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PREDICTING PARTISAN REDISTRICTING DISPUTES

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ABSTRACT

Partisan redistricting disputes are relatively rare occurrences. This paper explores the factors that lead to partisan disputes over congressional redistricting plans. In previous work single party control of both houses of the state legislature and the governorship emerged as a key correlate of partisan redistricting in the 1980s. This paper presents an interactive statistical model of partisan redistricting plans. The basic conclusion is that in addition to single party control, the nature of the voting role and the political competitiveness of the states effect the likelihood of partisan redistricting.

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The focus of redistricting studies has shifted measurably over the years. In the period immediately following *Baker* v. *Carr*, the most commonly studied question was whether urban interests benefited and rural interests suffered from the application of the "one person, one vote" principle (Baker, 1967; Bicker, 1971; O'Rourke, 1980; Saffel, 1982). That issue persists (McCubbins and Schwartz, 1984), but scholarly attention was largely redirected in the seventies to the relationship between gerrymandering and the incumbency effect (Tufte, 1973; Bullock, 1975; Ferejohn, 1977). Now after the most recent round of redistrictings, the emphasis has moved to the partisan effects of line drawing, partly 7 as the result of much publicized partisan battles in such states as California, Indiana, New Jersey and Washington, and also because the courts have implied that this is an area they might rule on in the future.

Most plans are passed with bipartisan blessing and thus, partisan disputes are relatively rare occurrences (Robertson, 1983). In previous work, one variable emerged as a key correlate of partisan redistricting--i.e., single party control of both houses of the state legislature and the Governorship (Erikson, 1972). However, single party control was not a sufficient predictor of partisan redistricting in the 1980s. In states such as Alabama, Florida, Iowa, Maryland, Massachusetts, Mississippi, North Carolina, Rhode Island and West Virginia, the legislature and the Governorship were controlled by the same party but no partisan battle ensued. The purpose of this study is to explore whether other factors might be involved.

In the sections of the paper that follow, we will begin by outlining some theoretical considerations about why certain institutional and political factors should affect the outcome of Congressional redistrictings. We will then consider the components of partisan redistricting disputes. Finally, we will look at an interactive statistical model that attempts to predict why partisan redistricting plans occurred in some states but not others. The basic conclusion is that in addition to single party control, the nature of the voting rule and the political competitiveness of the state affect the likelihood of partisan redistricting.

FACTORS LEADING TO PARTISAN OUTCOMES

Why do partisan disputes over Congressional districting occur in some states, but not others? An explanation of this consists of two components: the political conditions that induce a majority party to try to gain extra seats from the minority party by means of redistricting and the institutional arrangements that make such an attempt successful. With

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regard to the first, we can safely assume that a political party will prefer to increase the size of its delegation to a level that gives it control over the legislative bodies of a given state. The reasons for this are fairly straightforward. Control of the legislature facilitates the majority party's legislative agenda, and brings a greater share of the perks, staff and power to its incumbents. The more competitive the two parties are in a state, the more likely the redistricting process itself will be partisan: the gain or loss of an additional seat will matter more when the parties are nearly equal in strength than when there is a substantial imbalance between them.

By the same logic, once a party has safe control of a legislature, then it is plausible to think that the incentive to add to its delegation by means of redistricting decreases. To put it another way, after a party has achieved a certain minimum winning coalitional size (with some risk averse allowance for slippage), the party should get diminished utility from adding more members to its caucus delegation. It might even be the case that at a certain point, the party actually becomes worse off by adding new members, because, for instance, there are not enough committee chairmanships to go around.

Congressional lines, of course, are not drawn by Congressmen, and one might ask how partisan considerations spill into the drawing of Congressional districts? There may be self-interested considerations: state legislators might want to increase the size of their party's Congressional delegation in order to have more potentially winnable (or at least open) seats for them to run in. It is also likely, of course, that legislators will have closer ideological and personal ties to the members of their own party's Congressional caucus than with those of the other party. Finally, the competitiveness of the state legislature can affect the general willingness of legislators from different parties to cooperate with one another. Residual bitterness over policy issues can affect the propensity for agreement on policy issues in the decade after redistricting.

Another condition influencing the motivation of the majority party is the need to add or subtract Congressional seats because of demographic shifts. The gain or loss of Congressional seats necessitates decisions that the parties can disagree about. On the other hand, if no changes in a state's Congressional delegation are dictated by the national apportionment formula, then the boundary adjustments required are likely to be less significant, and hence, less likely to cause partisan warfare.

