

## What Can We Say About Wisconsin Legislative Redistricting?

### 1. How did Obama perform by legislative district?

In the 2012 presidential election, Barack Obama won the popular vote in Wisconsin by seven percentage points. If the vote had been allocated by legislative district, however, he would have lost. As can be seen in the table below, he lost a majority of the US House districts, of the state senate districts, and of the state assembly districts. He won only 43 of the 99 assembly districts.<sup>1</sup>

|               | US House |       | WI Senate |       | WI Assembly |       | Popular Vote |       |
|---------------|----------|-------|-----------|-------|-------------|-------|--------------|-------|
| <b>Obama</b>  | 3        | 37.5% | 16        | 48.5% | 43          | 43.4% | 1,620,985    | 53.5% |
| <b>Romney</b> | 5        | 62.5% | 17        | 51.5% | 56          | 56.6% | 1,410,966    | 46.5% |
| <b>Total</b>  | 8        |       | 33        |       | 99          |       | 3,031,951    |       |

Under a recent proposal to allocate Wisconsin's electoral votes by congressional district, Obama would have won five electoral votes in Wisconsin instead of all ten.

These numbers give some measure of the advantage built by Republicans in the redistricting process following the 2010 census and the challenge faced by Democrats if they wish to regain control of the state legislature in the next ten years.<sup>2</sup>

### 2. What would it have taken to win a majority of seats?

To further explore this challenge, I estimated the margin Obama would have needed in order to win a majority of seats in each branch of the legislature, as well as a majority of the Wisconsin congressional delegation. In this model, I took a fixed percentage of Romney votes in each district and gave them to Obama and then calculated the number of seats won by each candidate. I kept increasing this percentage until Obama won a majority of the districts.

To win a majority of assembly districts, Obama needed 54.5% of the popular vote. Thus he would need to increase his margin of the popular vote from seven percentage points to nine, as can be seen below:

| Obama Vote | Assembly Seats Won |        |
|------------|--------------------|--------|
|            | Obama              | Romney |
| 53.5%      | 43                 | 56     |
| 53.7%      | 44                 | 55     |
| 53.9%      | 44                 | 55     |
| 54.2%      | 45                 | 54     |
| 54.4%      | 49                 | 50     |
| 54.6%      | 50                 | 49     |

<sup>1</sup> The calculations shown here are based on spreadsheets published on the Wisconsin Government Accountability Board web site.

<sup>2</sup> For more on the redistricting, see Craig Gilbert's article in the Milwaukee Journal Sentinel (Gilbert, 2012)

|       |    |    |
|-------|----|----|
| 54.9% | 51 | 48 |
| 55.1% | 52 | 47 |

A similar calculation can be made for state senate seats. With a popular vote margin around eight percentage points, the senate flips:

| Obama Vote | Senate Seats Won |        |
|------------|------------------|--------|
|            | Obama            | Romney |
| 53.5%      | 16               | 17     |
| 53.7%      | 16               | 17     |
| 54.0%      | 16               | 17     |
| 54.3%      | 17               | 16     |
| 54.5%      | 17               | 16     |
| 54.8%      | 18               | 15     |
| 55.1%      | 18               | 15     |

A similar calculation for the US House results in a margin of ten percent.

Although individual races depend partly on the strengths and weaknesses of the individual candidates, this means a generic Democratic candidate needs to attract about 55% of Wisconsin voters if Democrats are to win the state legislature. Put another way, Republicans can control the legislature so long as they win 46% of Wisconsin voters.

### 3. Did Democrats win a majority of votes for the legislature?

While Democrats did not receive the super-majority needed to control the legislature, clearly the November 2012 election was good for them. A simple tabulation of votes state-wide shows a Democratic majority in every case. (Note that all these calculations ignore third-party and write-in votes.)

|                    | Presidential | US Senate | US House  | WI Senate | WI Assembly |
|--------------------|--------------|-----------|-----------|-----------|-------------|
| <b>Democratic</b>  | 1,620,985    | 1,547,104 | 1,445,015 | 696,773   | 1,417,359   |
| <b>Republican</b>  | 1,410,966    | 1,380,126 | 1,401,995 | 593,893   | 1,249,568   |
| <b>Total</b>       | 3,031,951    | 2,927,230 | 2,847,010 | 1,290,666 | 2,666,927   |
| <b>Dem Percent</b> | 53.5%        | 52.9%     | 50.8%     | 54.0%     | 53.1%       |

