect these preferences. For example, assume that the three types of voters’ preferences over the three candidates are as given in Table 9-1.

G and O voters both prefer either Goodell or Ottinger to Buckley, while the B voters prefer Buckley and are largely indifferent between Goodell and Ottinger. The B voters are the conservatives who are in favor of the Vietnam War and upset with Goodell’s defection from the Republican party. They see both Ottinger and Goodell as equivalents since both oppose the war. The O voters are Democratic voters who want the Democratic party to win the seat in the Senate, but they prefer Goodell to Buckley because they oppose the war. The G voters are both liberals who oppose the war and would like to support the incumbent Senator for his positions.

Voting in the Three-Candidate Race in New York

For B voters in the three-candidate race in New York, their voting choice is easy. Since they are indifferent between Goodell and Ottinger, then it is as if for them the race is like a two-candidate race. Either Buckley wins or someone else and they don’t care who the someone else is. Hence, they should vote for Buckley as long as there is any chance, even if extremely small, that Buckley is in a close race to win the election. We say that the B voters are voting sincerely for their most preferred candidate.

However, things are different for G and O voters. First, consider G voters. They prefer either Goodell or Ottinger to Buckley. While they most prefer Goodell, if it is likely that Goodell has little of chance of winning and Ottinger does have a chance of winning, they will vote for Ottinger instead of Goodell. Similarly, if it is likely that

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341 Candidates who run under more than one party label are called “fusion” candidates. New York state election law allows for candidates to run as fusion candidates a factor which some argue makes minor parties more politically viable.

342 When the Liberal Party broke ranks with Democrats and supported Republican Rudy Giuliani for mayor of New York City over Democrat David Dinkins, they began to lose support from Democrats. In 2002, they received less than the 50,000 votes for their candidate for governor required to maintain automatic ballot access.
Ottinger has little chance of winning and Goodell does have a chance of winning, O voters will vote for Goodell instead of Ottinger. That is, since there are more than two candidates in the race, some voters may find it preferable to vote strategically for their second preference rather than their first preference, if they perceive that their first preference has little chance of winning and their second preference has a good chance of winning.

What determines whether a voter will choose sincerely or strategically in a three-candidate election? What matters to the voter is whether her first preference is likely to win by either being in first or second place. If the voter thinks that her first preference is in third place, he or she will vote for her second preference (unless he or she is like B voters and indifferent between her second and third preferences). A voter then will vote sincerely whenever her first preference is in either first or second place and strategically when her first preference is in last place if she has a preference among the remaining candidates.

**Election Outcomes in the Three-Candidate Race**

Figuring out what is likely to happen in a three-candidate race like the race in New York in 1970, because of the possibility of strategic voting, depends then on voter expectations about which candidates are going to win. As in our analysis of moderating voters in Chapter 9, voters will be choosing optimally when their choices make senses given these expectations and what other voters are doing. In turns out that there is no single predicted equilibrium in this three candidate race – in fact there are three possible outcomes and all three candidates have a chance to win. These three possible outcomes and the associated voter choices are summarized in Table 9-2.

The situations where either Goodell or Ottinger win are fairly straightforward. For example, Goodell can win if voters perceive that Ottinger is clearly in third place and that the contest is really mainly between Goodell and Buckley. Then G and O voters form an electoral coalition for Goodell (G voters choose sincerely and O voters choose strategically) and Goodell wins. Similarly, Ottinger can win if G and O voters see him as the top competitor for Buckley and they form an electoral coalition behind Ottinger. But Buckley can also win, because the supporters of Goodell and Ottinger face a problem of coordination. They would like to coordinate in a common electoral coalition on either Goodell or Ottinger. Unless they can do so, Buckley will win. Such coordination is not always easy and in New York in 1970, it failed. Goodell received 24% of the vote, Ottinger received 37%, and Buckley won the Senate race with 39% of the vote.

**Choosing Whether to Party**

Buckley won because Democratic voters were divided on how best to defeat him and Republicans in New York were divided over the Vietnam War. However, while he ran as a Conservative without the Republican party label, once in office he became the Republican Senator from New York and when he ran for reelection he ran as a Republican. He lost to Democratic candidate Daniel Patrick Moynihan. A similar type of failure of coordination, which led to Buckley’s win, also was a factor in the primary wins of Nunes and Washington. Republican voters in Fresno divided between the three candidates – if Briggs for example, had not run, Patterson would probably have gained

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343 For more details on the theory behind these results see Roger Myerson and Robert Weber, 1993.
votes. Similarly, white Democratic voters in Chicago divided their support between incumbent mayor Jane Bryne and Richard M. Daley, giving Washington a chance to win the nomination. But in the general election Nunes won handily with 70.5% of the vote. And although Washington’s Republican opponent received significant support from white Democrats unhappy with Washington’s nomination, Washington was able to gain enough Democratic support and win the mayor’s race with 51.72% of the vote. Unlike Buckley, he won reelection in 1987 with 53.77% of the vote against a Democrat who ran as an independent. While at this writing Nunes has not yet run as an incumbent, barring an unexpected scandal such as the one that embroiled Gary Condit or an unexpected redistricting or significant failure in his job performance, it is likely that he will win his party’s nomination and reelection easily in 2004.

While Buckley, Washington, and Nunes won initially partly because of voter coordination failures, all three ultimately were working through the two-party system in order to achieve office and eventually won or lost in contests where the competition was between the two major parties and voters had clear choices. Buckley ran as a Conservative but had Republican support and ran as a Republican in a largely two-candidate contest for reelection. Both Washington and Nunes, once they gained their party’s nominations, were able to win election, and in Washington’s case reelection, by relying on the fact that voters in most U.S. general elections coordinate their choices along party lines. None of these candidates saw themselves as working outside of the two major parties but instead saw as their goal to build a large enough majority to win in a two party dominated race.

Yet the experiences of Buckley, Washington, and Nunes of winning first by division highlight the only route available to minor party and independent candidates in an American political system dominated by the two major political parties, like former pro wrestler Jesse “the body” Ventura who ran for governor of Minnesota in 1998. Ventura makes no secret of his contempt for the two major political parties (and some minor party candidates who he views as extremists). On August 20, 2000, Ventura discussed the presidential election contest in 2000 with talk show host Larry King on CNN:

“VENTURA: But I don’t like him [Buchanan, Reform Party Candidate in 2000] politically, because I believe, Larry, for a third party to be successful, you have got to be centrist. You’ve got to be in the middle, not farther right than the Republicans, as the case of Mr. Buchanan, or farther left than the Democrats, which is the case of Mr. Nader. If you’re going to be successful as a third party, my belief is you have got to be centrist. And what I am...

KING: But isn’t centrist what the Democrats and Republicans, in your opinion, have become?

VENTURA: No, not at all. They try to be. They’re still left and right. What they do is they become centrist for an election, because they know


345 In 1976 there were a number of minor party candidates who received only 6% of the vote.
it’s those independents in the middle that determine who wins.

KING: So you’re saying there are no true centrists?
VENTURA: Yes, there are true centrists, but they’re left with no choice. Democrats and Republicans are not centrists, because, Larry, I’m fiscally conservative, but I’m socially liberal.
KING: That means -- who do you endorse this year?
VENTURA: No one.”

Ventura implies that the candidates in the Presidential election are not at the median voter’s ideal point, something we saw in Chapter 3. But Ventura also is arguing that he is conservative on some issues and liberal on others, and that being centrist is more than being just in the middle (not liberal or conservative) overall, but something more complicated. In order to understand Ventura’s point, and how he used the politics of division to achieve office, we need to think about issues in a more complex way, where Ventura’s position (liberal on one issue, conservative on another) is possible.

**Moving to More than One Dimension**

**The Paradox of Voting**

So far we have assumed that the policy choices before voters can be represented along a single liberal conservative dimension. But most issues that face voters are not so simple. Consider two issues that are often mentioned in election campaigns – governmental control over the economy and abortion. To think graphically about voter choices in this situation, we need to be able to represent a voter’s utility in a two-dimensional space as in Figure 9-1. Positions on abortion are measured along the horizontal axis. At position 0, there is no abortion allowed and as we move right along the horizontal axis from zero, the level of abortion allowed increases so that at the furthest right position, unlimited abortions are allowed. Positions on governmental control of the economy are measured along the vertical axis. At position 0 there is very little governmental involvement in the economy and as we move up the vertical axis from zero the degree of governmental control of the economy increases such that at the highest position, there is a large amount of governmental control over the economy. We can think of a single voter, say Aaron, whose ideal position on the combination of these issues is point A, which corresponds to position a₁ on abortion and a₂ on the degree of governmental control over the economy.

In Chapter 3, we represented a voter’s ideal point in a single-dimension issue space, as in Figure 3-1. As policy moved away from her ideal point, her utility declined. The same thing is true in the two-dimensional space. The way to think about point A is that it is the top of a mountain of utility for Aaron and as policy moves away from point A, it is like climbing down the mountain and a decrease in utility. The circle labeled I represents a set of points equal distant from A. They are like a set of points that are all at the same equal height up the mountain. Since the points all give Aaron the same utility, we call the curve an indifference curve – that is, Aaron is indifferent between these positions. Aaron is thus indifferent between the combination of policies at point B and the combination of policies at point C. He would prefer, however, policy combinations closer to A and he prefers B and C to all points further from A. There are actually an infinite number of indifference curves, just as there are an infinite number of heights of a
mountain. For every possible combination of positions on the two issues of abortion and governmental control of the economy, there is an indifference curve and a corresponding level of utility for Aaron associated with that indifference curve, just like every inch of a mountain has a height associated with it.

Now let’s add two other voters to our example, Ellen and Tom. The points E and T represent the two voters’ ideal points and, as with Aaron, these points are like the top of their utility mountains, so that as we move away from these points, their utility declines. What happens if we now have two candidates, say for governor, Ventura and Humphrey who choose positions in order to win?\footnote{One of Jesse Ventura’s opponents for the governorship in Minnesota was Attorney General Hubert Humphrey III, known as “Skip.”} Where will the candidates locate?

Suppose that Ventura chooses a policy position at point V, which is where the indifference curves for Aaron and Ellen are just touching each other. But Humphrey can easily defeat this position by choosing a policy position at point H, which is closer to Aaron’s and Tom’s ideal points than V. So Aaron and Tom will vote for Humphrey, while Ellen will vote for Ventura. But Ventura can defeat Humphrey by choosing a position at V*, which is closer to Ellen’s and Tom’s ideal points, leaving Aaron to vote alone for Humphrey. However, Humphrey can defeat this position as well by moving as and then Ventura will want to move and on and on. It turns out that there is no equilibrium set of positions for Ventura and Humphrey. That is, for every position that Ventura might take, Humphrey can choose a position that will defeat Ventura. Similarly, for every position that Humphrey might take, Ventura can choose a position that will defeat Humphrey.

The problem facing the candidates and voters is what is generally called the \textit{paradox of voting} – the fact that it is easy to construct majority voting situations like the one above where there is no equilibrium. We saw this paradox earlier in our discussion of the choices faced by a Congressional committee choosing how to allocate military bases (see Chapter 6). This is a paradox that has been known for many years – most credit Condorcet, a French revolutionary, with its discovery, but more recently we have recognized that Condorcet re-discovered what was already known.\footnote{See Ian McLean and Arnold B. Urken, eds., \textit{Classics of Social Choice} (Ann Arbor: University of Michigan Press, 1993). See Shepsle and Bonchek for a detailed discussion of Condorcet’s paradox.}

\textbf{The Paradox of Voting and American Elections}

We rarely think about Condorcet’s paradox and it is certainly not often discussed in works on American elections. Why? We often ignore it because the policy choices in American elections can usually be organized in a single liberal/conservative dimension that, while it may vary over time, is usually stable for long periods. How does this work? Consider two issues that divide the two political parties today – restriction of abortion and governmental control over the economy. Figure 9-3 gives an example of the two party positions on these issues at D and R respectively. The Democratic party has a position of d₁ on abortion (few restrictions) and d₂ on governmental control (high governmental involvement) over the economy. Similarly, the Republican party has a position of r₁ on abortion (significant restrictions on abortion) and r₂ on governmental control of the economy (little governmental control of the economy).
We can think of the policy positions as being determined by the members of those parties through the candidates they have selected in the past and the positions these candidates have advocated. These parties have major status because in the past they have managed to be the dominant two parties in electoral competition. The electoral institutions across the states give them, with varying degrees, easier access to ballots and they both have managed, in the past, to have a set of existing party members who participate in the process of choosing the party positions. They have a set of voters they have mobilized and existing relationships with campaign contributions and interest groups. We saw in Chapter 3, when working in a single liberal/conservative dimension, if the two major political parties choose their candidates for the general election in some sort of primary process that is principally dominated by party members with more extreme preferences and there is uncertainty about the preferences of voters in the general election, then the parties will align at different points in the distribution of preferences. This is also true when policy is multidimensional as well.  

The party policy positions structure the debate over policy. Bob, whose ideal point is at point B, is what is normally thought of as a middle of the road voter, who slightly prefers the Republican party since it is closer to him ideologically (this is what Larry King means by centrist in the quote above). But consider Aaron, whose ideal point is given by point A on the graph (who is more what Ventura thinks of as centrist). Aaron’s ideal policy position on issue 1 is the same as the Democratic party while Aaron’s ideal policy position on issue 2 is the same as the Republican party. However, in terms of distance of points, Aaron’s ideal point is closer to the Democrats than to Republicans. Thus, point D is on an indifference curve that is closer to Aaron’s ideal point than R is. If Aaron sees his policy choices as between D and R, then he prefers D over R and thus will vote for D, even though R’s position on issue 2 is at his ideal point.

**The Meaning of Liberal and Conservative**

We can think of the bold line connecting D and R as the liberal/conservative alignment of issues in the country as defined by the two parties. Some voters’ ideal points will be close to that line and thus, their preferences will be easy to describe by the terms liberal/conservative like Bob, as defined by the two major parties. But what about Aaron, who prefers that both abortion and government control of the economy be less restricted? Aaron is not easily characterized in terms of being a liberal, conservative, or moderate. Since Aaron’s ideal point is closest to the Democrats, he prefers them. But is Aaron a liberal? A conservative? A moderate? We would usually say that Aaron is a liberal on abortion policy, but a conservative on government’s involvement in the economy, using the labels for the parties (Democrats as the liberal party, Republicans as the conservative party) to correspondingly define what it means to be liberal or conservative on these two policy issues. Aaron is like Jesse Ventura (economically conservative and socially liberal)

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348 See Wittman xxxx and Calvert 198x. The mathematics of how this works is a bit complicated and beyond the scope of this text. But intuitively the candidates diverge for the same reasons that they did in chapter 4. Of course, we are assuming that the members of each party have somehow solved the paradox of voting for themselves. Later in the chapter we discuss how porousness in the parties leads to some instability in these choices over time. We can think of these positions as largely influenced by status quo biases in the way policy is made which allows us to think of them as fixed in the short run.
These definitions are entirely arbitrary. Democrats and Republicans could conceivably have positions as in Figure 9-4, where Democrats advocate more restrictive abortion and a high degree of government control of the economy and Republicans advocates the opposite. We would then say restrictions on abortion is a “liberal” position and that less restrictions on abortion is the “conservative” position. In Figure 9-4 Aaron’s preferences (at point A) are consistent with the liberal/conservative dimension established by the party positions and B is the oddball.

**Can Minor Party or Independent Candidates Succeed in American Elections?**

**Ventura’s Unlikely Achievement**

In the Minnesota’s governor’s race in 1998, the Republican candidate Norman Coleman was solidly against abortion and for lower taxes and less governmental control of the economy, the typical R position in Figure 9-3. The Democratic candidate Humphrey was against abortion control, but in favor of more involvement of the government in the economy, the typical D position in Figure 9-3. Jesse Ventura was pro-choice on abortion and for less taxes, like Aaron. If Ventura could find enough voters like Aaron, who preferred his positions to both Humphrey’s and Coleman’s he could win. He only needed a plurality of the vote, that is more than the other candidates, but not a majority. Yet he needed to convince these voters that they would not be wasting their vote or their time by going to the polls and supporting him. Aaron’s second choice would be Humphrey. If Aaron thought that Ventura would not get enough votes to win, come in third, then he would be better off voting strategically for Humphrey in order to prevent a win by Coleman, his least preferred candidate. Ventura needed voters like Aaron to coordinate on him rather than Humphrey. He also needed to attract voters whose first preference was for him, but second preference was Coleman – also keep these voters from voting strategically for Coleman. Finally, other voters might prefer Ventura and be indifferent between Coleman or Humphrey. If they thought the race would primarily be between Coleman and Humphrey, and that Ventura had little chance, they would just abstain and not vote. Ventura needed to convince these disaffected voters to turnout, he needed to mobilize them.

Ventura was not just any former pro-wrestler. He had already been in politics, serving as mayor of a suburb of Minneapolis for four years. He also had a radio talk show where he had often discussed policy issues and his views on these issues.449 As we saw in chapter 5, getting voters to know a candidate and his or her policy positions can increase the expected utility that voters get from that candidate’s election and change their preferences. Many minor party and independent candidates do not have the advantages that Ventura had. According to Dean Barkley, Ventura’s campaign chairman, it was this advantage plus his policy positions that caused Barkley and others to encourage Ventura to run for governor as a minor party candidate. In October 1997 Ventura and his campaign managers met at the Famous Dave’s restaurant in Ventura’s home town of Maple Grove, Minnesota, and they laid out their plan – to have a 24% of support in the polls in October 1998 (thus enough to seem viable to voters against two

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449 Ventura was forced to leave the talk show host when he officially filed his candidacy on July 21 because of fears that the Federal Communications Commission would require that the station give equal time to other candidates (Ventura’s talk show gave him three hours of air time each day).
other candidates with about 38% each – in mid October Ventura’s support was 21%), to be included in all debates and do well in the debates (again so that voters would see Ventura as an equal to the major party candidates – viable – plus learn Ventura’s policy positions and observe his ability to handle issues), and finally “to raise $400,000 to $500,000 to spend on paid media for the last 2 weeks of the election to motivate enough of the non-voting public to carry him past the 35% to 38% that would be needed to win” and to “motivate the young voters to vote’ (in both cases going after voters who they perceived were not already mobilized by the major political parties and thus more likely to vote for Ventura if attracted by his positions).\footnote{Smith, Dane, “Diary of an Upset,” \textit{Minneapolis Star-Tribune}, November 8, 1998.}

Ventura benefited from a number of aspects of Minnesota’s political system in fulfilling his game plan. He was able to participate in a large number of free public forums to debate the issues – many civic associations and interest groups had such meetings (Norman Coleman did not attend many of these early forums because he did not want to be involved in debating Democratic candidates before their primary and the nomination had been decided). Ventura was allowed to take part in the later major debates with Coleman and Humphrey. He also participated in a number of summer festivals and parades. He had less money woes than many minor party and independent candidates because Minnesota’s public financing system both limited how much the major party candidates could spend for governor to $2.1 million each and Ventura could qualify for public money if he just raised $35,000 in $50 contributions by the end of August and received more than 5% of the vote in the election. But to spend the money prior to the election, he needed to get a bank to loan him the money. Banks were reluctant, but with the help of a Minneapolis city council member a bank loan was received in time for him to run ads. The ads then attracted more money, bringing in $10,000 a day (as contributors began to see Ventura as viable).