Whatever the intentions of the majority party, it cannot control the redistricting process unless certain political conditions and institutional arrangements obtain. One well acknowledged consideration is single party control of the redistricting process, defined as control by one party of both houses of the state legislature and the Governor's office. If control of the legislature is divided between the parties, it will be difficult for one party to impose its will on another.

Another contributing factor is the voting rule employed by the legislature. The smaller the coalition size has to be in order to win, the easier it will be to put together such a coalition and the more frequently such a coalition will appear. If a legislature employs a majority rule, then the majority party need only hold most or all of its members in order to pass its redistricting plan through the legislature. If a two-thirds vote is required, then the

majority party will either have to possess two-thirds of the legislature's membership, or it will have to win over some minority party votes.

In sum, the self-interested incentives of legislators lead naturally to bipartisan trades, but the legislative leadership of a majority party can steer redistricting in a partisan direction if certain political and institutional conditions obtain. In particular, we have suggested that partisan outcomes in legislative redistricting are more likely when: (1) the parties in the legislature are highly competitive; (2) one party controls the process; (3) the voting rule used in deciding a redistricting plan is a simple plurality or majority rule; and (4) when demographic changes dictate the addition or subtraction of a seat from the state delegation. In order to test this theory, we will first consider the nature of the dependent variable (i.e., whether there was a partisan dispute over the redistricting outcome), and then specify a statistical model that predicts the occurrence of partisan versus bipartisan Congressional redistricting outcomes as a function of the previously dicussed factors.

COMPONENTS OF A PARTISAN PLAN

Partisan fights over redistricting usually center on two issues: the distribution of incumbent displacement and the pattern of partisan reconstruction of the seats. With regard to the first, a partisan plan may be perceived by one of the parties as being uneven in its distribution of incumbent displacement--i.e., the amount of new territory an incumbent must take as the consequence of a redistricting plan. Assuming equal levels of partisan strength in two areas, incumbents will generally prefer the area with familiar constituents to the area with new and unfamiliar ones. The reason for this is quite simply that incumbents have typically invested a great deal of time and resources to establishing name recognition and a favorable image. Losing familiar constituents and replacing them with unfamiliar constituents amounts to throwing away that investment.

To what extent was displacement an issue in partisan redistricting battles? Table 1 lists the states that had partisan disputes over Congressional redistricting and the issues at stake in each instance. From this, certain observations are possible. First, and most obviously, redistricting plans that put minority party legislators in the same district will tend to cause partisan disagreement. Such a situation either forces one of the incumbents to run in a different seat, or results in a costly primary fight, diverting money from critical November campaigns. As can be seen in Table 1, the placement of minority incumbents in the same seat was an issue of contention in four states that had serious partisan redistricting battles--California, Illinois, New Jersey, and Pennsylvania.

[Insert Table 1 Here]

A second observation is that minority parties will often protest redistricting changes that alter their incumbents' districts beyond some baseline expectation. The expectation that defines excessive change will often be based on the initial population surplus or deficit (i.e., the amount that the population of a district is greater or less than the ideal population). If district changes add or subtract more people than is required to get to the ideal population,

the displacement is more likely to be perceived as unfair. This was the case in Arizona when the Republicans reconfigured Udall's seat in 1981 in a manner that placed his voting residence in a new marginal seat composed of the Republican sections of Tucson and regions with so-called disloyal "Pinto" Democrats. The drastic rearrangements of the Dornan, Rousselot and Fiedler seats were a major source of contention in the California redistricting. Similarly, in Utah and Washington, Democratic incumbents were displaced to make room for new Republican leaning seats. In these cases, the issue was not that the incumbent had to run against another incumbent, but rather that the incumbent had to run in a different seat.

Apart from displacement, a partisan redistricting dispute can also focus on the manner in which majority and minority party seats are made weaker or stronger by redistricting trades. In their ideal forms, partisan and bipartisan plans will display different characteristic patterns. In particular, a partisan redistricting plan should display an "efficient" pattern and a bipartisan plan should display an "inefficient" pattern. In practice, many factors ranging from inertia to incumbent self-interest prevent most redistrictings from resembling either ideal type. Even the prototypical "Burton" plan in California contained numerous cases of partisan inefficiency (Cain, 1984).