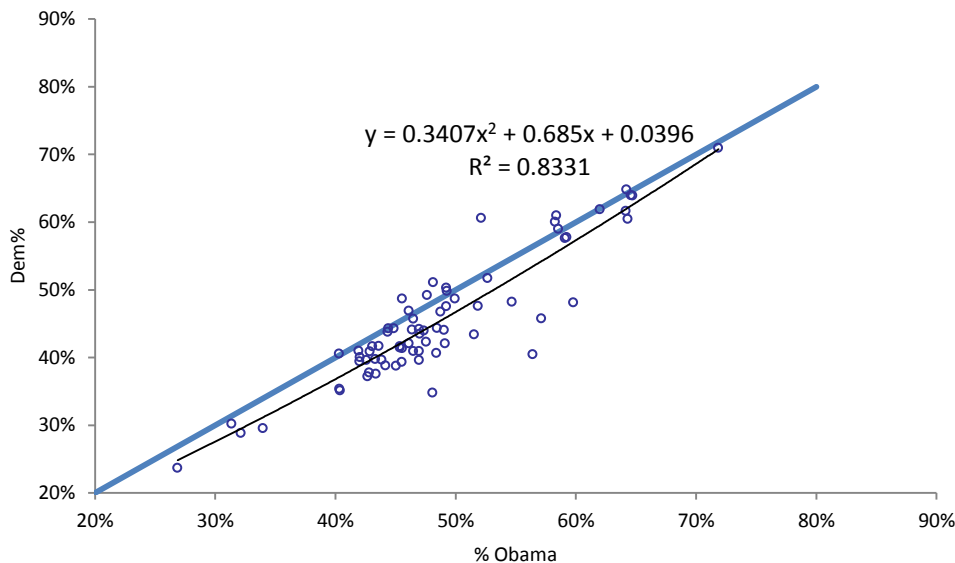
Adding up total votes is problematic, however. One problem is in some Wisconsin legislative districts only one of the parties fielded a candidate. Democrats were missing in four assembly races while Republicans missed a whopping twenty three. Without a candidate, a party receives no votes, apart from a few write-ins. But these districts also likely depressed the vote total for the winning party, when its supporters saw little reason to vote when the outcome was assured. The average vote total for uncontested assembly seats was just under 21,000, compared to 29,000 for contested seats.

Even with two candidates on the ballot, vote totals may be depressed if the campaign is regarded as one-sided. If nothing else, parties and outside groups will concentrate their resources on the handful of competitive races. The strongest potential candidates may be reluctant to enter races they regard as hopeless. As further evidence, in the US House races, both parties fielded candidates, the largest gap between the presidential vote and house vote occurred in the 4<sup>th</sup> and 5<sup>th</sup> districts, the most heavily Democratic and Republican, respectively.

An alternative approach to estimating total state-wide vote totals by party is to compare the presidential vote to the legislative in the same district. In competitive races, Democratic legislative candidates, on average, slightly under-performed Obama. For example, in the Assembly six Republicans won districts that Obama won, while only two Democrats won districts carried by Romney.

Figure 1 shows a scatter plot comparing the percentage vote for Obama (on the horizontal axis) to the percentage vote for the Democratic Assembly candidate (ignoring write-ins and third-party votes). Note that most districts fall below the 45 degree line showing where the district candidate got the same proportion as Obama. Districts in which one party did not field a candidate were excluded from this analysis.

**Figure 1. Scatterplot of Dem% vs % Obama**



The average Democratic Assembly candidate did slightly worse than Obama, particularly in the most competitive districts. Using simple linear regression, the state-wide 53.5% Obama vote translates to an average Democratic assembly candidate vote of 50.5%. Using the polynomial equation shown in Figure 1 results in an estimate for the average Democratic assembly candidate of 50.3%. These results suggest a slight majority of votes for Democratic candidates in the election, but not an overwhelming one and far short of the super-majority needed to take control of the legislature.