The final effort that convinced voters to turn out for him was a 72-hour tour to the areas of the state where his campaign staff estimated the types of voters they needed were most likely to congregate and to get free media coverage in those areas. Ventura’s campaign did not have the resources to mount the traditional “get out the vote” effort of a party organization. As Barkley related, their idea was to “target the media centers in the areas we needed to reach and as many colleges as possible. The campaign dropped everything else to work on this final 72 hour drive to victory. We did not know whether or not it would work, but it did. The crowds we attracted and the media coverage was better than we had hoped for. It could just as easily have been a big flop. It was risky, we knew it, but we pulled it off.”\footnote{Dean Barkley quoted in Smith, Dane, “Diary of an Upset,” \textit{Minneapolis Star-Tribune}, November 8, 1998.} Because Minnesota allows voters to register at the polls, rather than in advance, mobilization of new voters was much easier for Ventura than if he had been in most other states, which require registration of 30 days in advance. With one last television ad before the campaign showing Ventura as “The Thinker” in Rodin’s famous sculpture, Ventura was able to win with 37% of the vote to Coleman’s 34% and Humphrey’s 28% (Ventura received more disaffected Democratic support than Republican).
Ventura’s Failure

The year Ventura won office Minnesota was a state whose economy, like the nation’s, was doing extraordinarily well. When the legislature adjourned in April 1998 it had disposed of $4 billion in revenue surpluses in the form of one-time tax rebates, property tax reductions, education and health programs, and public works projects. Ventura sent out “Jesse checks” to voters once he got in office, nearly every year. But he had difficulties. He was a “party of one” and the two major parties controlled the state legislature. An economic downturn began in spring of 2001 suggesting a budget shortfall and with the already approved tax cuts and rebates, negotiations with the state’s largest public employees union faltered resulting in a strike of 20,000 workers. Public criticism of Ventura’s job performance such as his moonlighting as a broadcaster on television and willingness to use money from national media to finance a visit to Ground Zero in Manhattan increased. But Ventura tackled these problems head on. He presented to the legislature “a sweeping multi-year budget fix – a mix of tax increases on gasoline and tobacco, across-the-board cuts to state government, his own office, local governments and schools. . . . It was dead on arrival. Republicans opposed to the tax increase and DFLers [Democrats] opposed to program cuts, ganged up to ram through a plan that balanced the budget by draining much of the state’s reserves. When Ventura vetoed it, they overrode the veto by overwhelming margins. . . . The master of triangulation had been sidelined.” 352

It was Ventura against the legislature, and since the two major parties were united with veto proof majorities, Ventura lost. The battle became comical, with the legislature cutting Ventura’s security budget. Ventura closed the governor’s mansion (only his 22 year old son actually lived there) and fired the staff. Even when public funds were restored, he refused to rehire them. The staff went public with Ventura’s son’s late night parties, food and liquor expenditures, and damage to state-owned furnishings. Shortly after Ventura announced that he would not seek a second term. In 2002, Ventura’s Independence Party’s nominee Tim Penny got only 16.18% of the vote to Republican Tim Pawlenty’s 44.37% and Democrat Roger Moe’s 36.46%. The Independence Party candidate for Senator got 2% of the vote. Minor party candidates received 3.4% of the vote in Congressional races in Minnesota. The Independence party had only one success, electing state Senator Sheila Kiscaden, who had been in office since 1992 but switched from the Republican party when her local GOP party endorsed a candidate who had a more conservative position on abortion.

Was it Jesse?

Jessie Ventura’s lack of success in building an enduring “third force” in Minnesota politics could be chalked up to the effects of “personality” and the “economy” but such a conclusion would be short sighted. When Ventura won the governorship he was not the only independent governor in the state – in 1998 Maine’s Independent governor Angus King was reelected for his second term. King similarly was able to win election in 1994 by taking votes away from both major party candidates. Dennis Bailey, King’s campaign spokesman summarized how King, like Ventura a social moderate and

352 In Minnesota the state Democratic party is known as the Democratic Farmer Labor party or DFL.
a fiscal conservative, attracted voters: “Angus owns the big middle, and the parties have become captives of their extremes, which is something they may have to do to win primaries but is not at all where Maine people are.” As a multi-millionaire King was able to finance his election himself to communicate with voters and he, like Ventura, was already well known to the public as a host of a public television talk show for 18 years. While King faced difficulties with the state legislature, he benefited from the better economic situation in Maine during his terms and had less problems getting agreement with the legislature to enact policies he preferred. He had high job approval ratings throughout his years in office.

But King was not eligible to run again in 2002. He left office and with his family moved into an RV for a perimeter tour of the country. He was replaced with a Democrat in a contest where the two non major party candidates together managed only 11.38% of the vote. In the U.S. Senate race and the Congressional races in Maine, no minor party or independent candidates received votes. One Green party member, John Eder, and three independents were elected to the 151-seat Maine state House – the rest and all of the state Senate are either Republicans or Democrats.

Eder campaigned hard to get his office – spending a year knocking on doors, meeting nearly every voter and spending hours discussing problems with voters. But Eder quickly learned that being a “party of one” does not make life as a legislator easy, as he related: “There is the party stuff, there are issues and then there are relationships. The last one, relationships, that’s really the only neighborhood I have to work in. I have no party power. It is just me.” Despite representing an urban area, his only committee assignment was Agriculture. His proposals had to be “repackaged by Democrats, who then guided the bills to passage.” He votes with Democrats “99.9% of the time.” In this sense, Eder, unlike King and Ventura, is more clearly closer to the Democratic policy position than the Republicans, and thus is more of a direct competition for the existing Democratic party. Democrats clearly see this and don’t want him there, after his election the legislature voted new district lines which would force him to go against a Democratic incumbent if he tried to be reelected. The three independents in Maine also work through the major parties to accomplish legislation and have not attempted to build any formal party organization that would compete with the major parties. Notwithstanding having little of the baggage of Ventura, King’s success as an independent did not significantly diminish the control of the major political parties over Maine’s politics or the representation of Maine’s political preferences in national politics.

How Many Minor Party and Independent Candidates Are There?

Are King’s and Ventura’s experiences the norm? Table 9-3 summaries the distribution of US Senators, Congress members, governors and state legislators by party affiliation after the 2002 federal election. In congress, success of minor party and independent candidates is rare although many try. In the 2000 election, 55% of the candidates for the Senate and 40% of the candidates for the House were independent or

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355 Not surprisingly, the only previous state representative elected as a Green, Audie Bock, after failing to be reelected became a Democrat. Bock reportedly told her staffers: “Don’t expect doors are going to open to you. You’re really going to have to beat your head against the wall every day.” See Mehren 2003.
third party candidates, but only two were elected, Bernard Sanders of Vermont and Virgil Goode of Virginia, both incumbents. Running as an Independent was only a step on the way to party switching for Goode, who had first been elected in 1996 as a Democrat and became a Republican in 2002. Sanders, although an Independent, caucuses with Democrats, as does his fellow Vermonter, Independent Senator James Jeffords (Jeffords ran as a Republican in 2000). In 2002, 72 minor party or independent candidates for the U.S. Senate and 402 for the U.S. House raised $3.4 million in campaign receipts as reported by the Federal Elections Commission. Yet only Bernard Sanders won office. Jesse Ventura appointed Independence Party member Dean Barkley to finish out Senator Paul Wellstone’s term after his death in 2002, but he was replaced by the newly elected Republican Senator Norman Coleman (Ventura’s old foe).

At the state and local level, minor parties and independent candidates have had more success. In the 1930s, Minnesota’s Farmer-Labor Party and Wisconsin’s Progressives won gubernatorial elections and legislative majorities (see Jewell and Olson 1982). In 1990, former Republican Congressman Lowell Weicker formed a third party, A Connecticut Party, and won the governorship with 40% of the vote against Democratic and Republican candidates. Former Republican Governor Walter J. Hickel won his governorship the same year as a member of the Alaska Independence Party with 39% of the vote. Recently, Socialists have served as mayors of Burlington, Vermont (Sanders before he went to Congress) and Iowa City, Iowa. While no Libertarians held elected office in 2002, it has been arguably the most successful of the existing minor parties in the last fifty years, winning more state legislative elections than any other minor party in and with a national vote in U.S. House elections exceeding 1% in 2000 and 2002. Since 1920 it has had candidates on the ballot for a majority of U.S. House elections. Libertarians elected a state legislator in Alaska in 1978, two in 1980, and one in 1984. In New Hampshire Libertarians elected 4 state legislators in 1992, two in 1994, and one in 2000. Vermont Libertarians elected a state legislator in 1998.356

1182 minor party and independent candidates ran for state legislative seats in 2002, 21 were successful. None of the 315 minor party and independents who ran for state-wide non federal elected office (governor, lieutenant governor, secretary of state, etc.) were successful. Table 9-4 presents details on the 22 (including one party switcher after the 2002 election) minor party and independent state legislators serving in 2002 (excluding Nebraska where the legislature is unicameral and nonpartisan).

Of the 22 minor party and independent state legislators, the ones who have had potentially the biggest impact have done so by being swing votes in battles between the two major parties over control. Vermont’s Progressive Party was the original home of Bernie Sanders and its members and the independents in the state legislature (the largest number of minor party and independent members in a state legislature) were recently the swing votes on issues of organization of the legislature. However, since the votes were conducted by secret ballot, it is unclear how much influence the Progressives and Independents in the state exercise. More clearly was the recent influence of Virginia’s Lacey E. Putney, who became an Independent in 1967 but began to caucus with Republicans only recently when the legislature became 49 Republicans to 50 Democrats. By giving his vote to Republicans he allowed that party to have parity with Democrats and was rewarded with a prime committee chairmanship as a reward. Putney’s

experience as a Democrat, then an Independent, then working with Republicans has been a route taken by a number of southern legislators both in state legislatures and in Congress (in Table 9-4 – Tommy Horne and Watkins Abbit and in Congress, Virgil Goode of Virginia). These changes reflect growing strength of the Republican party in the south during the 1980s and 1990s and a southern Democratic party becoming more liberal – changes which we will address further in Chapter 10.

Five of the 22 state legislators in Table 9-4 have worked with major parties but chose to run as independents or minor party candidates either because of local party opposition to their candidacy or to avoid facing an incumbent in their own party’s primary believing they can defeat that candidate more easily in the general election (Sheila Kiscaden, discussed above; Buddy DeLoach in 2000; Williams Lantigua; Tom Cameron; and William T. McManus). The use of independent status to bypass primary competition in one’s own political party has also been used successfully by a number of past and present members of Congress. For example, the powerful late Democratic Representative Joseph Moakley first won office as an Independent after having lost the Democratic primary in a previous try to win a seat in Congress. Similarly, former Republican Representative Ron Packard (who did not seek reelection in 2000) successfully first won office as a write-in candidate, challenging the party’s nominee who had defeated him in the Republican primary after new scandalous information about the nominee became public. Current Republican House Member Jo Ann Emerson who ran as an Independent when she had missed the filing deadline for the primary to replace the incumbent representative, her husband Bill Emerson, who died in office.

The lesson that bypassing the party is a possibility has not been lost on other candidates – Williams Lantigua remarked during his campaign in 2002: “I’m doing what the late Joe Moakley did.” Lantigua chose to run as an Independent because he was worried that Hispanic voters, his primary supporters, would have difficulty coordinating in the primary. He explained that “he went independent to get a one-on-one shot at [Incumbent Democratic Representative Jose] Santiago, skirting a crowded primary in which the Hispanic vote would have been split three ways against an Anglo city councilor who ultimately finished second to Santiago.”

The option to run as an Independent, minor party, or write-in candidate because a candidate believes he or she has a better chance in the general election will of course vary by states’ rules on ballot access. The lower the barriers to choosing that option and the more able a candidate is to convey his or her message to voters without major party endorsement, the more likely candidates will choose this option.

In Georgia state legislator Buddy DeLoach’s case the decision to run as an independent in order to avoid a possible primary loss ended up “sticking” in a way that surprised him: “I saw it strictly as an alternative method of getting on the ballot,” Mr. DeLoach said. “But my folks at home saw it as a switch to move out of the Republican Party and become a true independent, no matter how many times I tried to explain it otherwise. It became apparent to me that, having been elected that way, I was going to have to serve that way. Now that I’m here . . . I feel very positive about the move, and I think my constituents feel the same way.” DeLoach, having originally served as Democratic mayor and several terms in the Georgia state legislature as a Republican and making it clear prior to his party change that he still saw himself as a

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conservative has had little observable trouble as a party of one: “‘People have had some fun with it,’ said Minority Leader Lynn Westmoreland, R-Sharpsburg, of Mr. DeLoach’s new status as the only independent in the 236-member General Assembly. ‘Both sides of the aisle respect Buddy, so it’s been taken in good harmony.’”

Wins by minor party and independent candidates are still rare. The vast majority, even at the state and local levels, fail to win, even when they see themselves as major party candidates in disguise. North Carolinian Democrat Gene Gay lost the Democratic primary to challenge incumbent Republican U.S. Representative Sue Myrick in 2000, but because Congressional candidates are not required to live in the districts they represent, he filed as a write-in candidate for the 2000 contest against Republican incumbent U.S. Representative Howard Coble, who had no Democratic competition. Gay received only 632 votes.

**Do Voters Vote for Minor Party or Independent Candidates?**

As these election results show, voters do not always support the major parties in American elections. Since the Civil War, third party presidential candidates received over 10% of the popular vote in 1912, 1924, 1968, and 1992. Votes for minor party presidential candidates have resulted in 17 out of 41 presidents winning office with less than a majority of the popular vote. In the last 40 years there have been three significant independent or minor party candidates for president in the United States: George Wallace in 1968 with 13.5% of the vote, John Anderson in 1980 with 7.1% of the vote, and Ross Perot in 1992 with 18.9% of the vote and in 1996 with 8.4% of the vote.

For these elections, the National Election Study (NES) surveyed voters asking them how they voted (this survey is conducted obviously after the election). But the survey also asks the voters about their “feelings” about the candidates. Voters are asked to rate the candidates on what has been called a “feeling thermometer” as shown in Figure 9-5. Notice that it measures a voter’s feelings about the candidates much the way we use thermometers to measure temperatures. If a voter rates a candidate at 0 on the thermometer it means the voter has a very cold or unfavorable feeling about the candidate, but if the voter rates the candidate at 100 it means the voter has a very warm or favorable feeling about the candidate. The dividing line between cold and warm is 50 and represents no feeling at all or indifference.

By comparing the ratings that these voters make about the candidates, we can get a measure of their preferences over these candidates. For example, suppose it is the 1996 presidential election. In this election, the three major candidates were Republican Bob Dole, Democrat Bill Clinton, and Reform Party candidate Ross Perot. If a voter rated Dole at 85, Perot at 50 and Clinton at 40, we could say that Dole was his first preference, Perot his second, and Clinton his third. Sometimes voters rate candidates equally (like the B voters in our model of the New York 1970 Senate race).359

One way to measure how much voters coordinate is to measure how often voters who preferred the third party or independent candidate in these presidential elections

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358 Williams, Dave, “Caucus has lone member Assembly members adjust to lawmaker’s status as only independent representative,” *Augusta Chronicle*, Tuesday, February 20, 2001.
359 Sometimes voters fail to rate all the candidates, which happens more often with third party or independent candidates. Also, voters often rate candidates they know little about at the midpoint.
voted strategically for their second preferred candidate. Table 9-5 presents this comparison.

Notice that when a voter’s first preference is a major party candidate, she almost always votes for that candidate. 6% or less of voters whose most preferred candidate is a major party candidate voted for a minor party candidate. Note that this percentage is lowest when the election contest between the two major party candidates was closest, i.e. 2000. In this case less than 1% of major party supporters voted for a minor party candidate.

However, voters whose first preference is a minor party or independent candidate much more often vote for a candidate who is not their first preference. This tendency has varied over time, was lowest in 1968 and highest in 2000 when 71% of Nader supporters deserted his candidacy. Interestingly, the three elections where the tendency was highest (1980, 1996, 2000); were cases where the percent of vote the received by the minor party or independent candidate was less than 10%. And the two elections where the tendency was lowest, (1968 and 1992), were cases where the minor party or independent candidate received more than 10% of the vote. This suggests that the voters were more likely to vote for their first preference when that candidate had a greater vote total although this is clearly crude evidence. Even so, voters were much more likely to desert their first preference if their first preference was a minor party or independent candidate, suggesting strategic voting by these voters.

**Party Labels as Information and Coordination Devices**

The above analysis of strategic voting assumes that voters know their preferences, which is probably more likely in presidential contests than in lower level races. Ventura and King were successful in large part because they had each had a significant public forum for their views on political issues prior to choosing to run for office and during the campaign they each had access to financial resources and forums to convey information to voters about their policy positions and their capabilities. We have already noted that risk averse voters who are less informed about a candidate’s position is likely to have a lower expected utility from that candidate winning and more likely to prefer a candidate better known, even if the voter thinks that the unknown candidate might have positions closer to the voter’s preferences (see Chapter 4). Party labels can also serve as an information source to voters about a candidate’s policy positions, decreasing the uncertainty a voter has over the candidate and increasing the voter’s expected utility from voting for that candidate. Candidates who choose to run as minor party or independent candidates then lose that advantage with voters since voters know less about the minor parties and even less about the positions of an independent candidate a priori. Joe Moakley won as an independent partly because voters knew him – he was already a fixture in the district’s politics, serving in the state senate. He was also clear about claiming the Democratic party label even as he ran as an Independent. It is not unusual that Progressives are somewhat successful in Vermont, where they already have a known reputation with representatives in the state legislature and party members who have served as mayors, but less successful in other parts of the country.

Party labels can also serve as a coordinating devise for voters in gaining expectations about which candidates are likely to be first or second in the race. One reason why Ottinger and Goodell voters had difficulty coordinating in 1970 was because
the normal party labeling in most New York elections with the liberal and Democratic parties coordinating on one candidate and the conservative and Republican parties coordinating on a different candidate did not happen. Thus, voters could not rule out a close race between all three candidates. When Ventura ran for governor, he and his advisors knew that the prevailing assumption would be that the race would be between the Democratic and Republican candidates for governor with him a distant third and he would have to change those expectations.

Nonpartisan Elections, Majority Requirements, and Coordination

Nonpartisan Elections

After World War II, sun-belt cities like San Antonio grew significantly with growth in oil and other industries. Business leaders in the city were concerned that the machine politics that existed (similar to Plunkitt’s rule in New York and Daley’s in Chicago, described in Chapter 2) would limit the ability of the city to provide public services and the infrastructure that new businesses required. The city changed to an appointed city-manager form of government with a city council elected at large in nonpartisan elections (and the council was prohibited from interfering with the city manager’s day to day administration of the city). A nonpartisan election is where all the candidates are listed on the ballot without party affiliation if they gained ballot access by either submitting a petition or paying a filing fee (or both). Each council member was elected in a separate contest (the seats in the council were “numbered places” and voters voted for one candidate for each place) and after the election, one was selected as mayor.

