

Competitiveness of Legislative Elections in the United States: *Impact of Redistricting Reform and Nonpartisan Elections*

Introduction

Anti-competitive state laws detract from the power and purpose of elections by denying voters viable options on Election Day. Further, these laws allow candidates to cater to narrow ideological bases of support, at the expense of the public at large. The most common anti-competitive laws are those pertaining to redistricting and primary elections. Studies show that reforms in these areas better serve voters by increasing the likelihood of competitive elections, which, in turn, provide voters with more options on Election Day and hold candidates accountable to a broader range of voters.

Redistricting

Under the U.S. Constitution, states have the power to draw the boundaries of legislative districts, and the courts have ruled that districts must be roughly equal in size, in accordance with the “one person, one vote” principle. By tradition, the process of drawing district lines (“redistricting”) has occurred once a decade, following each decennial census. The next round of redistricting is expected to occur in 2011, after the results of the 2010 census are released, but before the 2012 elections.

Increasingly the partisan nature of the redistricting process has come under public attack, but it is not a new problem. Drawing district lines for political gain has been an issue since the founding of the Republic. In fact, Anti-Federalists attempted to draw district lines in Virginia to keep James Madison out of Congress in 1788. Today, redistricting reform has gained significant momentum for three reasons.

- 1) **Technology:** Anti-competitive district design has reached new levels of precision thanks to more sophisticated mapping tools. This allows elected officials to design districts that maximize their re-election chances. In New York State, for instance, only 39 out of 3,000 challengers have defeated incumbents in general elections since 1980. Redistricting is not the only advantage that incumbents enjoy, but it is a significant one.
- 2) **Controversy:** High profile mid-decade redistricting cases in Colorado, New Hampshire and Texas led to calls for reform.
- 3) **Uncompetitive elections:** The increasing sophistication of computer mapping has helped reduce competitiveness in elections and create more seats that are “safe” for one party or the other. Competitive elections, in which at least two candidates are seen as viable contenders, encourage accountability and responsiveness from elected representatives, and help prevent candidates from catering exclusively to the ideological base that tends to define party primaries.

Lack of competitiveness in legislative races

Despite a small set of close races and upsets, congressional and state legislative general elections in 2009/2010 were by and large not competitive. In both the U.S. House and State Legislatures, the average margin of victory was 27 points, a landslide by any definition. There is no difference in competitiveness of Republican vs. Democratic districts. Moreover, one-third of all state legislators run unopposed in the general election. Overall, 57% of state legislators and 49% of U.S. Congressmen won their elections with more than a 30 point margin of victory (including those who faced no opponent at all).

Table 1: Competitiveness of most recent legislative races in the United States

Competitiveness Metrics	2010 U.S. House	2009/2010 State Legislature ⁱ
# of uncontested races (%)	29 (7%)	1,986 (33%)
Avg. margin of victory of contested races	27 points	27 points
% of contested races within 5pt margin	11%	12%
% of contested races with >30pt margin	45%	36%
% of races uncontested or with >30pt margin	49%	57%
Avg. margin of victory by party (contested)	27 points Rep. / 28 points Dem.	27 points Rep. / 26 points Dem.

Current Efforts to Increase Competitiveness via Redistricting

Following the 2000 census, 35 states (including NY) drew both Congressional and State district lines exclusively via the legislature. The remaining 15 states utilized several alternatives to partisan legislative redistricting.

Non-Legislative Mechanisms for Drawing State Legislature District Linesⁱⁱ

- Advisory Commission (non binding) (ME, VT)
- Partisan commission of state-wide electeds (AR, OH)
- Bipartisan commission selected by legislature (HI, ID, MT, NJ, PA, WA)
- Bipartisan commission selected by executive, legislative and judiciary (AK, CO)
- Independent commission (AZ, IA, MO)

In advance of the 2010 census, voters in California and Florida both passed referenda creating more independent mechanisms for drawing congressional and state legislative district lines. In New York State's 2010 elections, a reform group led by former Mayor Ed Koch, called NY Uprising, waged a campaign to convince candidates to sign a pledge committing themselves to supporting redistricting reform. Of the victorious Assembly candidates, 56 percent signed the pledge – and 87 percent of victorious Senate candidates signed the pledge.