Even so, one might ask whether there is any evidence of movement towards greater efficiency among majority party incumbents in redistrictings controlled by one party. Measuring such changes is difficult. Ideally, one would like to use registration figures, but since these are not available in all states, it is necessary to find another measure of partisan strength that does not reflect idiosyncratic and local support for a particular candidate. An alternative measure that has been used with some success is the percent vote Carter received in the 1980 Presidential campaign. The pre-redistricting value is the actual 1980 Carter vote in a given Congressional district and the post-redistricting value is the reconstructed Carter vote--i.e., what Carter would have received in the new Congressional boundaries. While the Carter vote is free of particular Congressional candidate effects (e.g., factors such as incumbency, money, strength of the campaign run by the candidates, etc.) it does have some disadvantages as a measure of party strength. In particular, Carter scores understate the true level of potential Democratic strength in a given district, particularly in non-minority areas. On the other hand, the Carter vote tends to be highly correlated with registration, and hence, while imperfect, it is an acceptable alternative.

The test of efficiency is the correlation between the level of partisan strength prior to redistricting and the nature of the change in partisan strength as a result of redistricting. Since an efficient plan would strengthen the weakest incumbents and weaken the strongest ones, there should be an inverse correlation between the previous level of partisan strength and the boost given by the redistricting. For states in which the Democrats controlled the redistricting, we should observe a negative correlation between the Carter scores in 1980 and increases in the Carter scores after redistricting for Democratic incumbents. In fact, we find that the correlation coefficient was -.38 and significant at $p < .01$ level. The correlation of an efficient pattern of redistricting trades should be negative for Republicans also since those with the lowest Carter scores (i.e., the safest Republicans) should get the greatest gains in Democratic strength and those with the highest Carter scores (i.e., the most marginal

Republicans) should get the smallest increments. The correlation for Republicans when Democrats controlled the process was much smaller (i.e., -.11) and not statistically significant.

What is the pattern when Republicans controlled the redistricting process? In these instances, the efficiency correlation is statistically significant and properly signed for the Republican incumbents (-.58) and insignificant and positively signed (i.e., trades seemed to move in an inefficient direction) for Democratic incumbents (.15). So there is some evidence that the patterns of trades do differ when one party as opposed to another controls the redistricting process.

A MODEL OF PARTISAN OUTCOMES

Having considered the components of a partisan dispute, we are now in a position to test some of the ideas outlined earlier about the conditions that lead redistrictings to be partisan. The variable to be explained is whether both parties supported the redistricting plan (i.e., bipartisan outcome) of a given state or whether one of the parties opposed the plan (i.e., partisan outcome). This is coded one if partisan and zero if not (see Table 1). We restrict ourselves to legislative redistrictings of Congress only and thus omit the three judicial partisan plans.

The independent variables in the model are of two kinds. The first are those that characterize the political and institutional arrangements most conducive to a partisan outcome. First, a redistricting is more likely to be partisan when one party controls both houses of the legislature and the governorship. This is, of course, a familiar proposition. However, we have argued that this is a necessary but not sufficient condition. There were many states in the south that satisfied this condition but still did not have a partisan outcome. A second variable from our earlier discussion is the competitiveness of the state legislature that draws the Congressional lines. If there is a competitive two party system, then the likelihood of partisan disagreement should increase. Conversely, when the parties are noncompetitive, disagreements should be less likely to fall along partisan lines. Thirdly, the voting rule used by the legislature will affect the probability of partisan agreement. A two-thirds rule will in most instances force the majority party in competitive states to moderate their plans or cause a stalemate. Our hypothesis is that when all three conditions obtain, the probability of a partisan outcome is highest.

The second kind of factor that must be controlled in this model is the demographic constraints discussed earlier. We hypothesize that the likelihood of any changes that the parties might disagree over will be lower when a state does not have to add or lose any Congressional seats. Thus, we need to hold constant the apportionment status of each state with a dummy variable coded 1 when there were no changes in the number of seats apportioned to a given state. Because the dependent variable is binomial, the proper statistical procedure is logit.