The new system allowed for the local Good Government League in San Antonio, which was well financed by the business leaders, to put forward a slate of nominees for city council and for voters to coordinate behind those nominees until the early 1970s. Since the elections were at-large it was difficult for the old ward based political organizations to have the resources to mobilize enough voters city wide to defeat the Good Government candidates or for alternative organizations to elect more than one or two council members, particularly without the party labels for the voters to use both as information and coordinating devices. It allowed for conservative Democrats and Republicans (a small but growing group in Texas at the time) to coordinate behind business favored candidates over candidates favored by liberals. When San Antonio’s city council changed to district elections but kept the nonpartisan structure in the mid 1970s, Rosales (2000) contends that the nonpartisan nature of the elections made the campaigns in each council district individualized and elections candidate-centered by district, hurting the ability of a city-wide organization to develop.

San Antonio was actually late in adopting nonpartisan elections, one of the first printed ballots in the nation, used in a Louisville, Kentucky municipal election in 1888 was nonpartisan.\textsuperscript{360} By the 1990s, about 2/3 of municipal elections in the United States are nonpartisan and one-half of judicial elections. Chicago adopted nonpartisan elections in 1997. As noted in our discussion of primary elections in Chapter 3, Louisiana uses nonpartisan elections statewide and Nebraska uses nonpartisan elections to select their state legislators. In one sense, by lessening the influence of major party elites and party labels, nonpartisan elections might be seen as a way for independents and minor party

\footnote{360 See Bott 1991, page 145.}
candidates to achieve office. Certainly, during the Progressive movement they were used, like in San Antonio, as a method whereby business establishment leaders and governmental reformers could take control over a jurisdiction from the existing party machine.

It is unclear how much nonpartisan elections in state and local contests truly break down major party influence in those areas. In some nonpartisan elections such as Louisiana, parties endorse candidates, and thus play a role even though the election is officially nonpartisan and a party endorsement is not required or part of the process of getting on the ballot. To the extent that candidates seek upward political mobility and recognize that such mobility is through major party nominations for higher level offices, they are likely to be involved in local major party organizations. San Antonio business leaders also maintained control over the leadership of the local Democratic party during the 1950s and 1960s, and this helped them prevent liberals in the party from using it as an alternative organization to the Good Government League.

If nonpartisan elected officials serve in Congress, as do Louisiana’s nonpartisan elected U.S. Representatives and Senators, they recognize that major party membership (or at a minimum some sort of affiliation as Sanders and Jeffords have) may be necessary to have a role in that body. In Louisiana nonpartisan elections were instituted as an effort to reduce the likelihood that the state would become Republican as the Republican party gained power in the south with white support after black voters were enfranchised and became more important in the Democratic party. As in San Antonio, the idea was that nonpartisan elections allowed conservatives to vote together without taking on major party affiliations. Voters are registering less according to party since participation in party primaries is not part of the electoral process. In 1982, only 6% of Louisiana voters were registered as independents (shortly after the state instituted nonpartisan elections), but twenty years later 19% of voters are registered without a party affiliation (other states that record party registration saw little change in the percent of registered independents over the twenty years, see Jewell and Morehouse (2001)).

Nevertheless, only one state legislator in Louisiana is a true independent (Victor Stelly) and he became an independent after announcing he would not seek reelection to the legislature (although some have suggested he might seek other offices in the state). The remaining elected offices are filled by party affiliated candidates. Republicans control the majority of Congressional seats in the state, although both Senate seats are held by moderate Democrats. While Nebraska’s legislature is selected in nonpartisan elections and the state, like Louisiana, has experienced a similar creep up in the number of registered independents and minor party voters (6% in 1982 to 14% in 2002), the rest of the officials elected in the state are chosen in partisan contests and minor party and independent candidates have met with little success. In Chicago, the change to nonpartisan elections was accompanied by an increase in the signature requirement to get ballot access – prior to the change a Democratic candidate for mayor needed only 2,261 signatures on a petition but after the change, a nonpartisan candidate for mayor needed

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361 Oregon and Nevada saw increases, while Kansas experienced a significant decrease, in most states there was little change. In California the percentage choosing minor party or “decline to state” grew steadily from about 5 percent in 1970 to about 20 percent today [I thank Gary Jacobson for pointing this out].
25,000 signatures. The effect was a noticeable decrease in the number of candidates running for city-wide office in Chicago of all types.\textsuperscript{362}

\textbf{Louisiana’s Spicy Politics}

Chicago also introduced a majority requirement as well, a common accompaniment of nonpartisan elections such as in Louisiana. If a candidate does not receive a majority of the vote, then the two candidates with the highest vote totals face each other in a runoff election. Majority requirements are also used in some partisan elections as in Georgia. One runoff election for governor in Louisiana in 1991 attracted national attention. The incumbent governor running for reelection, Republican Buddy Roemer, was unpopular because he had raised taxes after promising not to do so and had tried to institute a teacher certification program that was extremely unpopular with educators. He had tried to pass a comprehensive change in the tax structure, but failed (see discussion in Chapter 5). Former governor Democrat Edwin Edwards, who had been tried but acquitted on corruption charges, was his opponent.\textsuperscript{365} So both Roemer and Edwards had supporters, but neither were seen as overwhelming desirable by the majority of the voters.

This in itself no doubt would have attracted some attention, but a third candidate had also entered the race, David Duke. Duke was notorious as an active Nazi sympathizer through 1989 and a former leader of the Ku Klux Klan. During the election campaign, Duke minimized his anti-Semitic and racist statements that had been part of his rhetoric in the past. He appealed to conservative white voters who felt unrepresented by the major political parties who they believed were catering to the preferences of more liberal and minority voters.\textsuperscript{364} Like the New York senate race of 1970, all three candidates had vocal supporters – and Duke was perceived to potentially have a plurality of the vote (i.e. more than either Roemer or Edwards) since he had managed to gain 59\% of the white vote in an previous unsuccessful attempt to challenge Democratic Senator John Breaux.\textsuperscript{365} Many of the supporters of Roemer and Edwards vehemently opposed Duke. That is, for many Roemer supporters their second preference was Edwards and for many Edwards supporters their second preference was Roemer. Like the G and O voters in New York in 1970, these Roemer and Edwards supporters faced a problem of coordination. The Roemer and Edwards supporters feared that if everyone voted sincerely, Duke would receive the most votes, like Buckley had, and win election.


\textsuperscript{363} Edwards was later convicted in May 2000 for corruption charges related to riverboat gambling in the state.

\textsuperscript{364} Later Duke returned to promoting a neo-Nazi position and self-published an autobiography modeled on Hitler’s Mein Kampf called My Awakening where he called Aryans to action to protect the white European heritage from Jews and non-whites. Duke pleaded guilty to tax and mail fraud in late 2002 and, like Edwards, at the time of this writing is serving his sentence in a Texas prison.

\textsuperscript{365} Actually there were other candidates as well, but they had few supporters and received minimal votes.
Majority Requirements and Coordination

Voter Strategies

The majority requirement however made voter coordination easier. It meant that even if Duke, as feared, received a plurality of the vote, as long as he did not receive a majority, he would have to face the second place finisher in a runoff election. Roemer’s and Edwards’ supporters did not need to coordinate on a common candidate, and if they were certain that Duke did not have an outright majority, could let the election determine which of the two candidates made the runoff and then support him against Duke. As expected none of the three candidates received enough votes to win the governorship outright in 1991 – Edwards received 34% of the vote, Duke 32% and Roemer 27%.

Although Duke did not get a plurality of the vote as some feared, he did receive enough to challenge Edwards in the runoff election. In the runoff, Roemer supporters turned largely to Edwards despite their dislike of him and Edwards defeated Duke by 61% to 39% of the vote. The “No Dukes” advocates (who used a modification of the liberal call against nuclear power, “No Nukes”) coordinated around Edwards.

Suppose a majority requirement had existed in the 1970 New York Senate race such that if the plurality rule winner did not have more than 50% of the vote, the two highest vote receivers would have to face each other in a second run off election. Would the voters have behaved differently? Consider B voters. B voters still should vote sincerely for Buckley as before; the institution of a majority requirement would not change their choices. But what about G and O voters? What happens if G voters vote sincerely for Goodell and O voters vote sincerely for Ottinger? As before, Buckley would receive 40 votes, Goodell and Ottinger would each receive 30 votes.

But Buckley would not be the winner, since he would only have 40% of the vote, less than the 50% he would require. He would have to be in a runoff election with either Goodell or Ottinger who have tied for second place. Since there can be only two candidates in the runoff, there would be some sort of tie-breaking procedure that would select either Goodell or Ottinger (probably a coin toss) and the candidate selected would face Buckley in a race just between the two. Who would win? If Goodell won the coin toss, he would defeat Buckley in the runoff election (both G and O voters would vote for Goodell in the runoff and B would receive the B voters’ votes). If Ottinger won the coin toss, he would defeat Buckley in the runoff election (both G and O voters would vote for Ottinger in the runoff and B would receive the B voters’ votes). With a majority requirement, Buckley cannot win even if the G and O voters fail to coordinate.

One way to think about this analysis is that the majority requirement, in this case, works as a coordination device for the G and O voters. That is, G and O voters can vote sincerely for their most preferred candidates and “let” the coin toss serve determine which candidate faces Buckley. Then once that candidate is chosen, G and O voters can easily coordinate on the winner of the coin toss. They do not have to coordinate, the electoral system does it for them. As long as they perceive that Buckley cannot win a majority outright, this is a safe strategy.

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The vote total is less than 100% because of some votes receive by other candidates.
Voter Coordination May Still be Necessary

Majority requirements are not a panacea for the coordination problem faced by voters in plurality rule elections, however. Why is that? Most of our examples only have three viable candidates. As a result, we can be sure that at least one of the candidates in the runoff will be a candidate that a majority of the voters would coordinate on if able to do so. In our model of the New York Senate race, we can be sure that either Goodell or Ottinger will be in the runoff, and that one of these would have been the candidate their supporters would have coordinated on if they were able to. But if there are more than three viable candidates, it is quite possible that neither of the two candidates will be one that would be a candidate the voters would have coordinated on if they were able to. When more than three viable candidates exist, voters may find that they still need to coordinate electorally; they cannot rely on majority requirements to solve their coordination problem. To some extent this may have been the case when Buddy Roemer was elected to the governorship in Louisiana in 1987. He challenged incumbent Edwin Edwards but received only a plurality of the vote, 34% to Edwards 28% (U.S. Representatives Bob Livingston and Billy Tauzin received the remainder of the votes). Rather than face a runoff with Roemer, anticipating a loss, Edwards withdrew. Roemer was little known by many voters when he received 34% of the vote in the first election. Representatives Bob Livingston and Billy Tauzin, both strong candidates in the state, and like Roemer members of Congress, were similar in their conservative policy positions. At the beginning of the contest, Livingston was the favorite to beat Edwards, but “during the campaign it became clear that voters had decided that only a Democrat could beat Edwards . . . . In the end they turned to Roemer as the best alternative.”

Even in the nonpartisan contest for governor in Louisiana, voters used party labels as a way to coordinate. Moreover, when Roemer ran for reelection in 1991 he lost, leading to the Edwards runoff with Duke. Would Livingston or Tauzin similarly have lost in 1991?

Majority Requirements and Independent and Minor Party Candidates

While nonpartisan elections might make it easier for candidates to run without party labels and beat existing party candidates as in San Antonio in the 1950s, majority requirements can reduce the incentive to run for office if a candidate perceives that he or she cannot win with a plurality. Both Jesse Ventura and Angus King won governorships with less than a majority of the vote. A majority requirement would have meant a second election contest for them, one on one with a major party candidate with financial backing and sizeable party support. While King may have been successful and certainly won reelection with an outright majority because of the financial resources he had to spend on campaigning, Ventura, who barely managed to get the money he needed to run through bank loans, would have had more difficulty with a second contest. Majority requirements can disadvantage independent and minor party candidates who may lack financial resources to mount a campaign in two elections.

Reflecting the increased cost of achieving a win under majority requirements for candidates, there was significantly less entry in Congressional elections from 1982 to 1996 in states with majority requirements, i.e. the mean number of total candidates in

districts with no majority requirements was 4.13, while the mean number of total candidates in districts with majority requirements the mean number was 3.37.\footnote{This difference is highly statistically significant with a t-statistic of 8.2709.} The mean number of independent and minor party candidates was 0.73 in districts without majority requirements and 0.36 in districts with majority requirements.\footnote{This difference is highly statistically significant with a t-statistic of 12.6658.} Although the total number of candidates in gubernatorial races from 1991 to 1998 were unaffected by whether a state had majority requirements, the mean number of minor party and independent candidates in states without majority requirements was 1.59 to 0.89 in states with majority requirements, which is a statistically significant difference.\footnote{This difference is significant using a one-tailed test at the 95\% confidence level with a t-statistic of 1.6806.}

**Not Unique, but Rare . . .**

In summary, although there are instances where American voters fail to coordinate into the two electoral coalitions dominated by the Democrats and Republicans and minor party and independent candidates sometimes get elected, the vast majority of elected officials in American politics, at almost all levels of governments are members of the two major political parties. Voters, even when their first preference is a minor party candidate, display significant tendencies to vote strategically for major party candidates as the Nader voters did in 2000. Minor party and independent candidates, must struggle to make a difference in American electoral politics. If they have advantages like public financing or their own financial resources coupled with prior voter exposure to their positions in a public forum such as a radio or television talk show like Ventura and King or are willing to spend almost all of their time campaigning like Eder, they can get elected. Nonpartisan elections may increase the probability of election by reducing the role of major parties, but majority requirements can make that more difficult for candidates who have fewer financial resources. With luck and the help of elected officials from the major political parties, minor party and independent candidates can sometimes make policy accomplishments once in office (King is proud of his pro-education measures, Ventura is similarly pleased with his tax cuts, and Eder is happy that he managed to get a measure passed that limited pesticide use near schools). But the U.S. electoral system and the need to work with other elected officials once in office makes it exceptionally tough for them to translate their successes into more.

**The Implications for Policy Choices**

Our analysis suggests that the forces of plurality rule, use of electoral, explicit barriers to entry for minor party and independent candidates, and party elite domination of candidate nomination procedures, coupled with uncertainty about the median voter in general elections, is responsible for structuring US political choices. While candidates with policy preferences at variance with the major party positions like Ventura, King, Sheila Kiscaden, John Eder, sometimes succeed in achieving office, they must work with the major parties in affecting policy so that ultimately policy decisions are made along the liberal conservative dimension as defined by the political parties.

Is this empirically supported? Poole and Rosenthal, 1997, in a path breaking analysis examine the votes of members of Congress for over 200 years and the
dimensionality of those votes over time. They find that for almost all of this time the votes of members of Congress can be separated out in terms of two-dimensions – the first is a general liberal/conservative dimension as defined by the political parties and the second differentiates the members of Congress by region within each party. For most of the history of the United States the first dimension has been the principal division in American politics. During the civil rights period, the first dimension separated Democrats and Republicans while the second dimension separated northern from southern Democrats. However, Poole and Rosenthal point out “that the separation between northern and southern Democrats has decreased. This process has continued through the 101st Congress, to such an extent that the second dimension has all but disappeared. Indeed the modern Congress is truly unidimensional.” (page 46).

An example of how members of Congress’ voting records are largely along one dimension can be seen by examining the “scores” allocated by the National Journal (a national newsmagazine) on two types of issues, economic and social. Economic issues are like the issue of governmental control of the economy, whereas social issues are like the extent of restrictions on abortion. Figure 9-6 graphs the scores of Senators for 2000. Notice how the Republican scores are largely (with one exception, Senator Chafee from Rhode Island) clustered in the bottom right hand corner of Figure 9-6 and the Democratic scores are (with no exceptions) clustered in the top left hand corner. Only one Democratic Senator has a social liberalism score below 50 coupled with an economic liberalism score above 50 (Senator Breaux of Louisiana has the same score on social liberalism as Senator Specter of Pennsylvania). While there is variation across Senators, the absence of any Senators outside the blocks clustered in the corners is telling.

The Liberal/Conservative Dimension Over Time

While the parties clearly successfully structure what we think of as liberal and conservative and our policy choices, these do change over time. When we examined the gender gap in American politics we saw that there is support for the argument that there has been a change in how the parties and voters perceive themselves on issues of interest to women. How stable in general has the liberal/conservative dimension been over the course of United States history? In general, the liberal/conservative dimension that divides the political parties has been relatively stable for long periods although it certainly moves about in the policy space.

Poole and Rosenthal show that the division between the parties is stable unless a “cross-cutting” issue (an issue that has support and opposition in both parties) becomes “intense.” When this happens they maintain that the “dimensional alignments break down and a reorganization of the party system results.” (page 46). Slavery was such an issue and led to the Civil War. Figure 9-7 below, from Poole and Rosenthal, illustrates how this process takes place. At the top of the figure (A) the two parties have chosen distinct positions along a single line, the horizontal axis, which is labeled the “Old Dimension.” The center of the two sets of circles represent the party ideal points or positions and the circles represent the different indifference curves around the party ideal positions as we discussed earlier in this chapter. The line in the middle, between the two parties sets of circles, represents the median voter in the general election.

As a new issue dimension begins to become important, since neither party has a defined position on the issue, then there are supporters of this new issue in both parties
and basically the circles begin to divide into four groups as in (B) and (C). As the parties begin to take positions on the second issue and realign, then the four groups again become two as in D and later E. Yet, typically, we do not see this process happen very often and our party system stays relatively stable for extended intervals. In fact, we normally see mainly gradual changes in party positions rather than the dramatic party breakdown during the Civil War when slavery became an “intense” issue. Why?

**Short Run Stability**

One reason for the short run stability is the uncertainty about voter preferences that also leads the parties to choosing divergent positions. The uncertainty introduces a degree of randomness in policy choices that is somewhat controlled, a sort of alternating of party control that means some randomness in policy choices that is relatively stable. Voters can also use the multiplicity of elected offices in the country and the different branches of government to balance out or moderate these parties’ differences as we discussed in Chapter 8. But policy does typically swing a bit over time. We see that tax and spending policies vary as Democrats replace Republicans who replace Democrats. For example, shortly after winning the Presidency and before the Democrats gained control of the Senate, in 2001 Congress passed and President Bush signed a set of “temporary” tax cuts including a cut in the inheritance tax. But in summer 2002 the Senate, now under Democratic control, refused to extent the cut beyond it temporary deadline despite the desires of Bush and the Republican dominated House of Representatives. Then after Republican victory in the Senate races in 2002, Republicans passed a $350 billion tax cut. What will happen after the 2004 election?