Governor-elect Cuomo, Attorney General-elect Schneiderman and Comptroller DiNapoli have also pledged support. NY Uprising has recommended that the State Legislature follow the Iowa model, in which an independent commission draws districts lines and sends the map to the legislature for a straight up-or-down vote.

Impact of Nonpartisan Redistricting Efforts to date

The elections of 2010 and 2009 provided striking evidence that nonpartisan redistricting can increase competitiveness of legislative general elections.

Removing partisan control over state district lines translated into a 21% lower rate of uncontested general elections, as well as a 14% lower average margin of victory in contested races. Meanwhile, shifting redistricting responsibility from the legislature to a group of state-wide elected officials had no impact on competitiveness of races at the state level, as seen in the table below.

Table 2: Impact of nonpartisan redistricting on competitiveness of state legislature elections

State district line responsibility	# of states	Avg. margin of victory in contested races	% of uncontested races
Partisan Legislature	33	28 points	35%
Partisan state-wide electeds	2	27 points (-1%)	36% (+3%)
<i>Nonpartisan commission</i>	<i>13</i>	<i>24 points (-14%)</i>	<i>27% (-21%)</i>

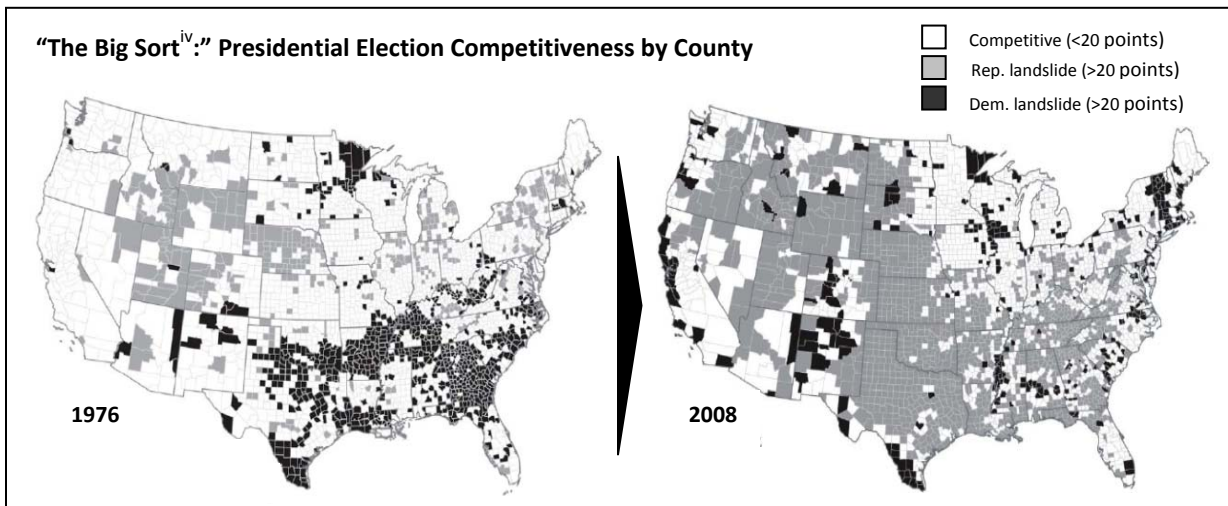
The 2010 congressional elections show similar results. 48 congressional seats are not drawn by a state legislature.ⁱⁱⁱ Again, independent or bipartisan commissions demonstrated a significant increase in the competitiveness of general elections.