The specification of the model is as follows:

$$\text{Prob}(Y) = [a + b_1 p + b_2 d]$$

where:

Prob (Y) is the probability of a partisan outcome
a is a constant term
p is the three way interaction of single party control, majority rule, and the competitiveness term (1/percent of legislative seats held by the majority party in 1980)
d is apportionment status of each state (1 if there were no changes in number of seats in state)

We expect the coefficient on the interaction term to be positive, indicating that when these three conditions obtain, there is a high probability of a partisan plan. The sign of the coefficient on the demographic variable should be negative, indicating that a partisan dispute is less likely when there is no need for accommodating the gain or loss of a seat.

[Insert Table 2 Here]

Table 2 displays the results of the estimation. It also shows an alternative specification in which each of the institutional variables enters independently. As the results clearly show, the coefficient on the interactive term is significant and in the predicted direction. By comparison, the independently entered terms are not significant by conventional statistical standards. In both equations, the demographic variable is in the predicted direction. In short, it appears that a partisan Congressional redistricting outcome is most likely in a legislative setting when:

1. one party controls both houses of the legislature and the governorship and;
2. the legislature employs a majority rule and;
3. the parties in a state legislature are competitive.

In addition, partisan disputes are most likely when apportionment causes changes in the size of the state's Congressional delegation.

CONCLUSION

Partisan redistricting outcomes, it was observed earlier, are relatively infrequent occurrences. The incentives facing legislators in a redistricting tend to pull them in a bipartisan direction. However, certain circumstances seem to be more conducive to partisan outcomes, including institutional arrangements that allow one party to control the process, political conditions that might lead one party to impose its plan over the other party's objections and demographic factors that cause much potentially volatile displacement.

One implication of this is that there is an institutional remedy to the problem of partisan redistricting fights. If one seeks to diminish the likelihood of such squabbles, then one should look to institutional measures that make it harder for one party to impose its will on

another party. These could include requiring that the approval of the highest ranking elected official of the minority party, or two-thirds of the minority legislative party delegation, or, in many cases, simply two-thirds of the state legislature. It will not eliminate the possibility of a partisan outcome completely since it is still possible for a state legislature to fail to come to agreement and for the courts to draw politically controversial lines advertently or inadvertently. Still, such measures might reduce partisan fighting over redistricting to even fewer instances than there are presently.

Table 1

CQ DESIGNATED PARTISAN PLANS (1982)

State	Nature of Partisan Dispute	Controlling Actor
Arizona	Displacement of Udall seat to create new safe Rep. seat.	Rep. Leg. over-rides Dem. Gov. veto with 2/3's vote.
California	Displacement of numerous Rep. incs., creation of 4 new Dem. seats, strengthening weak Dem. seats. Pairing of Goldwater-Fiedler and Rousselot-Moorhead.	Dem. Legislature and Governor.
Illinois	2 Rep. incs. put in same seat. Displacement of Erlenborn, Porter seats. Strengthening of weak Simon seat.	Court
Indiana	Displacement of Sharp, Evans and Fithian.	Rep. Legislature and Governor.
Michigan	Displacement of Rep. inc. Dunn. Preservation of urban Conyers and Crockett seats.	Court
Missouri	Displacement of Bailey (R) and Emerson (R) seats. Preservation of underpopulated Clay (D) seat.	Court
New Jersey	Collapse of Fenwick (R) seat. Strengthened Howard (D) seat. 2 Rep. incs. in same seat (Roukema and Courter).	Dem. Legislature and Governor.
Oklahoma	Preserves existing Dem. incs.	Dem. Leg. & Gov.

Pennsylvania	2 pairs of Dem. incs. in same seats (Foglietta and Smith: Bailey & Murtha). Weakened marginal Dem. seat (Walgren).	Rep. Legislature and Governor.
Utah	Creates new Rep.-leaning seat. Preserves marginal Marriott (R) seat.	Rep. Legislature and Governor.
Washington	Creates new Rep.-leaning seat by displacing Dem.	Rep. Legislature and Governor.

Table 2

PREDICTING A PARTISAN PLAN

No Seat Change	-0.83	-1.04
	(0.50)	(0.45)
Size Of Legislation Majority (SLM)	119.4	---
	(92.3)	---
Majority Rule Legislation (MLR)	0.31	---
	(0.46)	---
Single Party Control (SPC)	0.32	---
	(0.42)	---
Interactive Term	---	61.0
	---	(29.1)
Constant	2.59	4.55
	(1.67)	(0.29)
Chi Square	42	45

Logit

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