**Longer Run Stability**

*The Porousness of American Political Parties*

The liberal/conservative dimension changes over time gradually partly because of the “porousness” of our political parties, coupled with our strong institutional status quo bias. Voters who are “left” out like Ventura, who find themselves as “oddballs” have two choices – they can try to get one of the major political parties to move closer to their perspective, leading to a redefining of the liberal/conservative dimension or they can work outside the major parties and attempt to form a new party or movement (as Ventura did in Minnesota) that they hope will allow them to eventually replace one of the major political parties. Generally, if candidates choose the minor party or independent route they eventually become affiliated or work with one of the major parties. Former Green Party state representative in California, Audie Bock, became a Democrat. John Eder has found that his bills succeed if they are repackaged as Democratic measures. But in the process they are able in varying degrees to influence the positions of the major parties. While sometimes candidates bypass primaries, a number of political scientists have reasoned that the direct primary system in American elections facilitates the domination of the two major parties in electoral coalition formation by allowing most dissidents to easily work within the two major political parties [see Mazmanian 1974, Epstein 1986].

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371 Epstein argues that it is a dynamic that existed prior to the establishment of direct primaries. Pages 244-245: “No doubt this use of primaries by voters as well as by aspiring officeholders can be understood as
The ability of dissidents to change major party positions is evident in the years following the Supreme Court ruling of Roe v. Wade in 1973 declaring existing abortion laws unconstitutional. A number of anti-abortion groups, particularly religious groups turned to Congress and state legislatures to devise new laws restricting abortion. Similarly, groups supportive of abortion rights for women became more active politically as well in order to counter these efforts. In the early 1970s, the two major parties varied only a little in their policy positions on abortion. But over time Republican and Democratic elected officials chose positions on abortion policy that were increasingly divergent, reflecting the influx of anti-abortion, right to life groups, into activism within the Republican party and pro-abortion, feminist groups, into activism within the Democratic party. As these groups became active in the candidate nomination process, candidates whose positions fit their abortion preferences found themselves advantaged and more likely to be selected as nominees and elected office. These groups also ran their own candidates as part of minor parties such as the Right to Life Party in New York state. The change over time in response to the internal and external pressures is illustrated in Figure 9-8 from Adams 1997. Adams measures the percentage of pro-abortion votes by members of the House of Representatives from 1973 to 1994. There is an initial increase in pro-choice votes by members from both parties, but Republican percentages then begin to fall slightly, while Democratic percentages continue to increase such that by 1994, Democrats vote pro-abortion 80% of the time to Republicans who vote pro-abortion 20% of the time.

The effect of the change in party positions on abortion has meant that voters and candidates who previously supported Republican positions but were abortion rights’ advocates, faced a dilemma. Minnesota State senator Sheila Kiscaden moved from the Republican party to the Independence party in 2002 because her positions on abortion did not fit with the local Republican party leaders, now dominated by groups in favor of restricting abortion. Other Republicans maintained their pro-abortion rights positions but stayed within the party like Governor Tom Ridge of Pennsylvania. No doubt some Republicans moved with the party. But Republicans were not the only ones affected, those who favored other Democratic policies but were abortion foes also had to consider what to do with the new realignment. Should they switch parties or switch positions? Some, like Al Gore, changed their policy positions over time. Both groups no longer could easily fit on the liberal/conservative dimension as the Republicans and Democrats became more solidly divided on the issue of abortion. The redefining of the parties on the abortion issue gave those that favored abortion and other Democratic policies and those that opposed abortion and other Republican policies a greater voice in the parties as the parties more clearly reflected their preferences, but lessening the connection between the party positions and other voters like Ventura, for example. The dimension changed over time, advantaging the ability of some groups to be represented by one of the two
major parties, but disadvantaging the ability of other groups of voters. Every voter is not represented in our system all the time. Ventura is right, some voters’ preferences are left out.

**How Failing to Support David Worley Hurt Democrats in 2000**

In the previous chapter we discussed how Georgia Democrat David Worely barely lost to Republican Newt Gingrich in the 1990 Congressional race because the Democratic party failed to help him in his campaign. Why were the Democrats so stingy? Worely claimed after the election that “Democrats withheld campaign money from him because he had attacked Gingrich’s support of the $35,000 congressional pay raise. Worely’s campaign was built around the theme that Gingrich, the second-ranking Republican in the House, is out of touch with his suburban Atlanta district. But, says Worely, his strategy apparently violated the truce called by the Republican and Democratic campaign committees in the House. As congressional leaders tried to muster support for the raise last November, officials for the two national parties tried to allay politicians’ fears by agreeing to keep the issue off limits in 1990 congressional campaigns. ‘I was told privately at the time ‘don’t do this, or you're not going to get money,’” Worely said in an interview. ‘I told him to stuff it.’”372

Craig McDonald, director of Ralph Nader's Congress Watch and the chairman of the National Taxpayers Union, James D. Davidson, supported Worely’s claims that in order to pass the controversial pay raise in 1989, on November 16, 1989, a letter of agreement had been signed by Ron Brown, chairman of the Democratic National Committee; Lee Atwater, chairman of the Republican National Committee; Guy Vander Jagt, chairman of the National Republican Congressional Committee; and Beryl Anthony, chairman of the Democratic Congressional Campaign Committee not to fund Congressional candidates in 1990 who made an issue of the Congressional pay raise. When McDonald, Davidson, and Worely complained publicly in October of 1990, trying to get resources for Worely’s cash poor campaign, a spokesman for the Democratic congressional campaign committee said Worely hadn’t received money because he had little chance of winning. Worely complained that he was more electable than ever before: “That’s what makes this all the more frustrating to me. Now that I’m better established politically … I haven't received a penny from the congressional committee since last Nov. 16.” 373

Worely, McDonald, and Davidson weren’t the only ones upset at how the pact between the two major parties kept Gingrich from being defeated. Ralph Nader was as well. Political analyst Micah L. Sifry contends that the defeat of Worely because of the major party agreement may have been the “tipping point” that drove Nader into presidential politics and eventually his full fledge run for president in 2000, perhaps costing the Democrats the election. Will Nader’s runs for the presidency lead to the kinds of changes in the political parties that he wants to achieve? In 2004 it is hard to imagine Republican and Democratic congressional leaders signing the kind of letter that they signed in 1989 given the strength of partisan divisions within the country. Sifry argues that some of what Nader wants to see in the Democratic party is happening

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372 Dahl, David, “Democrats’ alliance with Gingrich was costly,” *St. Petersburg Times*, Friday, November 9, 1990.

373 “Party Accord Called Gag on Candidates,” *St. Louis Post-Dispatch*, Friday, October 26, 1990.
without him because of the use of the internet in campaigning: “Citizens and activists have a powerful new way to bind together and amplify their voices as the Howard Dean campaign demonstrated. The Internet genie of mass organization is out of the bottle; all the money-driven top-down parties, candidates and interest groups can’t stuff it back in.”

As the Republican party responded to activists against abortion within their party as well as Right to Life minor party candidates, the Democrats have faced the pressures within from Howard Dean and without from Ralph Nader. It remains to be seen how these activists will affect the policies of the party.

**The Major Political Parties and Civil Rights**

The movement over time in policy positions of the parties over abortion after the 1973 court ruling was preceded by a movement on an equally divisive and important issue in American politics, civil rights for African-Americans. Carmines and Stimson (1989) show that before the 1964 election Republicans in the U.S. Senate and House roll call voting over civil rights for blacks were consistently more liberal than Democrats. It was the party of Lincoln and had presided over the emancipation of slaves and the extension of voting rights through the 13th, 14th, and 15th Constitutional Amendments. The Democratic party had fought these efforts. Up until 1964, Republican party platforms devoted more space to proposals to provide civil rights than the Democratic party. But after 1964, the parties switched positions in a dramatic, remarkable change. Table 9-6 (from Carmines and Stimson) shows the numbers of U.S. Senators by party affiliation and region and voting record on civil rights in 1957-1958 compared with 1965-66.

In 1957-58, 90% of nonsouthern Republicans and 100% of southern Republican Senators took liberal positions on civil rights but in 1965-66 only 10% of nonsouthern Republicans and 0% of southern had liberal voting records on civil rights, a dramatic reversal. While Republicans did not vary significantly by region on civil rights, Democratic Senators in the south were significantly more likely to have conservative voting records on civil rights than nonsouthern Democrats in both time periods. The division between northern and southern Democratic Senators reflects the fact that during much of the 20th century, as Poole and Rosenthal discuss, politics was divided along two types of issues, economics and civil rights. The two major parties were divided along the economic dimension, while the Democratic party was internally divided by civil rights. Even so, more southern and nonsouthern Democrats adopted more liberal voting records on civil rights in 1965-66 than in 1957-58 – 32% of southern Democratic Senators had liberal voting records in the later period compared to only 4% in the earlier time (the percentage of northern Democratic Senators with liberal voting records increased from 80% to 90%), and this increase meant that a greater percentage of Democratic Senators had liberal civil rights voting records (even in the south) than Republican Senators.

Thus, the principal source of the switch in positions on civil rights is among Republicans (both north and south) and southern Democrats. Northern Democrats had begun to adopt more liberal positions on civil rights as the population of blacks increased in the north. Table 9-7 (also from Carmines and Stimson) illustrates how the percentage of blacks increased from 1930 to 1970 in large non-southern cities as southern blacks

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migrated away from the discrimination in the south and towards economic opportunity in the industrialized cities. During the Great Depression of the 1930s, northern blacks began to support the Democratic party, whose economic positions they found more attractive than the Republican party. As a consequence, black preferences began to influence northern Democratic positions on civil rights resulting in the division between northern and southern Democrats as exemplified in Table 9-6.

In 1964, the imbalance began to change in favor of blacks. The Democratic party as a whole became more liberal on civil rights than Republicans. This switch of the parties along with unified Democratic control over the federal government resulted in the passage of one of the most significant pieces of legislation with respect to the American electoral process, the Voting Rights Act of 1965, which has important implications for how American elections work today. We analyze more expansively this history of minority voting disfranchisement and the Voting Rights Act in the next Chapter.
Chapter 10: Challenging the Majority: Minority Voters and Representation

The Dilemma of Representation

“We’ve propped up white Democrats for long enough. When we get a chance to
elect one of our own, we should” African-American Texas Democratic state
representative Ron Wilson argued. His colleague in the state house, Garnet Coleman
(also African-American) disagreed: “We can’t just be a party of minorities.”  

The disagreement between Wilson and Coleman resulted from the Texas Republican led
Congressional redistricting in the state (see Chapter 6), in use for the 2004 elections. The
new district lines made a number of districts with incumbent Democratic members of
Congress more Republican and also split up the districts of others. The splitting of
districts forced white Democratic incumbents Chris Bell and Lloyd Doggett to make a
choice – either run in a district which is more Republican leaning and face a tough race in
the general election or run in a district which is heavily Democratic but also now has a
majority of minority voters and face competition in the Democratic primary from a
minority candidate (for Bell an African-American challenger, for Doggett a Hispanic
opponent). As Bell summarized: “[Republican U.S. House Majority Leader DeLay]
drew most of my colleagues’ districts to be much more Republican and decided to take
care of the others by drawing them into heavily minority districts.”

Both Bell and Doggett decided to try to win the minority dominated districts.
Minority voters and leaders were torn. Both Bell and Doggett had achieved some stature
in Congress – Bell, although he had only been in Congress one term, had been named the
Democratic party’s deputy whip and Doggett, who had served in Congress since 1994,
was a member of the powerful House Ways and Means Committee and was one of the
leaders of the opposition to the authorization for use of force in Iraq. Wilson and
Coleman disagreed over whether blacks should vote for Bell or his opponent African-
American Justice of the Peace Al Green. Several members of the Congressional black
caucus visited churches, contacted supporters, and taped radio ads for Green. But
African-American Tennessee Democratic Congressman Harold Ford “criticized fellow
members of the Congressional Black Caucus for taking sides against Bell. ‘You have an
incumbent, and you don’t support the incumbent? It was inappropriate.”

Similar disagreements were voiced in Doggett’s contest; Doggett’s opponent
Leticia Hinojosa stressed her ethnic connection to the voters: “I have lived in both ends
of the district and I understand firsthand what the problems of the district are. I share the
life experience of the majority of the people who live in this district.”

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375 Williams, John, “New 9th District stokes old tensions: Bell, Green trade allegations in racially charged
Dem primary,” Houston Chronicle, Friday, March 5, 2004.
376 Easton, Pam, “Candidates differ on whether race played role in primary,” Associated Press State &
Local Wire, Friday, March 12, 2004.
377 Black, Joe, “Peacemaker Bell will invite Green to meet Dem caucus,” Houston Chronicle, Friday,
378 Collins, Quincy C., “Four vying to represent redrawn District 25; Political vets pitted against
newcomers,” Corpus Christi Caller-Times, Saturday, March 6, 2004.
Spanish language ads where an old man questioned how someone who doesn’t speak Spanish expected to represent the district.379 On the other hand, the United Farm Workers, whose members are largely Hispanic, endorsed Doggett and campaigned for him as the incumbent with power.380 Which is better for minority voters – to support an incumbent white candidate with power in Congress or to vote for a minority candidate without Congressional experience?

The debate over which candidates minorities should support in Bell’s and Doggett’s primary contests arises because of the long history of minority disfranchisement and vote dilution in the American electoral process. In this chapter we review that history. We will see how as a consequence of that history when district boundaries are drawn for Congressional and other legislative elections, gerrymanderers are required to consider how the boundaries affect minority voters, particularly if the state or jurisdiction was one of known past minority disfranchisement. In the 1990s, a number of southern states, including Texas, were forced to devise districts lines that could lead to an increase in the number of minority members in Congress and state legislatures. The effects of the “racial gerrymandering” that ensued is one of the more controversial questions within American political science, since at the same time Republicans gained control over Congress and a growing degree of partisanship in Congress resulted. Did racial gerrymandering, by packing minority voters into districts like the ones Bell and Doggett ran in, lead to more Republicans and conservatives in Congress and state legislatures as liberal voters became a minority in the remaining primarily white districts? Or did it help minority voters by resulting in a greater number of members of Congress and state legislatures with their points of view? In this chapter we address this question.

What it Was Like

In 1955 in Mississippi a fourteen-year-old black boy from Chicago named Emmett Till was murdered (one eye was gorged out and his head was crushed-in; he was only recognizable by a ring he wore) because he spoke to a white woman.381 His murder, though it attracted attention outside the south, was part of a long history of white oppression of blacks in the south, which did not end with his death. While Till’s murderers’ identities were secret, for years blacks were publicly lynched for minor offenses and postcards and other memorabilia from these occasions were collected by whites.382 In 1934, the Council of Southern Women for the Prevention of Lynching estimated that 4,751 lives in southern states had been taken through the practice since 1882.383 Anti-lynching bills passed the U.S. House of Representatives, but these bills were filibustered in the U.S. Senate by southern Democratic Senators and never passed by Congress as a whole. Within the state of Mississippi, which had the highest percentage of blacks across states in 1950 (45.3% of the population), less than one

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382 At this writing some efforts are underway to reopen the murder investigation based on new evidence, see Parker, Laura, “Justice pursued for Emmett Till,” USA Today, Thursday, March 11, 2004.
383 “Lynchers in Congress,” The Reflector (Charlottesville, Virginia), number 47, June 30, 1934.
percent of blacks were registered to vote. Since blacks had no voice in the ballot box, there was no way for them to force the Senators that supposedly represented them to outlaw the practice.

In 1978 Larry Ortega Lozano died in a Texas county jail. “The sheriff said Lozano committed suicide by banging his head against a cell door. A pathologist said it was homicide after finding 92 injuries to the body, some ‘in places where he would have had to be contorted’ to inflict injuries on himself. Six to eight lawmen were in the cell with Lozano for 45 minutes before his death.”\(^3\)\(^{384}\) Lozano’s death took place at a time when Mexican-Americans were citing complaints of discrimination and mistreatment across the country, particularly in Texas. The Texas Rangers who had hunted down the Killer D’s in Chapter 6, had a history of murder and oppression against Hispanics as well as blacks in the state. During World War I they murdered hundreds of Hispanics in the border areas. They harassed Hispanics in the 1960s when they tried to vote and achieve public office in rural towns where they were the majority, getting praise from then Texas governor, John Connolly for handling the situation.\(^3\)\(^{385}\) Vilma Martinez, the President of the Mexican-American Legal Defense and Education Fund (MALDEF) remarked in 1978: “We are very much an oppressed, discriminated-against group in this country . . . and Texas is our Mississippi.”\(^3\)\(^{386}\)

Texas and Mississippi have changed. In Mississippi blacks vote more than whites and hold political offices at the local, state, and national level. Hispanics and blacks in Texas similarly vote and hold positions of power at all levels of government. While incidents like the notorious death of James Bryd in Jasper, Texas, are still possible and racial prejudices remain – divisions between racial and ethnic groups exist there as elsewhere in the nation – no longer is it a matter of course for elected officials who sometimes are now minorities themselves (the mayor of Jasper was black at the time of the murder) to condone or ignore such actions.\(^3\)\(^{387}\)

The South Today

Texas

In the 2003 Texas legislative session sixty-one year old Texas state representative Chuck Hopson from Jacksonville didn’t like the racial profiling he experienced. He recalled: “The young Republicans, a couple of them, have come up to me to tell me, ‘By the way, the Republican caucus has changed to 2 o’clock.’” But Hopson isn’t a Republican, he’s a Democrat and white, and in the Texas state legislature that’s a dying combination (Hopson was one of the Killer D’s discussed in Chapter 6). As reporter Ken Herman writes: “Once, not so long ago, they roamed in great herds. They controlled the landscape, and the alpha males among them ruled with certainty and swagger. But now, after generations of dominance, they’ve been reduced to endangered species, and their


\(^{386}\) Curry, Bill, 1978.

\(^{387}\) The continued racial divide is illustrated in the film The Two Towns of Jasper.
natural enemies have marked them for extinction.” Of the 127 white Texas state legislators, 22 or 17.32% are Democrats. Of the 54 minority members of the Texas state House and Senate, only 2 or 3.7% are Republicans. Twenty years ago, there were 106 white Democrats in the Texas state legislature and ten years ago, 60. While minority Democratic legislators have increased from 33 in 1983 to 37 in 1993 to 43 in 2003, the rate of increase has not matched the decline in white Democrats (the numbers of Republican minority legislators hasn’t changed much). It turns out that the most underrepresented Texans in the state legislature are white female Democrats – for the first time since 1941 there are none in either the state House or Senate (the twenty-two white female state legislators are all Republicans). The Texas state legislature has become divided not only partisan lines, but partisan lines heavily influenced by race and ethnicity.

**Changes in the South: Voting**

The change in Texas is ironic given that the last time Republicans held the majority in the state legislature and the governorship (1869), the Republican party was a biracial coalition (14 of the Republican legislators were black) and Democrats were “lily white.” What happened in the intervening 132 years is a tale not just of how the electoral process changed in Texas but also in the nation at large. In Chapter 9 we discussed how the Republican and Democratic parties switched their positions on civil rights in 1964, when southern Democrats began to take more liberal positions on civil rights and Republicans both north and south began to vote more conservatively. The Democratic party also dominated national government after the elections of 1964, winning majorities in both the House and the Senate and reelecting President Lyndon B. Johnson. The party did what it had promised black voters, it passed the Voting Rights Act of 1965, which eliminated many of the barriers that had prevented blacks from political participation in the south since the end of Reconstruction. Table 10-1 shows the effect of the Voting Rights Act on the registration of blacks in southern states (which had been increasing in the post World War II era). Note that some of the figures overstate black registration since they fail to account for black population growth (i.e. the denominator is black voting age population as of the last census). These figures also fail to account for growing black disfranchisement due to imprisonments as discussed in Chapter 2 which may overstate eligible black voters particularly in the 1994 and 2000 figures.