Table 3: Impact of nonpartisan redistricting on the competitiveness of U.S. House elections

State district line responsibility	Avg. margin of contested races	% of uncontested races
Legislature (387 seats)	28 points	7%
<i>Nonpartisan (41 seats)</i>	<i>21 points (-24%)</i>	<i>2%</i>
<i>At-large Districts (7 seats)</i>	<i>24 points (-13%)</i>	<i>-</i>

Limitations of Redistricting

Redistricting can help create more competitive districts where there are two viable parties. But increasingly, many counties in the country are overwhelming Democratic or Republican, leaving nearly all meaningful competition to take place in party primaries.^{iv}



In part to address this problem, Washington State voters adopted a “top 2” system, in which all voters participate in a primary election with all candidates on the ballot, and the top two finishers – regardless of party – advance to the general election. Such a system, which has also been in place in Louisiana since the mid-1970s, is designed to increase the chances that every voter is given at least two viable choices on Election Day. An examination of the two states with top two elections (and Nebraska which has a nonpartisan legislature), when compared to New York and the United States, highlights their success in increasing competitiveness. Nebraska, Louisiana and Washington had an average margin of victory 19% lower than the United States overall, and 35% lower than New York State. States with “top two”/nonpartisan elections also have 20% lower rate of uncontested races than the United States as a whole.

Table 4: Impact of nonpartisan elections on competitiveness of state legislature races

Election type	Avg. margin of contested races	% of uncontested races
United States (6,034 seats)	27 points	33%
New York State (212 seats)	34 points	28%
<i>Nonpartisan states (265 seats)</i>	<i>22 points (-19% vs. US)</i>	<i>26% (-20% vs. US)</i>

At the municipal level, where top two or nonpartisan elections are the norm, the data shows similar results. In the most recent municipal elections, nonpartisan city council seats had a 47 point average margin of victory, 24% lower than their partisan counterparts (at 62 points).

**Table 5: Average margin of victory in most recent city council elections
(Partisan Cities in Bold)**

City	Avg. margin of decisive race
San Diego	21 points
San Francisco	25 points
San Jose	28 points
Seattle	31 points
Jacksonville	34 points
El Paso	36 points
San Antonio	39 points
Indianapolis (P)	41 points
Phoenix	46 points
Milwaukee	46 points
Chicago	47 points
Dallas	49 points
Fort Worth	50 points
Austin	51 points
Philadelphia (P)	54 points
Charlotte (P)	55 points
Houston	56 points
Denver	59 points
Boston	61 points
New York (P)	65 points
Washington, D.C. (P)	71 points
Los Angeles	77 points
Baltimore (P)	82 points
Partisan Cities Avg.	62 points
Nonpartisan Cities Avg.	47 points (-24%)

Conclusions

A fundamental part of democracy is ensuring that voters have viable choices, and that elected officials are accountable to their constituencies. High rates of uncontested elections and consistent, double digit margins of victory are anathema to these goals.

The data clearly indicate that shifting districting responsibility to a nonpartisan or independent entity, and moving to “top two” election structure, leads to more competition in general elections. In addition, voter access reforms such as early voting and extended registration deadlines can promote competition, by encouraging participation, and create a more robust democracy with more accountable leaders.

ⁱ Review of most recent legislative election (2010 for 46 states; 2009 for NJ,VA, MS; 2007 for LA); excludes staggered term senate seats not up for election; excludes NH and VT state houses as outliers due to extremely small size of districts (less than 5,000 residents)

ⁱⁱ 7 of these states also authorize the commission to draw congressional lines (AZ, HI, ID, IA, ME, NJ, WA); 3 of these states have only 1 congressional district (AK, MT, VT)

ⁱⁱⁱ 7 at-large seats plus 39 seats from 7 states with independent commissions

^{iv} Bishop, Bill. *The Big Sort* Houghton Mifflin 2008

^v All numbers are rounded to nearest whole number