**Changes in the South: Office-holding**

Not only did the passage of the Voting Rights Act and the civil rights movement lead to an increase in blacks registered to vote, but also in their representation in elected offices in the south. Table 10-2 shows the increase over time in the percentages of Black members of the U.S. House and state legislators in the south from 1970 to 2003. As blacks (and in Texas, Latinos) began to register and vote in greater numbers they were more likely to join the Democratic party in the south both for its positions on civil rights and economics. Conservative white southerners began to support Republican candidates

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389 The Mexican-American population was much smaller in the state in this period than it is currently.

for offices instead of Democrats who were now seen as too liberal. Before this switch, Republicans were a rarity in political office in the south, but in the intervening years, Republicans began to succeed in southern elections as they attracted white voters disaffected from the Democratic party and the percentage of Republicans in southern elected positions increased. The south went from a largely one-party region to a region with viable two-party competition. Table 10-3 presents a summary of the growth in Republican office holding in southern states from 1960-2000.

The rise in black office holding (mostly Democrats) coupled with an increase in Republican office holding, is associated with a decline of white Democratic elected officials in the south. In Texas, Latinos comprise a larger percentage of the population than blacks, and they too have expanded their voting participation and office holding since the passage of the Voting Rights Act. Longer term data on office holding by Hispanics in Texas is not available, but Table 10-4 compares data from 1990 to 2003 in Texas for Blacks and Hispanics, showing how both have generally increased in the thirteen years. Note that the percent Hispanic population has risen as well, while the percent black in Texas has stayed constant.

The change that has taken place in the south since 1960 is remarkable – called by some a “quiet revolution.” It is a horrendous story of minority disfranchisement and discrimination as well as an uplifting one of overcoming adversity and heroic choices. Understanding what happened and how is fundamental to comprehending much about the current electoral system in American politics today and current issues concerning the American electoral process. In particular, the rise in the Hispanic population in Texas and elsewhere nationally is part of a growing diversity in ethnic and racial composition in the country, which makes the issues of how minorities are incorporated into the electoral process important both historically and now. In this Chapter we examine this history and the current issues. But we begin with a discussion of the growing diversity and the questions of defining representation.

**The Current Rise in Diversity within the United States**

The Census Bureau estimates that in 1990 the non-Hispanic white population of the United States was 75.7% dropping to 71.3% in 2000. The Census Bureau projects that by 2060, the non-Hispanic white population will be less than 50% of the United States population. Most of the recent increase and the expected increase in 2060 is an increase in population with a Hispanic ancestry. The Hispanic population is estimated to reach 26.6% of the population in 2060, non-Hispanic black population is expected to reach 13.3%, American Indian 0.8% and Asian and Pacific Islander 9.8%.

While the rise in the Hispanic population is a big factor in the decreasing dominance of the non-Hispanic white population, it is significant that other minority groups have not decreased nor are expected to and the wide variety of ethnic backgrounds in American communities have increased making the country more diverse as a whole. Using the 2000 census data, the newspaper USA Today estimates that the chance of two randomly chosen U.S. residents having a different race or ethnicity is 49 out of 100, or almost 1 out of 2 and that this index was 40 in 1990. But this diversity has not just increased over all, but has increased across states such that many states, formerly homogenous, have increased in diversity. In Kansas, for example, the diversity index

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391 See Davidson and Grofman, 1994.
increased from 21 to 31 and in Texas from 55 to 62 in the last ten years. Even in Iowa, one of the most homogenous states, the diversity index rose from 8 to 14. Figure 10-1 shows how the percent minority has increased by region in the U.S. from 1980 to 2000. All regions have shown an increase. What this means is issues of minority representation, which used to mainly concern urban areas and the south are now relevant across the nation.

**Defining Minority Representation**

A chief question in evaluating the extent that racial and ethnic minorities are incorporated in American politics is the extent to which elected officials represent these groups once in office. But what is meant by representation? Is minority representation when elected officials have the same social demographic characteristics as the groups they represent (*descriptive representation*) or is it when elected officials make policy choices that minority groups prefer (*substantive representation*)? This is the question facing minority voters in the districts that Bell and Doggett were running in discussed above. It is important to recognize that the two are not always the same. That is, elected officials from racial or ethnic minorities may represent positions that are not mainstream within these groups. For example, Supreme Court Justice Clarence Thomas has taken positions on issues that are often at variance with the opinions expressed by the majority of African-Americans in public opinion polls on issues like affirmative action. In this case we say African-Americans are descriptively represented by Thomas, but not necessarily substantively represented by him. Moreover, elected officials from the majority or other groups may take policy positions that are reflective of a racial or ethnic minority, giving the minority group substantive representation but not descriptive representation. Many blacks stated publicly that President Bill Clinton was the first “black” president.

Which is more important? It seems fairly obvious that substantive representation is the ultimate goal of voters – to have representatives who reflect the voters’ preferences regardless of their social and demographic characteristics. However, there are two reasons why descriptive representation is likely to lead to greater substantive representation. First, if a minority group is prevented from achieving descriptive representation then majority groups have less incentive to provide these voters with substantive representation. That is, if individuals are prevented legally or financially from competing for office based on social demographic characteristics, then a representative from the majority does not need to worry about possible competition from members of that group and can more safely ignore that group’s preferences over issues. Second, to the extent that a representative has discretion once in office (recall the discussion in Chapter 5 of the adverse selection problem in elections), then if a representative has particular preferences that are influenced by his or her racial or ethnic identity, the representative may be able to shape policy in directions that he or she prefers. In other words, the extent to which an elected officials can shape policy to please his or her own preferences may lead to greater substantive representation for the racial or ethnic group that the elected official identifies with. Thomas (1994), Case (1998), Besley and Case (2000, 2003) report that, even controlling for ideological preferences of voters, more women in state legislatures results in greater family assistance and stronger child

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support laws. Identity of representatives does appear to affect policy choices. Thus having an elected official who is descriptively representative of a racial or ethnic minority group is more likely to lead to policy preferred by that group than if the group has a representative from the majority even if the positions both advocate are largely similar.

**Vote Denial**

Whether the goal is substantive or descriptive representation, there are two ways for minority groups to achieve representation in the U.S. political process – via elections or appointment to non-elected office. Minorities have achieved appointment to the highest levels of such offices, especially in recent years, – from Supreme Court Justice to Secretary of State, and have achieved electoral offices such as Senator, Governor, and Mayor of large urban communities. However, minorities have yet to compete successfully for the highest electoral office, President, and have had only achieved limited success in achieving positions of Senator and Governor, unlike their success in achieving high appointive office. One reason is the purposive prevention by the majority of minority voters from participating in the electoral process for much of the nation’s history. The electoral process in the United States has two stages at which minorities have been prevented from participation. The first stage is simply denial of the right to vote and the second stage involves structural aspects of the electoral system designed to dilute the strength of minority voters. Restricting minority participation in the United States has occurred at both stages. These two stages are illustrated in Figure 10-2 below:

**Direct Vote Denial**

Vote denial can be of two types: 1) explicit restrictions on voting defined by race, ethnicity, or gender; or 2) implicit restrictions, which disproportionately limit voting by race, ethnicity, or gender. Explicit restrictions have been used to prevent voting by various groups in American history. We have already discussed how women did not receive the right to vote until 1919 in Chapter 2. When the country was founded, many African-Americans were slaves and had no political rights. While some free blacks were able to vote in the north and even some southern states prior to the Civil War, that right actually eroded before the Civil War (by the beginning of the Civil War, free blacks could only vote in New York and New England states except for Connecticut). The Reconstruction Act of 1867 required the former Confederate states to call state constitutional conventions to draw up new constitutions guaranteeing voting rights to black men and the 15th Amendment, ratified in 1870, prohibited vote discrimination on racial grounds (rescinding restrictions in northern states).

As a result of the Reconstruction Act of 1867, African-Americans voted in large numbers – by the end of 1867 more than 700,000 southern blacks were registered and in some southern states were majority of the electorate. Blacks were elected as Senators, Representatives, state executive offices. Table 10-5 summarizes the numbers of blacks elected to Congress as a function of black population in the Reconstruction period.

American Indians were also directly denied voting rights. While some American Indians were allowed to vote if Congress deemed they were sufficiently “assimilated,” full citizenship and voting rights to all American Indians was not given until 1924 when Congress passed the Indian Citizenship Act. Asian immigrants were similarly explicitly
denied the right to vote because the Naturalization Act of 1790 restricted citizenships to “whites” (although some Asian-Americans were naturalized by friendly officials). Not until 1952 did Congress pass the McCarren-Walter Act, which rescinded the racial restrictions in the 1790 Naturalization Act and allowed for Asian American and other previously deemed “non white” immigrants to be naturalized, permitting them citizenship and the right to vote.393,394

Indirect Vote Denial

The African-American Experience after the Civil War

In 1939, a contractor approached Charles Gomillion offering to build him a house. While Gomillion could afford a new house, and wanted one, he wanted something more fundamental than a house. He had lived in Tuskegee, Alabama since 1934, and had been born a citizen of the United States, yet he had been unable to register to vote. As a black professor at the Tuskegee Institute, he could afford to pay the poll tax, which kept most blacks from voting in Alabama. But the Macon County Board of Registrars, who would have to approve his application, required two white registered voters vouch for a potential voter’s suitability. And even then, the Registrars had a great deal of discretion in determining whether a potential voter met the literacy and property requirements. Gomillion had only one voucher, a dry goods merchant. So, Gomillion agreed to the contract for the house if the contractor, who was white, appeared before the Board of Registrars and the Registrars approved his voter registration application. Gomillion’s application was approved.395

Gomillion’s experience was unusual, not because it was so difficult for him to be able to vote, but that as a black man in Alabama in 1939 he was able to vote at all. After Reconstruction ended in 1876 with the election of Rutherford B. Hayes to the presidency, southern states wrote laws making voting difficult for blacks and re-wrote their constitutions instituting various measures which indirectly denied the right to vote to blacks. Southern states instituted long residency requirements and short registration periods as well as the requirement that new registrants must be “vouched for” by two white businessmen as Gomillion needed. In Texas voter registration was limited to 4 months, nine months in advance of elections. Secret ballots and complicated voting procedures were instituted to make it difficult for illiterate voters to cast a ballot.396 For example, in 1882 South Carolina passed an “Eight Box Law” which established eight categories of elections with separate ballot boxes for each category. Ballots placed in the wrong box would not be counted. States passed laws and constitutional amendments calling for literacy tests and poll taxes. In the south, these tests were subjective and allowed for elected officials to disfranchise blacks while allowing illiterate whites to

393 To some extent denying Asian Americans and those deemed “non white” citizenship was an indirect method of vote denial rather than the explicit laws against black voting prior to the Civil War.
394 Non-citizens were allowed to vote in a few jurisdictions during the 19th century.
396 Secret ballots were introduced nationwide at this time. While some scholars contend that the motive for using the secret ballot in the north was to reduce election fraud and bribery (secret ballots made it difficult for a voter to prove to someone who paid for his or her vote that he or she had fulfilled the bargain), others argue that the motives of both northern and southern states were similar and that northern leaders desired to disfranchise illiterate or non-English speaking immigrants, see Kousser 1992.
vote. Moreover, in the south segregated schools meant lower levels of education for blacks as the spending on African-American schools was only a small percentage of the spending per pupil in white schools, which made the effects of these requirements particularly onerous. Finally, southern states enacted the so-called “grandfather clause” as in Louisiana’s 1898 constitution, which exempted any male or son or grandson of such male who had been entitled to vote on January 1, 1867 from denial of the right to vote. The grandfather clause was such blatant indirect vote denial that it was declared unconstitutional in Guinn versus United States, 1915 while other measures like poll taxes and literacy tests were allowed to continue. Table 10-6 presents a summary of the various measures used to deny blacks voting by southern state as of 1960.

**The White Primary**

A special type of indirect vote denial instituted in the south during the post Reconstruction period was the “white primary.” As noted previously, during the latter half of the 19th century a number of states and jurisdictions both in the north and south began to use direct primaries for parties to nominate candidates for office. We have already discussed how the rules on participation in primaries (i.e. whether they are closed to party members only or open to new voters, independents, and/or members of other parties) can affect which type of candidate is elected and the ability of the party to incorporate and respond to changes in policy preferences within the electorate. In the south, post Reconstruction, the Democratic party used primaries as an indirect method of denying blacks the right to vote. They declared the party a “private club” and restricted participation to whites. In this way, they attempted to open the party to poor whites (who could potentially form a coalition with poor blacks in the Republican party), and then instill the norm of coordinating on party lines in the general election where party divisions were largely racial. Every state in the south adopted white primaries with the exception of Tennessee and selected counties in North Carolina. As other measures of vote denial further reduced black voting, the white primary became the “real” general election in these southern states, further reducing black voting. The south became virtually a one party state.

After a long series of court challenges led by the National Association of Colored People (NAACP), the white primary was declared unconstitutional under the 15th Amendment in Smith v. Allwright, 1944. The demise of the white primary had an important effect on black voting in the south. In 1940 black voters in the south were estimated to be about 151,000 (about 3% of the voting age black population), but by 1947 black voting had increased to 595,000 (25%) and to 1,238,038 voters by 1956. By November 1964 black registration in the south had doubled since 1952.

**The Voting Rights Act**

While the white primary was declared unconstitutional in 1944, other indirect vote denial measures continued to be used (particularly in the lower south, Alabama, Mississippi, Georgia, and Louisiana, where black voting was much below white voting) until after the passage of the Voting Rights Act of 1965. The purpose of the Voting

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397 The Civil Rights Acts of 1957, 1960, and 1964 also attempted to increase black voting in the south, but they were largely ineffectual as they relied on court based prosecution and were easily circumvented by southern judges and election officials.
Rights Act was to enforce the 15th Amendment. Some sections permanently applied to the entire country, such as Section 2, which echoed the amendment’s language. The Act set out procedures for the Attorney General to use to file suit to enforce the voting guarantees of the 15th Amendment in all states and authorized the use of federal examiners and observers during voting. The Special Provisions were applicable for the next five years and applied only to jurisdictions (which could be counties if a state as a whole did not qualify), which had maintained a test or device as a precondition for registration or voting and had less than 50% of the voting age population registered or voting. In these “covered jurisdictions” literacy tests or devices used as preconditions for voting were suspended. Most importantly these jurisdictions had their voting laws frozen pending federal approval of the proposed changes. Specifically, the covered jurisdictions were required to submit to the Attorney General or the District Court for the District of Columbia all planned changes in any “voting qualification or prerequisite to voting, or standard, practice or procedures with respect to voting” that had not been in force before the Act was passed. The proposed changes would be cleared after federal scrutiny of the particular facts only if the changes did “not have the purpose and . . . not have the effect of denying or abridging the right to vote on account of race or color.”

In 1970 when the Act was amended and extended for another five years literacy tests were suspended in all 50 states (which was held constitutional by the Supreme Court), residency requirements for federal elections were limited to a 30 day maximum, and the voting age was lowered to 18. The poll tax was outlawed in federal elections by the 24th Amendment to the Constitution and in 1966 in Harper v. Virginia State Board of Elections the Supreme Court ruled that poll taxes in other elections were unconstitutional.

Table 10-1 above shows the effects of Smith v. Alwright and the Voting Rights Act and the elimination of the poll tax on black voter registration in the south.

The Experiences of Other Minority Groups

Literacy tests and restrictions on registration have also been used to indirectly deny the vote to other minority groups, particularly non-English speaking or illiterate immigrants. Connecticut was the first state to adopt a literacy test in 1855, with Massachusetts following suit in 1857, and Wyoming in 1889. These were designed to reduce the voting of immigrants and non-English speakers who were immigrating to these communities at that time.

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398 Initially covered were Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, Virginia, 26 counties of North Carolina, and one Arizona county. In 1965 and 1966, other North Carolina and Arizona counties were added as well as one each in Hawaii and Idaho. Alaska and some other counties were able to exempt themselves during the 1960s by showing that no test or device had been used to deny or abridge the right to vote on account of race during the 5 years before. When the Act was amended in 1970 to extend for another five years, the trigger formula for voting was changed to the 1968 presidential election and extended for five years, three boroughs of New York City – Manhattan, Brooklyn, and the Bronx – were added as well as one county in Wyoming, two in California, five in Arizona, and a number of political subdivisions in Connecticut, New Hampshire, Maine, and Massachusetts. Some counties that had been exempted after 1965 were re-covered in 1970: four election districts in Alaska, a county in Idaho, and several counties in Arizona. In 1975 the Act was further extended for seven more years and the coverage formula was amended to include those states and counties with a substantial language minority population and English only materials. This captured the entire states of Arizona, Alaska, and Texas, jurisdiction sin Colorado, South Dakota, California, Florida, and North and South Carolina. In 1982 the Act was extended for 25 years.
States with large American Indian populations used five different types of arguments to justify denying American Indians the right to vote after the Indian Citizenship Act extended citizenship and by implication the franchise to all Indians. First, some states (e.g. Minnesota and South Dakota) required that Indians prove that they had assumed a “civilized” way of life by severing their relations with their tribe before being allowed to participate in the electoral process. A second argument used to prevent American Indians from voting was the contention that residents of reservations who did not pay property taxes should not be able to vote in local and state elections. A third justification for vote denial was that the size of the American Indian community in some jurisdictions would allow American Indians a majority of the vote, and thus political control. A fourth method was to argue that as legally American Indians were “wards” of the Federal government (early rulings of Supreme Court Chief Justice John Marshall’s established that American Indian tribes were not independent political entities but had a guardian/ward relationship to the United States government), and since individuals under legal guardianship were generally not allowed to vote (presumption that wards were mentally handicapped or too young), then American Indians should not be allowed to vote as well. Finally, it was argued that American Indians were not really “residents’ of the state since they lived on separate reservations. By the late 1950s, court rulings and pressure at the federal level discredited these arguments and American Indians were allowed to vote; Utah was the last state to permit American Indians to vote.

In contrast to African-Americans, American Indians, and Asian Americans, few Latino-Americans were directly denied the right to vote. After the Mexican-American War, a number of settlers from Mexico in Texas and the western states acquired by the US were granted American citizenship and voting rights in the Treaty of Guadalupe Hidalgo in 1848. Similarly other Latinos have found naturalization and acquiring citizenship easier than the problems faced by Asian-Americans. Puerto Ricans, as citizens of a US territory, have full voting rights if living in the mainland.

However, at the end of the 19th century and early 20th century efforts began in Texas to deny Mexican-Americans the right to vote. In Texas, Anglo patrones (bosses), typically large landowners who ran ranches along the Rio Grande in a feudal fashion, had mobilized Mexican-American voters to choose as the bosses wanted. The Texas Rangers were notorious as enforcement troops for these bosses. The patrones use of Mexican-American votes angered smaller Anglo landowners who wished to dethrone the large bosses. One method was to attempt to deny Mexican-Americans the right to vote through indirect methods. Most of these indirect measures involved restrictions on registration like those faced by blacks, but some were obviously directed toward Latino voters. In 1918 the Texas state legislature passed a bill prohibiting interpreters at polls. Similarly, election and ballot materials were required to be printed in English. As with blacks in the south, Latinos were in segregated schools and such measures, even for long-term residents, made voting difficult.

The Mexican American Legal Defense and Educational Fund (MALDEF) successfully challenged Texas laws that enabled voting officials to assist physically handicapped voters but did not permit assistance to voters who were not proficient in English in the Supreme Court case, Garza v. Smith, 1970. In 1975 the Voting Rights Act was amended to extend for seven years and extended to language minorities, requiring that bilingual election materials and assistance be available to voters if 5% or more of
area’s voting age citizens are of a single language minority and the literacy rate in English of that language minority was less than the national literacy rate. This extension also benefited American Indians, Alaskan Natives, and Asian-Americans, who were indirectly denied the right to vote through the use of English only election materials and a lack of interpreters.

**Vote Denial Today**

Four mornings a year Florida Governor Jeb Bush and his cabinet sit in basement room of the state capitol and interview convicted felons like John Eason and Cecil Taylor. Both Eason and Taylor had served their sentences but according to Florida law they were stripped of their rights to vote, serve on a jury, or hold public office unless the governor grants them clemency. Unless their rights are restored, many felons cannot qualify for certain state-issued professional licenses - nursing or contracting licenses, for example. Cecil Taylor, who had been convicted of driving drunk and whose college art teacher came to speak on his behalf, was granted his rights. Bush said to Taylor: “I’m praying that you’re not going to start drinking again. When we make these decisions, sometimes it puts us in a little bit of a precarious position in that you could let us down.”

John Eason, who had been convicted of a lewd act with a child in 1993, wanted a contractor’s license so that he could take over his father’s business. But Governor Bush declined to grant him his voting rights even though his sister came to vouch for him as a good uncle. Eason, frustrated, wondered: “The government thinks they’re doing society a favor by showing that it’s still convicting the bad people. But how does it benefit society to keep me down in this way?”

The Voting Rights Act, subsequent litigation, and court rulings have virtually eliminated the use of indirect methods of vote denial. Most instances of claimed minority vote denial are isolated cases and in clear violation of federal and state laws. However there is one last remaining significant way in which minority voters are indirectly denied the right to vote – state laws which prevent prisoners and convicted offenders from political participation. Only Maine and Vermont allow prisoners to vote. Forty-eight Thirty-three states deny further the vote to convicted offenders on parole, twenty-nine also disfranchise offenders on probation and fourteen states, like Florida, simply bar offenders from voting for life. These laws have disproportionate effects on African-Americans (it is estimated that 1.4 million black males are disfranchised through these laws) and, to a lesser extent, Latinos, who make up a disproportionate share of the prison population. Republican governor Bob Riley (whose tax plan was discussed in Chapter 5), vetoed a measure passed by the Alabama legislature in June 2003 to allow ex-felons to vote in the state angering black legislators in the state. Riley argued that the restriction on voting was not racially disproportionate since 45% of the convicted felons were white.

**Vote Dilution**

**Vote Dilution versus Vote Denial**

Vote dilution is when the way in which votes are counted is used to dilute or marginalize the votes of minorities. That is, vote dilution methods are techniques by
which minority groups are prevented from combining their votes in an effectual manner. In some ways, the white primary was both vote denial (denying African-Americans the right to vote in the primary) and vote dilution by attempting to keep African-Americans and poor whites in the south from forming a coalition on common policy preferences. After Reconstruction southern states used a number of other methods to explicitly dilute African-American votes. These measures were used before blacks were effectively disfranchised through the grandfather clause, the poll tax, the literacy test, and registration limitations, that is, when blacks were still voting in large numbers although northern involvement in reconstruction of the south had ended with Hayes’ election in 1876. Some of these vote dilution methods were abandoned after vote denial virtually eliminated black voting in the early 20th century. However, a number of southern states like Alabama in reaction to the growth in voter registration among voters like Gomillion in Tuskegee returned to their use, and created new measures to dilute minority votes, after the white primary was declared unconstitutional and in some cases after the Voting Rights Act was passed.

Methods of Vote Dilution

What are the methods of vote dilution that southerners used and how do they work to dilute minority votes? Specifically, southerners used six different measures of vote dilution: racial gerrymandering, annexations, majority requirements, substitution of at-large for single-member district election, full-slate laws and numbered place systems, and substitution of appointed offices for elected ones. Below we discuss each method.

Racial Gerrymandering and Annexations

Recall that during the post Reconstruction period and until the 1970s and 1980s, as a consequence of the Republican party’s position on slavery and black political rights in the south, the Republican party in the south was friendly to blacks and white Republicans were supportive of blacks (almost all blacks in the south were Republicans), while southern Democrats desired to reduce the influence of both blacks and white Republicans. To reduce the influence of blacks and white Republicans southern states in the latter half of the 19th century created Congressional and legislative districts, which packed minority voters and Republicans into concentrated enclaves. While this may have ensured the election of some blacks or white Republicans in effect it reduced the total number of blacks and white Republicans elected by changing a district formerly with a majority of black voters to an insufficient number of black voters. For example, South Carolina created a Congressional district, which contained two Republican incumbents and went across county lines to pack in black voters. Similarly Mississippi created a district along the Mississippi River for the length of the state that contained much of the black population in the state. The consequence of these gerrymanders was to reduce the number of black and/or Republican representatives.

States also tried to use racial gerrymandering in response to the Smith v. Alwright ruling and the Voting Rights Act of 1965, which increased black voting. One such blatant

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400 It is noteworthy that this was not necessarily true nationally. Some northern Democrats, while supporting suppression of black political rights in the south, supported integration and black civil rights in their northern states and that some northern Republicans supported suppression of black civil rights in their states opposed such suppression in the south, see Kousser 1992.
move by Alabama post Smith v. Alwright and the resulting increased voter registration in Tuskegee was to re-draw the boundaries of the city of Tuskegee to reduce the black voting population from 400 to 5. Charles Gomillion with the help of civil rights groups challenged the new lines and the Supreme Court, in a noteworthy case declared Tuskegee’s new boundaries unconstitutional by the 15th Amendment in Gomillion v. Lightfoot, 1960. In 1966 the Texas’ legislature gerrymandered multimember districts to dilute black votes in the state’s most populous county and Mississippi also engaged in racial gerrymandering the same year. In a noteworthy case, Allen v. State Board of Elections, 1969, the court ruled that efforts like these to dilute black votes, like efforts to deny black votes, had to be precleared under the Voting Rights Act of 1965. In one of his last opinions, Chief Justice Earl Warren stated that the Voting Rights Act “gives a broad interpretation to the right to vote recognizing that voting includes ‘all action necessary to make a vote effective.’”

Annexation and redrawing city and local government boundaries had a similar effect on black voter ability to elect candidates of their choice, by combining black local governments into bigger white dominated urban areas decreasing the size of black voting strength relative to white. Annexations to dilute black voting strength occurred both after Reconstruction and post Smith v. Alwright and the Voting Rights Act. However, the Supreme Court has on occasion supported annexations even if they decrease black voting strength. For example, in City of Richmond v. United States, 1975, the Supreme Court allowed the City of Richmond to annex a white suburb that would change the percentage black in the city from 52% to 42% because the city created an electoral system that afforded blacks “representation reasonably equivalent to their political strength in the enlarged community.”

While the historical experience is that racial gerrymandering has been used to hurt the prospects of minorities in elections, more recently in response to the Voting Rights Act, the Justice Department has been accused of excessive racial gerrymandering to benefit minority voters by white voters and plans approved by the Justice Department have been challenged as discriminatory against whites. We deal with the gerrymandering debates in the 1990s later in this chapter.

At-large Elections

When the Good Government League in San Antonio, Texas, changed the city’s form of government (discussed in Chapter 9), they also chose to have at-large elections for members of the city council. Although the Hispanic population in the city was sizeable, by commanding a majority citywide and annexing a white suburban area, Hispanic representation on the city council was largely limited to a small percentage and those who worked with the Good Government League. At large districts were also a popular method used by southern states to dilute black votes. After Reconstruction southern states switched local governments from single-member district electoral systems to at-large districts and after Smith v. Alwright and the Voting Rights Act. For instance, numerous counties in Alabama switched from at-large to single member district elections

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401 Post the passage of the Voting Rights Act the racial and ethnic effects of gerrymandering became an important political issue. In this case the debate has centered over whether it is appropriate to racially gerrymander districts in order to increase minority representation rather than dilute minority votes. We will discuss this recent issue later in this chapter.
after blacks were effectively disfranchised at the turn of the century. But after Smith v. Alwright, these counties began to changed back. Between 1947 and 1971, 25 of the state’s 67 counties switched from single-member districts to at-large elections. In 1966 North Carolina’s general assembly authorized in a special session that 49 boards of county commissioners adopt at-large election systems and required all school boards to use at-large elections. Mississippi, in the same year, also switched district elections to at-large elections. One state senator stated that the change to countywide elections would safeguard “a white board [of education] and preserve our way of doing business.” However, in Allen v. State Board of Elections, 1969, the Supreme Court declared that these efforts to dilute black votes, as in racial gerrymandering discussed above, must be pre-cleared.

To understand how replacing single member districts with at-large districts works to dilute minority votes, consider a simple model of the electoral process. Assume that there are two districts with equal populations (50 voters) and each selects a representative to a state legislature (or city council, etc.). District A has 30 black voters and 20 white voters; district B has 10 black voters and 40 white voters. Suppose that all voters vote by racial lines and in each district a white candidate faces a black candidate. District A elects a black candidate and district B elects a white candidate.

Now suppose that the two districts are combined into one and voters select two representatives. Voters will have two votes, which they can either cast for one candidate or two or abstain. Now the voters in the new at large district, when voting over the four candidates, will elect only the two white candidates and neither black candidate will be elected. While this is a stylized example and voters do not necessarily choose purely on racial lines, it shows how creating at-large districts during the late 19th century and in the mid 20th diluted black votes.

The empirical evidence on the effect on black office holding of changing from at-large to district elections in municipalities in the south is striking. Grofman and Davidson (1994) compare the percentage of blacks in city councils under at-large systems that were changed to single-member districts in eight southern states from the mid 1970s to 1990. While they find an increase in black office holding in councils at-large during the period, reflecting the increased ability of blacks to register and vote after the passage of the Voting Rights Act, a much sharper increase occurs in municipalities that switch to single-member district elections. In cities and towns with a majority white population and at-large elections were still used at the end of the period, the ratio between black population and black office holding was approximately 1/2, meaning that if the black population was 30% of the town, 15% of the council was likely to be black. In contrast, the ratio for those cities and towns with a majority white population and single-member district elections was 1, meaning that if the black population was 30% of the town, 30% of the council was likely to be black. It is important to note that those cities and towns which did not change their council electoral process were likely to be the ones which were not challenged by blacks as vote diluting and thus areas where whites were less likely to engage in bloc voting.402

402 Handley and Grofman (1994) compare the percentage of blacks elected to state legislatures based on whether the state legislature used multimember districts in the period from 1975-1985. Again they find a higher percentage of blacks elected in state legislatures, which used single-member districts than those
**Full Slate Laws and Numbered Place Systems**

In San Antonio the city council was not just selected at large, but the council positions were given “numbers” or “places” which made them separate elections. This meant that minority voters could not use single shot voting to elect a representative. How did this work? Suppose that we have three candidates in an at-large election select two members of a city council, Mary, Rita, and David. Mary is the minority candidate, and Rita and David are supported by white voters. We have three groups of voters, M, D, and R. Voter preferences and numbers of each voter type are given in Table 10-7.

Each voter has two votes and can vote for two candidates for the two offices. If each voter does so, then D and R voters will vote for both David and Rita, who will each receive 46 votes from them and M voters will vote for Mary (who will receive 54 votes) and split their votes between David and Rita, who will get approximately 27 more votes a piece. David and Rita are elected even though Mary’s supporters outnumber both David and Rita’s supporters combined. However, suppose now that voters recognize they don’t need to vote for both candidates, i.e. they can vote for just one candidate (or even abstain). M voters will vote only for Mary, decreasing the vote share for David and Rita to 46 each and Mary will definitely be elected.

In full slate laws, votes are not counted unless a voter votes for a “full slate” or the same number of candidates as there are positions. Mary’s supporters are forced to vote for David and Rita, and Mary is not elected because they have little choice. However, if there were two minority candidates instead of just one, which M voters preferred to David and Rita, then it would be possible even with the full slate law for the minority voters to achieve representation. Restrictions on ballot access for candidates (which we have previously discussed), made this unlikely in the south. Southern states clearly used full slate laws as a strategy to dilute black votes. North Carolina’s legislature passed full-slate laws in 1950s that applied to 14 counties located primarily in the state’s black belt. In 1952 Alabama enacted a full slate law, which applied to every public election whether statewide or local. The legislator who sponsored the bill said the law was necessary because ‘there are some who fear that the colored voters might be able to elect one of their own race to the [Tuskegee] city council by ‘single shot’ voting.”

Numbered place systems as used in San Antonio similarly forced minority voters to support white candidates when minority candidates were limited in availability and voters were forced to vote a candidate for each “place” or city council position or their votes would not be counted.

**Appointed Officials**

Even more effective as a method of diluting minority voting strength was replacing a locally elected official in a district dominated by minority voters with a state appointed official (at a time when the state was dominated by Democratic white voters), which used multimember districts, controlling for other factors that affected black representation during the period.

403 While we assume that M voters split their votes between David and Rita equally, it is possible for M voters to coordinate on either Rita or David as their second choice, allowing Mary to come in second. For example, if they all decide that Rita is their second choice, Mary would get 54 votes, Rita would receive 77, and David only 46. But a failure of coordination of just 9 voters (who might prefer David), then Mary will still come in last.
which many southern states did with formerly elected offices such as sheriff, justice of the peace, etc. after Reconstruction and again after Smith v. Alwright and the Voting Rights Act. Significantly for the indirect vote denial methods which southern states also used, local election officials and boards were appointed at the state level.

The Effects of Vote Dilution in the late 19th Century

While anecdotal evidence suggests that vote dilution was used to decrease the ability of African-Americans to elect representatives of their choice, what is the empirical evidence that these procedures have the effects predicted? Kousser 1992 examines the period post Reconstruction when African Americans were still voting in large numbers. He reports that in 1880 presidential election (Reconstruction ended in 1876), 2/3 adult black males voted, that during the 1880s 60% of blacks voted in gubernatorial elections in the eleven southern states, and even in the 1890s black voter turnout remained high (1/2 to 1/3). Yet, during this period the numbers of black elected officials noticeably dropped as shown in Figure 10-3. This suggests that vote dilution did work to decrease the influence of black voters, marginalize them, so that the methods of vote denial, could be instituted in the late 1890s and early 1900s. After which black voter turnout plunged.

Majority Requirements and Vote Dilution

The last black member of Congress to serve from the south from the Reconstruction era was George White from North Carolina, who resigned in 1901 rather than seek reelection, knowing he would be defeated. For 28 years, no African-Americans served in the U.S. Congress. For 72 years, no African-Americans from the south served in Congress. North Carolina had not gained or lost a district in reapportioning, but the population had shifted in the state. In 1968, over 20% of the state’s population was black, yet no black served in Congress and the state elected its first African-American to the state assembly in the 20th century. The state refused to eliminate multimember districts and instituted a numbered-place system. Eva Clayton chose this year to be the first black to run from Congress since White and challenged incumbent L. H. Fountain whose district was 40% black, in the Democratic primary. She lost with only 30% of the vote (only 26% of blacks in the district were registered).

In 1980, as North Carolina redistricted, blacks anticipated that maybe this time one of the districts might give them a chance at winning one of the 11 seats allocated to the state in Congress for the first time since White. Although the state had not gained or lost a Congressional district in the annual reapportionment across states, population changes within the state meant that districts needed to be redesigned in order to maintain the one-man-one vote balance required by the Constitution. One of the principal issues was what to do with Durham, an urban area with a sizeable black population. Should it go into Fountain’s rural district, which it was close to, to make up for the population that he had lost? To do so would probably mean that the percentage black might be high enough to challenge him more successfully than Clayton had. The solution was to draw a new district for Fountain that looked like a “fish hook”, a semi-circle around Durham.

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404 In 1928 Oscar DePriest was elected from Illinois (Chicago district).
405 In 1972 Andrew Young was elected from Georgia (Atlanta district) and Barbara Jordan was elected from Texas (Houston district). She became the first African-American woman in Congress from the south.
406 See Kousser 1999 for a review of the North Carolina experience.
The Justice Department, however, challenged the new district and the legislature was forced to put Durham into Fountain’s district (but removed another area that would have made the district majority black, keeping the black population high but less than a majority). Fountain decided to retire rather than face a challenge from Mickey Michaux in the primary, a black civil rights leader from Durham.

Two white candidates with significant state legislative and party experience also decided to run in the Democratic primary, James Ramsey and Tim Valentine. Although blacks were not a majority in the district, it was clear that Michaux would be able to win a plurality of the vote and Ramsey and Valentine would split the remainder. But North Carolina had a majority requirement of 50%. As Kousser (1999) quotes one of the candidates, the race was a contest to determine who would face Michaux in the run-off, which “had been the name of the game from day one.” Voters whose last preference was Michaux did not need to coordinate on a candidate (see Chapter 9), they could let the majority requirement do it for them. As predicted Michaux won a plurality of the vote, 44.1% and would face Valentine in a run-off. In the general election, voting was largely divided by race, with 91.5% of blacks and 13.1% of whites supporting Michaux. Michaux lost with 46.2% of the vote (See Kousser 1999). North Carolina did not elect a black member of Congress until 1992 when Eva Clayton and Mel Watt won seats. Their stories are part of the redistricting battles of the 90s, which we will discuss shortly.

Michaux’s case seems to be obvious example of how majority requirements can prevent a black candidate from winning when a district is less than a majority black and voting is largely along racial lines. The only states in the nation who use majority vote requirements statewide are southern states and their institution was part of the efforts of these states to dilute black voting strength. As such, majority requirements have been attacked and North Carolina lowered its majority requirement to 40% as a consequence of these concerns. However, statistical analyses of the use of majority requirements in the south have not found a significant negative effect of majority requirements on minority representation. Blacks have been elected in the south in the face of majority requirements and from districts or areas that are not majority black (for example, Andrew Young was elected to Congress in 1972 from a majority white district despite Georgia’s majority requirement, J.C. Watts was similarly elected from Oklahoma to represent a majority white district with a majority requirement). For this reason, the courts have ruled that majority requirements are constitutional. Many non-southern local governments also have majority requirements (like New York City, Los Angeles, Chicago recently), and while some minority advocates have argued that these laws hurt the ability of minority groups to achieve office, the evidence is mixed.

**Vote Dilution and Other Minority Groups**

The methods of vote dilution have also been applied to other minority racial and ethnic groups. For example, when Texas re-drew its state legislative boundaries after the 1970 census, it divided the 150-member body among 79 single member districts and 11 multimember districts in urban areas where the Hispanic and black population was highest. We have already discussed how San Antonio used at large districts to dilute Hispanic votes. In South Dakota an attempt was made to dilute the votes of American Indians by attaching three “unorganized” counties lying entirely within Indian

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reservations to adjacent counties. The Indians, who were the majority in the unorganized counties, were unable to vote in the adjacent counties, which were controlled by whites. In Little Thunder v. South Dakota, 1975, the Eight Circuit Federal Court ruled that Indians must be able to vote in the adjacent counties.

**Vote Dilution, the 15th Amendment, and the Voting Rights Act**

One of the big debates about the Voting Rights Act and the 15th Amendment has been the extent that the Act and the Amendment outlaw or require pre-clearance for methods of vote dilution discussed above. We have already noted that Chief Justice Warren ruled in Allen v. Board of Elections, 1969, that measures that diluted black votes were subject to the Voting Rights Act. However, a number of noted scholars have contended that the purpose of both the Act and the 15th Amendment should be simply to reduce barriers to the act of voting (vote denial). Moreover, some contend that since vote denial is almost eliminated, there is no further need for the Voting Rights Act. Others have argued that if votes are diluted, then minority and ethnic voters are effectively disfranchised, and thus the Voting Rights Act and the 15th Amendment requires that voting systems be designed to minimize vote dilution.

Those that argue that the 15th Amendment and the Voting Rights Act apply to vote dilution face a number of difficult questions:

- What is evidence of minority vote dilution? Is proportional representation a requirement to prevent vote dilution?
- What is evidence of racial discrimination? Do we need to prove intent to discriminate or just results? And if so, what do we mean by results?

Early court cases addressing the Act and the Amendment in the 1960s and 1970s and the debates over renewal of the temporary provisions in 1965 (for five years), 1970 (for five more years), and 1975 (for seven years), showed much confusion over these issues. The City of Richmond v. United States case of 1975 is an example of the problem facing the court. Clearly the annexation changed the city from a black majority population to a white one, which diluted black votes. However, the Court ruled that if the electoral system provided blacks with representation (i.e. with single member districts), the dilution was not a problem. While the courts were in general willing to consider cases of vote dilution, and in some cases declared electoral laws where vote dilution was argued to occur a violation of either the Act or the constitution, the rulings of the courts and the Congressional debate did not give clear guidelines on how vote dilution was to be addressed and what types of electoral systems were acceptable. It seemed that each case had unique features that would have to be addressed individually.

The problem reached a crisis in the early 1980s when a sharply divided Supreme Court ruled in City of Mobile v. Bolden 1980 that the 15th Amendment only applied to access to the ballot (vote denial) and that proof of intent to discriminate was necessary to show that racial discrimination in voting had occurred. This ruling was a reversal from earlier decisions (Allen v. Board of Elections, 1969, White v. Regester 1973, Zimmer v. McKeithen 1973), which had not required such proof and held that the 15th Amendment and Act applied to vote dilution cases. The crisis caused by the ruling was amplified by the election of Ronald Reagan to the presidency in 1980 (who was anticipated to appoint conservative federal judges and Justice Department officials who might be less
committed to fighting voting rights cases) and the fact that the temporary provisions of the Voting Rights Act would expire in 1982.

Voting rights advocates formed a large coalition across racial and ethnic lines (in 1975 the Act had been extended to language minorities) and Congress passed an amended version of the Act in 1982 with veto proof majorities, which extended the temporary provisions for 25 years. The amended Act explicitly states that proof of discriminatory results, rather than intent, was sufficient to substantiate a claim of minority vote dilution and that electoral systems that could be shown to dilute minority votes were unconstitutional. However, the Act also clearly stopped short of requiring proportional representation by stating: “Nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.” Interestingly, just two days after the amended Act was passed, the Supreme Court ruled in Roger v. Lodge, 1982, that circumstantial evidence could be indicative of intent to discriminate under the 15th Amendment (a reversal of Bolden). Why did this happen? Chief Justice Warren Burger changed sides and Justice Potter Stewart, who had written the plurality opinion in Bolden, had been replaced by Justice Sandra Day O’Connor, who voted to reverse Bolden.

In 1986 the Court addressed the 1982 Amendment in Thornburg v. Gingles 1986 (a case challenging North Carolina’s plans after 1980’s census), which established a three-part test for determining when at-large voting in multimember districts showed discriminatory results:

- There must be a sufficiently large and geographically compact set of minority voters to constitute a majority in one or more single-member districts.
- These minority voters must be politically cohesive or tend to vote as a bloc.
- Majority voters must vote sufficiently as a bloc “usually to defeat the minority’s candidate.”

Other factors such as the lingering effects of discrimination, racially directed campaign appeals and the use of electoral devices to deny voting were considered supportive of the case, but not essential to the case. The court also made proof of racial bloc voting simple, i.e. plaintiffs did not have to prove that voters were voting for reasons of race rather than some other reason such as religion, party affiliation, age, or candidate name identification. All that needed to be shown was that black and white voters voted differently. Gingles simplified the decision making in voting rights cases and added predictability. The effects were an increase in voting rights cases as well as settlements in advance and a substantial reduction in the use of at-large districts.

Majority Minority Districts and the Redistricting Debate of the 1990s

The New Majority Minority Districts

In Chapter 6 we discussed how for many years little attention was paid to issues of equity in redistricting and that in a number of states, both north and south, Congressional and state legislative districts were often unequal in size, often not redrawing districts to equal sizes after each national census. A series of court cases in the 1960s established the principal of “one man one vote” and the requirement that after each census states must redraw district boundaries to best reflect this principal was instituted (Gary v. Sanders, 1963, Wesberry v. Sanders, 1964, Reynolds v. Sims, 1964). While
after Smith v. Alwright and the Voting Rights Act, a number of states attempted to engage in racial gerrymandering, these restrictions on district sizes limited the ability of states to dilute black votes in this manner.

As part of the Voting Rights Act, any redistricting plans by covered jurisdictions are subject to review by the Justice Department, as a change in these jurisdictions’ electoral systems. The Justice Department made the North Carolina legislature drop the fish hook design for Fountain’s Congressional district. After the 1990 census the Justice Department similarly gave the boundaries of the covered states special examination. The initial plans of several states including Georgia, Mississippi, and North Carolina, were rejected by the Justice Department and the federal courts as eroding minority gains. For example, in North Carolina the initial plan had only one majority African American district out of 12, or 8% while the state was 22% African American. The Justice Department called for these states to attempt to “maximize” the number of districts with a majority of minority voters (North Carolina was told to devise an additional majority black district for two out of 12 or 16%). The reasoning was that the main way to increase minority representation was to create districts that had a majority of minority voters. In order to do so, many states drew Congressional district boundaries that were clearly racial gerrymanderings. The new districts elected the first African-Americans to Congress from North Carolina since White retired Clayton and Watt, the first in over 90 years.

The most notorious of these were the districts in Georgia, Louisiana, and North Carolina. In Georgia the 11th Congressional district reached across the state to pick up African-American voters. In Louisiana the 4th Congressional district combined areas along the Arkansas border with regions in the southern delta area. In North Carolina the 1st and 12th Congressional districts cut across the state combining black voters. The 12th district (Mel Watt’s) was particularly obvious as a racial gerrymander, it followed I-85 for almost 160 miles linking together minority neighborhoods in different urban areas. For much of its length, the district was no wider than the highway and at some points even narrower than the highway. Figure 10-4 illustrates these Congressional districts. While the racial gerrymandering is obvious, less obvious is the fact the shape of these districts were not only constrained by the desire to maximize the number of majority minority districts, but to also maintain political partisan balance and to benefit incumbents. In fact the first suit against district 12 of North Carolina was filed by the Republican Party, which alleged that the district was an unconstitutional political gerrymander designed to benefit Democrats. Another significant factor was the availability of sophisticated computer technology (both software and hardware), which allowed for gerrymandering at a precise degree not previously available.

**Unconstitutional?**

These new districts were promptly challenged by white voters as unconstitutional racial gerrymandering. For example, five white voters filed suit against District 12 in North Carolina, arguing that the racial gerrymander violated the Equal Protection Clause of the 14th Amendment. The case reached the Supreme Court in Shaw v. Reno, 1993, where the Supreme Court ruled that a racial gerrymander may, in some circumstances, be unconstitutional on these grounds and sent the case back to the district court to determine whether districts 1 and 12 had been drawn on the basis of race and, if so, whether the racial gerrymander that resulted was “narrowly tailored to further a compelling
governmental interest.” Justice Sandra Day O’Connor wrote the majority opinion. As justification for the decision, she stated:

“A reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid. It reinforces the perception that members of the same racial group--regardless of their age, education, economic status, or the community in which they live--think alike, share the same political interests, and will prefer the same candidates at the polls . . . . By perpetuating such notions, a racial gerrymander may exacerbate the very patterns of racial bloc voting that majority-minority districting is sometimes said to counteract.”

Eventually, after several more court hearings, the 12th district was redrawn as were a number of the other majority minority districts created after the 1990 census. While the original 12th district was 54.7% African American, then new district was only 44.2% African American, no longer majority African American (although Latino voters were 6.8%). Other redrawn districts ceased to be majority African-American, although close to a majority. Through these court cases the following formula evolved for dealing with these cases: Specifically, plaintiffs alleging unconstitutional racial gerrymandering must first prove that “race was the predominant factor motivating the redistricting decision.” Then the application of strict scrutiny standard of judicial review is appropriate. Under strict scrutiny, the state is required to prove that the use of racial classifications was narrowly tailored to further a compelling state interest. If this is not the case, then the district boundaries are unconstitutional and should be re-drawn.

Although this criteria may seem clear, in actuality the waters on redistricting remain quite murky as it is difficult to determine first whether race is the predominant factor, since political gerrymandering can also lead to bizarrely shaped districts, as noted by Justice Stevens in one of the case of the 1990s. For example, the redrawn 12th district as well as the 1st district of North Carolina were further challenged by white voters. In Cromartie v. Hunt, 2000, the federal district court concluded that both districts had been drawn along racial lines for a predominantly racial motive. The court ruled that the first district was narrowly tailored to achieve the state’s compelling interest in complying with the Voting Rights Act and thus survived strict scrutiny, but that the 12th district was not. However, the Supreme Court in Hunt v. Cromartie 2001 reversed the district court. Justice Breyer writing for the five justice majority, stated that “The evidence . . . does not show that racial considerations predominated in the drawing of District 12’s boundaries. That is because race in this case correlates closely with political behavior.”

Majority Minority Districts and Other Minorities

Not all the new majority minority districts created after the 1990 census to satisfy the Voting Rights Act were in the south or involved African-Americans. For example, after the census, Illinois’ Latino population was shown to have increased by 42.3% and even though the state had lost two Congressional seats, Latino leaders felt that the

408 In Hunt v. Cromartie, 1999, Justice Stevens in his concurrence wrote that a “bizarre configuration is the traditional hallmark of a political gerrymander.”
increase in Latino population, particularly in the city of Chicago, justified a new majority Latino district in the state. There was much partisan wrangling over the issue with Republicans in favor of the new Latino district, seeing it as an opportunity to hurt Democratic incumbents, who feared that the new district would take away their needed support. After receiving support from the black community, a new Latino district was finally added. The new district (called the ear-muff district), see Figure 10-5, combined a Puerto Rican community in the northwest of the city with a Mexican-American community in the southwest by a thin loop through white ethnic neighborhoods so that an existing majority African American district was unaffected. Two Latinos ran for the Democratic nomination in the new district, Juan Soliz, a Mexican-American former Alderman and Luis Gutierrez a Pureto Rican alderman, reflecting the diversity within the Latino community in the district. Gutierrez, better financed and with support from Mayor Daley, won the nomination and defeated a Mexican-American Republican in the general election. The district was challenged in federal court and the Supreme Court declined to hear it in a 1998 appeal, upholding its constitutionality. The district is largely maintained in the 2001 redistricting plan.
A similar situation occurred in New York City when after the 1990 census it was revealed the that the overall state population had stayed relatively constant but the Latino population had increased by 33.4%. Although New York lost three Congressional seats, Latino leaders lobbied for a new Latino majority district. As in Illinois, partisan concerns made the task for Latino leaders difficult, however, they were successful. The new plan had two Latino districts, one that was already represented by Jose Serrano, in the south Bronx, and the new 12th district, which, as in Illinois’ 4th district, combined several Latino communities in Williamsburg, Bushwick, Sunset Park, East New York, Corona, Elmhurst, and Jackson Heights to create a new majority Latino district, see Figure 10-6. The new district was 58% Latino.

Five Latinos ran for the new seat as well as a white Democratic incumbent, Stephen J. Solarz, whose district had been carved up in the redistricting. Solarz, who had served 9 terms in Congress, argued that he could best give the district substantive representation since his seniority and experience would allow him to provide more for the district. He also had strong name recognition. However, Solarz had notoriously taken advantage of the House Bank and in the scandal that was revealed in the early 1990s voters learned that he had written 743 bad checks. Nevertheless the potential existed for Latino voters to split their support and for Solarz to be elected. However, in the Democratic primary, Nydia Velazquez, received endorsements from top Democratic leaders in the state and city and was able to build a coalition of Latino and African-American voters to win with 33% of the vote with Solarz receiving 27% and Colon 26%. She then defeated the Republican Latino candidate, Diaz handily. In 1996 plaintiffs challenged District 12 as having as primarily drawn for racial reasons and that as a result it was non-compact. The Federal District court ruled that the plaintiffs were correct and the district was redrawn, now only 48.6% Latino. Figure 10-7 shows the new district 12 (which was largely the same after the 2001 redistricting). The experiences in North Carolina, Illinois, and New York highlight the difficulty of determining both when gerrymandering is sufficiently racially motivated to require strict scrutiny and when a compelling state interest might exist.

**Are Majority Minority Districts Good for Minorities?**

**The Effect on State Legislatures**

*The Theory*

The creation of majority minority districts, even though many were later revised did have the effect of increasing the descriptive representation of minority groups in Congress and in state legislatures which were also forced to draw boundaries to increase minority office holding. In Table 10-2 we saw that between 1985 and 1992 the percentage of black members of Congress from southern states rose from 1.7% to 13.6%. Most of this gain was due to the redistricting that took place after the 1990 census – in 1990 the percentage was only 4.3%. In 1990, 12.1% of state House members were black, in 1992, 14.8% were. In 1990, 9.4% of state Senate members were black, in 1992, 13.5% were. Remarkably, although some of the district lines were redrawn due to court challenges, as Table 10-2 reports, the percentages in 2003 are even higher for state legislators, and about the same for members of Congress.
As for particular cases, North Carolina’s two new African American majority districts resulted in the first black Congress members from the state since 1901. Significantly, as some district boundaries were re-drawn reducing the minority population to below a majority, many of the newly elected minority representatives were able to maintain their seats, such as Representative Mel Watt from the 12th District of North Carolina and Nydia Velazquez from the 12th District of New York. Others have not fared as well. For example, Cynthia McKinney of Georgia was defeated in the Democratic primary in 2002 after serving since the creation of a new minority district in 1992; however, her opponent was also African-American, showing that it is possible for a minority challenger from a district without a majority minority to succeed to office in the south. It is not possible to accurately determine whether minority candidates would have succeeded as well without the creation of these majority minority districts, which increased descriptive representation initially.

However, many have expressed concerns that the creation of majority minority districts has hurt the Democratic party and resulted in more conservative state legislatures and Congress. The intuition is that by taking away minority voters from other districts to create these new districts, the other districts have become more conservative and therefore state legislatures and Congress have become more conservative. David Lublin (1997a, b, 1999) and David Lublin and Stephen Voss (1998, 2000a,b) make this argument. Lublin and Voss (2000) identify ten Congressional seats that Democrats lost due to racial gerrymandering between 1992 and 1994, which suggests that racial gerrymandering may have been a causal factor in the Republican take over of the Congress.

Ken Shotts (2001, 2002, and 2003a) presents an alternative argument. He contends that while it may be true that racial gerrymandering has led to more conservative state legislatures, it is not necessarily true for Congress. To see understand his line of reasoning, consider a simple model of districting in a state with three legislative districts and minority voters are more liberal than white voters in the state. This example is drawn from Shotts 2003a. Assume that each district’s representative will choose a policy position equal to the ideal point of the median voter in his or her district. Suppose that we can represent policy on a single line, from zero to 100. Voters in a state are distributed as shown in Figure 10-8. Minority voters are 1/3 of the population and white voters are 2/3. Minority voters have ideal points that range from 0 to 40, with the median minority voter’s ideal point at M_M or 20. The triangle with its peak at 20 is the probability distribution of minority voter ideal points. White voters, in contrast, have ideal points that range from 40 to 100, with the median white voter’s ideal point at M_W or 70. The triangle with its peak at 70 is the probability distribution of white voter ideal points. The ideal point of the median voter in the state is at M_S or 61.2.

Consider two possible districting plans. In the first, non-gerrymandered redistricting plan, minority voters are spread evenly among the three districts, such that each one has 1/3 minority voters and 2/3 white voters. In the second plan the districts are racially gerrymandered where all minority voters are packed into a single district and the two remaining districts are 100% white. In the first plan, each district has the same median point, 61.2, the median in the state, since both populations are distributed equally across the three districts. So each representative’s policy position is the same, 61.2. Under the second plan, however, the representative from the majority minority district’s
policy position is the median of the minority voters at 20, and the other two representatives’ policy positions are at the median of the white voters at 70 (assuming the white voters are equally distributed across the two districts).

Suppose that these three representatives serve in a state legislature and the state legislature chooses policy outcomes to please the median representative in the state legislature. In this case the effect of gerrymandering on policy outcomes in the state legislature is clear. In the non-gerrymandered plan the median representative’s ideal point is at 61.2, the median in the state. But in the gerrymandered plan the median representative’s ideal point is at 70. In this case the racial gerrymandering has neutralized the minority voters.

The Evidence

The theoretical result is supported by empirical analysis of the alternative redistricting plans for the South Carolina state Senate by Epstein and O’Halloran (1999). Creating majority minority districts can make the state legislature more conservative. This may partially explain why white Democrats are now an endangered species in the Texas state legislature even as many white voters still identify as Democrats and register as Democrats in the state. While some like Texas Democratic state representative Pete Gallego might argue that the lack of white Democrats in the state legislature simply reflects a decrease in white voters in the state supporting Democrats, surveys suggest that the decrease in the legislature is sharper. Exit polls show that Democratic U.S. Senate candidate Ron Kirk in 2002 received 30 percent of white vote and Democratic gubernatorial candidate Tony Sanchez received 27 percent. Since both candidates faced popular incumbents, these totals may underestimate willingness to support Democratic candidates among whites. African-American Democratic legislator Garnet Coleman argues that the reason for the decrease in white Democrats in the state legislature is redistricting: “It . . . shows that somebody was really smart in drawing maps. They knew how to eliminate, through gerrymandering, districts that would elect Anglo Democrats.” How exactly did this happen? Some white Democratic voters have been combined with minority voters into districts with a majority of minority voters, which have elected their own representatives. Other white Democratic voters in rural areas have been combined with suburban Republican areas. As Chuck Hopson remarked about the new Congressional districts the Killer D’s revolted against, which combined rural Democratic white voters with Republican white voters from suburbs of Houston or Dallas, giving Republicans a majority: “We’ll be represented by people driving fancy cars instead of pickup trucks.” Increasing majority minority districts in the Texas state house and senate, as the analysis above shows, does make the legislature more conservative than the state as a whole and in the process squeezes out white Democrats.

410 Governor Rick Perry was fulfilling the term of George W. Bush, so technically not an incumbent. Some have suggested that white support was lower for these two candidates because of anti-minority biases since Kirk is African-American and Sanchez is Hispanic and both brought up issues relevant to minority voters in the campaign, driving whites away from supporting them.
411 Herman, Ken, “Vanishing at Capitol: The White Democrat; As GOP burgeons, opposition members tend to be minorities,” The Austin American-Statesman, Saturday, March 1, 2003.
The Effect on Congress

The Theory

What happens if instead of the representatives elected in our simple model serving in a state legislature, they are members of Congress? In this case the policy outcome in Congress will depend on the location of the median in Congress, which depends not just on the policy positions of representatives from this state but in other states as well. Assume that there are 100 other legislators, with policy positions 1, 2, . . . , 100. What happens to the national median under the two plans? Under the non-gerrymandered plan, all three legislators from the state have policy positions at 61.2, which is to the right of the center. Thus the national median of the 103 member legislature is at 52. Under the gerrymandered plan, the state elects one representative at 20 and two at 70, so the median of the national legislature is at 51. The racial gerrymandering has increased the number of liberals elected, and shifted the median nationally and policy to the left. As three conservative moderates are replaced with two conservative extremists and one liberal extremist, the national median is moved to the left.

While this may seem a small effect, consider the situation where all states face the constraint of creating majority minority districts. In states where there is little difference between minority voters’ preferences and white voters’ preferences, then creating majority minority districts will not affect the distribution of policy positions of the representatives sent to Congress in those states. So those states where the median voter in the state is less than the national median will continue to send representatives to the left of the median in the same proportion. Thus, creating a majority minority district in New York is unlikely to affect the national median. However, in states where the median voter in the state is greater than the national median (like Texas), creation of majority minority districts will force these states to send representatives whose policy positions are left of the national median, moving the national median to the left. If a large number of states are forced to do this, it can cause policy to move to the left. Of course, this analysis oversimplifies the complex game between states, which we discussed in Chapter 6. Shotts (2001, 2002) has analyzed this game and shows that in the more complicated game, the basic intuition that majority minority districts can move national policy to the left is supported.

The Evidence

Does Shotts’ reasoning have empirical support? Shotts examines the roll call voting scores of southern members of Congress during the redistricting period as measured by Poole and Rosenthal 2001. Surprisingly, the percentage of liberals increased, from 38% during the period 1986-1990 to 44% from 1992-1996. The percentage of liberals is calculated by measuring what percentage of members of Congress have voting records that are more liberal than the median member of Congress for that year. These figures are shown in Figure 10-9. Notice that while the percent Democratic decreased, the percent liberal increased, reflecting the change in the median voter in the Democratic districts. During the period southerners increased the percentage of members of Congress they sent who were more liberal than the national median even as the number of Democrats decreased. Democratic members of Congress who were
moderate conservatives were either replaced with both Republican conservatives and Democratic liberals, increasing the percentage of liberals from these states.\textsuperscript{413}

\textit{The Killer D’s Once Again}

What about Texas where Democratic state legislators fled to Oklahoma rather than vote on a redistricting plan put forward by the Republican majority? Figure 10-10 presents the same data for Texas members of Congress through 2000. Before 1994, while Democrats were a high percentage of the Texas delegation (around 70%), the percent of members of the delegation who have voting records more liberal than the median voter in Congress was much lower, around 50%. In 1994, conservative Texas Democrats were replaced by Republicans and more liberal Texas Democrats. All Texas Democrats had a more liberal voting record than the median voter in Congress, resulting in the Texas delegation providing more liberal members of Congress than conservative ones. When Texas redistricted after the census of 2000, the federal court gave the two new districts to Republicans and designed the remaining districts to facilitate incumbent reelection. Democrats maintained control over the same 17 districts they controlled prior to redistricting while Republicans control increased from 13 to 15 districts, so that the percentage of Democrats from Texas in Congress in 2002 was 53.13%, and given that these districts have changed little, one would expect that the percent voting more liberal than the median voter in Congress would also be 53.13%.

Looking at these figures it is not surprising that conservative Republican House Majority Whip Tom DeLay of Texas and others pushed for Congressional redistricting in the state in 2003, in time for the 2004 elections. At a time when the state was becoming more Republican, and presumably more conservative, racial gerrymandering in the state was actually leading to a greater percentage of liberals in Texas’ Congressional delegation. The predictions are that the 2003 redistricting will reduce the percentage of Democrats and Liberals from Texas in Congress (at this writing that outcome is uncertain). One Democrat incumbent in Congress, Ralph Hall, switched parties and other Democrats face tough contests in Republican leaning districts. But what effect will the 2003 redistricting have on descriptive minority representation in Texas? What will it do to descriptive minority representation from Texas? Are white Democrats an endangered species in the Texas Congressional delegation as they appear in the Texas state legislature?

Preliminary evidence is mixed. Doggett defeated Hinojosa in his primary contest but Bell lost to Green. Green will face Hispanic Republican Arlette Molina in the general election in 2004. Thus, the number of minority members of Congress from Texas is likely to increase after the 2004 election, while the number of liberals will decrease. It is important to remember, however, that the reduction of liberals is not a consequence of the requirement of racial gerrymandering but of the redrawing of boundaries to benefit Republicans, which squeezed out some white Democrats. If Texas Republicans had not been forced to ensure that minority representation was maintained, then Shotts’ argument

\textsuperscript{413} Lublin and Voss (2003) disagree with Shotts’ analysis of the data – they contend that the percent of liberals should be calculated as the percent of legislators who would vote conservatively on median legislation as passed in 1994 and 1996 and that using that standard the percentage of conservatives increased. Shotts (2003b) responds to their criticism.
would be that the percentage of liberals from Texas would be even lower (assuming that minority voters are more liberal).

Recall that the point of Shotts’ argument is that the requirement of majority minority districts constrains conservative, Republican gerrymanderers, but does not constrain Democratic ones. After the 1990 census, Texas had two black majority districts and seven Hispanic majority districts, which elected five Hispanic Democrats (one is represented by a white Democrat, the other by a Hispanic Republican), two black Democrats, and 10 white Democrats. The 2000 plan benefited incumbents and gave Republicans the two new districts while maintaining the same distribution of minority districts. This means that the percent of seats held by minorities decreased – blacks have 6.5% of the seats in 2002 and Hispanics have 22%, while black population in the state is 11% and Hispanic is 32%. Both minority groups attempted to gain seats in the redistricting process but were rebuffed by the Democratic incumbents in Congress who knew that such a plan would take away voters from them. According to Nina Perales, regional counsel for MALDEF, Texas Democrats were against a new Latino district in the Dallas area because it would have affected the district of Democratic white Representative Martin Frost. She remarked: “They fought like mad cats to keep us away. Neither Republicans nor Democrats were proposing additional Latino districts.”

The Democrats would have been able to maintain their same percentage and percentage liberal by replacing white incumbents with new Hispanic districts with a Democratic majority, but chose instead to retain incumbents, making the argument that to do so benefited Hispanic voters in Texas because the incumbents would, through seniority, have powerful positions. A number of Hispanics, like U.S. Representative Charlie Gonzalez, agreed with this position. As political consultant Lisa Montoya reasoned: “It makes sense; these people have seniority. They already hold positions of power on different committees. It would take a new member 10 years to obtain the power they already have.”

Texas Republicans, in attempting to get the district lines redrawn, used the fact that they were forcing some white Democratic incumbents like Bell and Doggett to run in minority districts to try to persuade minority state legislators to support the plan. To pass the plan in the state senate the Republicans needed to have a super majority, which means they needed two Democratic state senators to support them. Minority leaders were divided over the new plan. In a Houston hearing over the Republican proposed plan in June, 2003, black Democratic state representatives Garnet Coleman and Ron Wilson “took such bitterly opposing positions that they engaged at one point in a shouting match. . . . Wilson, a member of the House Redistricting Committee, has joined Republicans who say the plan that the committee approved would help blacks by giving them the opportunity to control a third congressional district. . . . But Coleman . . . testified that the plan would reduce black influence in other districts, now held by white Democrats who would lose their seats to Republicans . . . .”

Hispanic leaders have similarly expressed divided opinion. For example, Democratic state senator and president pro tem, Eddie

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Lucio, “said that he does not like the redistricting proposal put forth . . . [by Republicans] . . . but would consider a plan that created five Hispanic districts along the Rio Grande. That would result in three more Hispanic districts.”

Ron Wilson’s support for the Republican plan had bitter consequences for him – in his reelection contest of 2004 he lost the Democratic primary to Alma Allen, a member of the State Board of Education, who campaigned on Wilson’s ties to the Republicans in the state house.

### The Future of Redistricting

Representative Charlie Norwood (discussed in Chapter 8) may have liked the new district boundaries drawn in Georgia for Congress and the state legislature after the 2000 census, but the Justice Department was less happy. Not about the odd shapes of the boundaries (recall from Chapter 6 the perimeter district), but because black votes were spread out across districts more than they had been in the previous plan, particularly in the plan for the state senate. Georgia’s state senate plan appeared to have been designed by legislators who understood the logic of Shott’s analysis for state legislatures. That is, Georgia’s redistricting was in control of Democrats who worried that if they created districts to maximize the probability of electing blacks to the state senate, by packing in minority voters, they would make it easier for Republicans to win and move the median voter in the state senate closer to Republicans, which would actually hurt the minority voters the new plan was supposed to help. “The Senator who chaired the subcommittee that developed the new plan testified he believed that as a district’s black voting age population increased beyond what was necessary to elect a candidate, it would push the Senate more towards the Republicans, and correspondingly diminish the power of African-Americans overall”

Democrats designed a plan that kept the number of majority-minority districts constant but increased what they called “influence” districts where black voters would be significant but not decisive. They created 13 districts with a majority black population, 13 more districts with a black voting age population of between 30-50%, and 4 other ones with a black voting age population of 25-30%. Ten of the eleven black state Senators voted for the plan and 33 of the 34 black state representatives voted for it. No Republicans voted for the plan and without the black vote, the plan would not have passed.

The Justice Department did not like the plan since it reduced the black vote in three of the districts from what it had been before. In April 2002, the District Court agreed with the Justice Department and ordered that the plan be rewritten. Georgia legislators shifted black voters back into the three districts. But the case was not over. In August, 2002, the Attorney General of Georgia, black Democrat Thurbert Baker appealed the decision of the district court to the Supreme Court in Ashcroft v. Georgia and the Supreme Court agreed to hear the case although a decision would not be expected before the 2002 election. As Democrats feared, Republicans won a majority in the state senate in 2002 with 30 seats to 26 for Democrats (the previous breakdown was 32 Democrats to 24

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Republicans). Although Baker was reelected, Republican Sonny Perdue captured the governorship from incumbent Democrat Barnes (their vote mobilization tactics are discussed in Chapter 2) and after taking office demanded that Baker drop the suit. Baker refused and Perdue sued him.

In June 2003 the U.S. Supreme Court reversed the district court’s decision for failing to adequately examine the entire plan and the effect on minority representation as a whole in the state senate, sending it back to the district court to consider these factors. Remarkably, the five justices who voted to reverse and remand to the district court were appointed by Republicans. Justice Sandra Day O’Connor wrote the option and noted that the Voting Rights Act “gives states the flexibility to implement the type of plan that Georgia has submitted for preclearance – a plan that increases the number of districts with a majority-black voting age population, even if it means that minority voters in some of those districts will face a somewhat reduced opportunity to elect a candidate of their choice. . . . While courts and the Justice Department should be vigilant in ensuring that States neither reduce minority voters’ effective exercise of the electoral franchise nor discriminate against them, the Voting Rights Act, as properly interpreted, should encourage the transition to a society where race no longer matters.”

The decision by the Supreme Court to reverse and remand in Ashcroft v. Georgia is widely seen as a victory for Democrats in the state and the use of “influence” districts. In 2007 the Voting Rights Act will expire unless it is renewed. What would that mean? In terms of vote denial, we are unlikely to return to the use of the poll tax, literacy tests, whites only primaries and other ways in which votes were directly denied to minorities that are no longer used. However, while there is a movement to allow ex-felons to vote, so far it has been unsuccessful. As for vote dilution, the 14th Amendment and the equal protection clause will not expire. However, states like Georgia would no longer need to seek pre-clearance for redistricting plans and other electoral changes as it did in 2000. Should we not worry about the potential for majority voters to use electoral institutions to dilute minority votes? Will the nation decide that in 2007 race and ethnicity no longer matter in voting?
Chapter 11: The Future and Analyzing Elections

The 2004 Presidential Contest

As I write this chapter the 2004 presidential general election is yet to be held. In the election voters like Fannie Jeffrey will be mobilized by groups – both benefit and office seeking. Some voters who may choose via the internet. Others will vote for the first time, like Amanda Strong in 2002, newly registered. Candidates like Jeb Bush in 1998 will choose policy positions in order to attract these voters as well as the voters who determine which candidates are nominated in direct primaries. Interest groups like the Culinary Workers in Las Vegas will provide candidates with campaign contributions both for anticipated policy choices of the candidates and private favors that the candidates can provide. Candidates will spend these monies in attempts to influence voters by running campaign ads in Albuquerque for example.

Voters like Patsy Cunningham will attempt to use what information they have about the candidates past records to decide whether to support them for the future. There will be referenda and initiatives on issues like abortion, gun control, tax changes, gay marriage, and maybe even recall elections of governors like Gray Davis or mayors like Diane Feinstein on the same ballot for some voters. Some voters will also be choosing judges and prosecutors with little information beyond sentencing choices and conviction rates as well as public utility commissioners, knowing some of how much their electricity costs.

Members of Congress like Charlie Norwood and Tom Osborne will run for reelection or voters will choose in open seats over new candidates like Larry Weatherford, Betty McCollough, and Devin Nunes – in some cases, like Texas, the district boundaries may be different from the previous Congressional election. State legislators like David Sibley as well as governors like Rick Perry and state level elected officials will be on the ballot in some states. There will be minor party and independent candidates like Angus King and Jesse Ventura, probably for all offices, and some will surprise voters and political experts by succeeding. And there will be something unexpected that will happen because the outcomes of elections depend on the choices of voters on a given day (or period of days, with absentee and early voting) and predicting these voters’ preferences perfectly is never possible. Who could have predicted before November 2000 that the presidential contest would end up in the Supreme Court?

The result of the election, like the result of the 2000 election will shape American politics for the next four years. It will affect whether a patient’s bill of rights is passed by Congress, how voters choose in the midterm elections in 2006, whether the Voting Rights Act is renewed in 2007, as well as how American deals with future threats of terrorism and war, and many other aspects of American life. As you read this chapter either the election has already happened. You may know the extent that the election was like others previously or how it was different. You may also know how it affected American life. Yet there is always the next election on the horizon to change things yet again.
Changes in the Electoral System

Also as I write this chapter, the Federal Election Commission is deciding how to treat campaign expenditures by 527s. In some states there are still battles going on over how Congressional district lines will be drawn in response to the 2000 census, boundaries that will again be redrawn after the 2010 census. Other states are contemplating changing the rules that affect voter registration, ballot access, and how primaries are run. There are proposals to eliminate the electoral college, to have a national presidential primary, institute terms limits for members of Congress, relax the restrictions on felons voting, institute national referenda and initiative procedures, as well as many other changes in the electoral institutions at the federal, state, and local levels of government. These changes will affect how elections are conducted, which voters vote, how candidates choose positions and which win, and the ability of the major political parties to continue to dominate American elections.

The analysis in these chapters should not only provide an understanding of how the existing electoral institutions work but also how changes in that system may affect voters, candidates, parties, and interest groups. Restricting campaign finance can reduce the role of money in elections and the influence of interest groups but may also reduce the information that voters have about elected officials. As we discussed in Chapter 8 if the electoral college is eliminated then presidential candidates are likely to change which states they visit during their campaigns and how they distribute resources. A national presidential primary may benefit front-runners in nomination campaigns, reducing the ability of voters to learn about candidates during the primary season, although it will mean that all voters in a political party have the chance to be involved in the selection of the nominee. If ex felons are given the right to vote in states where the right is currently restricted, they can have an impact on electoral outcomes but how that impact will occur depends on whether they are mobilized to vote in election and what type of group mobilizes them. Referenda and initiatives can help voters influence policy on less complex, but controversial issues that tend to be ignored by elected officials.

The analysis also helps us understand as well why some may propose institutional changes and the advantages they expect to achieve. Tom Campbell anticipated that a change in primary rules in California would help him win the Republican Senate primary and it did. However, sometimes even the most farsighted reformer cannot fully anticipate the effects of such changes because of the complexity of the system. When reformers in the Democratic party opened up the presidential nomination process after the disaster of the 1968 nominating convention, they hoped that most states would adopt caucuses like Iowa where voters at the precinct level got together to discuss and influence presidential nominations – a grass roots effort. Yet over 30 years later most states have primaries and most of these primaries are bunched together such that presidential primaries for most voters whose votes count are hardly the grass roots individualized world of Iowa caucuses. Thus, while we can make these predictions about the effects of individual electoral changes we know that the full effects of each change depends on the complicated simultaneous effect of that change on a myriad of other factors which are hard to predict as well as the random factors that can influence elections and American politics over time.
Truisms

Nevertheless, we can conclude that the fundamental features of American elections are likely to remain unchanged and these features will continue to shape American politics. In particular, the winner-take-all nature of almost all elections advantage two major electoral coalitions or parties in dominating American elections and politics. The Democrats and Republicans have ruled these coalitions and much about the electoral system in terms of ballot access laws and primaries facilitates that continued supremacy. However, the policy positions of these coalitions and their identities will change with voter preferences as we saw in Chapter 9. We may find that on some issues the parties will begin to diverge over time as with civil rights and abortion in the past and that other issues which currently divide the parties are no longer salient. It is possible, although most improbable, that some day a minor party will replace one of the two major parties or compete on equal footing.

The shared but limited powers feature of American politics means that whenever American voters choose candidates they do so knowing that the ultimate policy outcomes will be a compromise between elected officials across the branches of government (and the choices of some nonelected officials) as well as levels of government. Some states will have Republicans in control, others Democrats, some minor party candidates. Congress and the president will disagree about some issues, even when they are from the same party. The shared but limited powers feature will continue to affect how voters choose in elections, although voters may find that it is desirable in some cases for one party to dominate nationally as Democrats did in 1964 and Republicans in 2002. Finally, elections will make some happy, some angry, and some laugh.
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