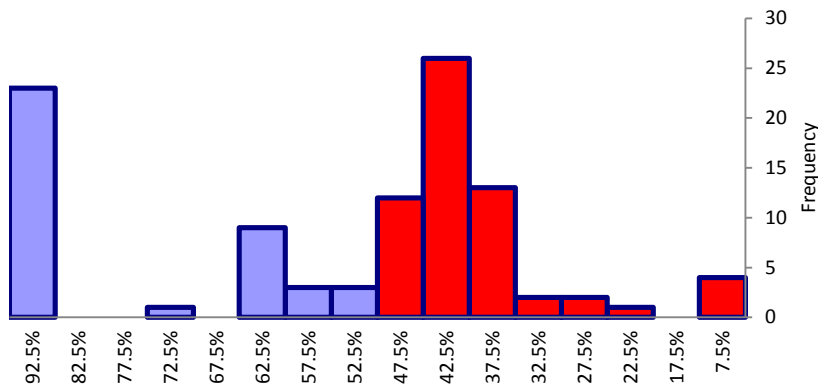
While the model does a pretty good job of predicting Assembly races, there are outliers. In the

51<sup>st</sup> district (Spring Green) Obama received 58.5% of the vote while the Republican assembly candidate won with 51.9%. Romney won the 70<sup>th</sup> (Tomah) and 75<sup>th</sup> (Rice Lake) districts comfortably (57.6% and 53.5%, respectively) while Democrats won both seats (50.3% and 51.1%). Local issues or particular candidate strengths or weaknesses probably account for high ticket-splitting in these districts. Overall, the rarity of these exceptions is striking.

#### 4. Safe vs. Competitive Seats

The majority of legislative districts are designed to strongly favor one party over the other, with relatively few in the middle. Figure 2 shows a frequency plot of assembly districts arranged in order of the percentage of votes for the Democratic candidate in the fall 2012 election. Those on the left were won by Democrats; those on the right by Republicans. The horizontal axis shows the percentage won by the Democrat, grouped by increments of five percentage points, except for the columns on either end which include uncontested seats.

**Figure 2. Percentage Voting for Democratic Assembly Candidate**



Another view of competitive versus safe seats is given by the distribution of seats that would have been won by Obama if he had been tied state-wide in the popular vote. Of the 99 districts 5 were within 2% of being tied and twelve within four percentage points. For most of the others the primary election is the only meaningful one.

The extent to which most districts are dominated by one or the other party can be further measured by the average margins of victory in the districts won by the two presidential candidates. In the districts Romney would have won if the vote were evenly split state-wide, his average margin was eighteen points. For Obama, it was thirty three.

#### 5. Challenges for the Democrats

The particular challenge for Democrats is that the redistricting dooms them to minority status for at least the next ten years unless they receive a super-majority of the votes. To win a majority of seats in the legislature they would need to attract about 55% of votes. As noted this is a higher margin than Obama received in the 2012 election and far above the overall margin in legislative races. In addition, the Democratic vote total drops more than the Republican total in midterm

elections. Combined with a series of enacted and proposed measures that seemed aimed at discouraging Democratic voters (voter ID, restricting election-day registration, general accusations of fraud, etc.) it would seem that Democrats have a high challenge to winning control.

Because they mainly represent districts that are heavily Democratic, most Democratic legislators are likely to have little experience in addressing the concerns of voters who need to be won over if Democrats are to win the majority of districts statewide. In fact, they may feel little need to do so if their own personal threat would come only from a possible primary challenge. Thus the skills and attitudes needed for re-election in the district may run exactly counter to those needed building a party with a wider appeal. This suggests that although Democratic legislators have the incentive to broaden their party's appeal if they wish to move beyond a minority, they may not have the personal experience or instincts to do this. Perhaps leadership needs to come from outside the legislature.

Another potential challenge is that the growth of groups that favor Democrats, notable Hispanics, has been much less marked in Wisconsin than nationwide, especially outside Milwaukee and Madison, which are already safely Democratic. Thus Wisconsin Democrats may receive less benefit from these changes than will the national party. At the same time the national party has seen a loss of support from working class white men without a college education. This trend has been weaker in Wisconsin than nationally. If it were to strengthen in Wisconsin, it could threaten Democrats' success, particularly in rural areas of the western half of the state.

One possible explanation for the loss of support from working class white men is Democrats' emphasis on disadvantaged groups: blacks, Hispanics, and other minorities, gays, and women—almost everyone but them. For a white man struggling to support his family, the fact that other white men are making millions of dollars is small consolation. Economics may come to look like a zero-sum game and that affirmative action helps assure they are on the losing side. For Democrats the solution may be to emphasize programs that help everyone who is struggling rather than ones that focus on particular groups.

Thus one possible strategy for Democrats would be to find ways to raise the appeal of the generic Democrat to the nine or ten-point spread level.

Another would be to turn back the clock on party discipline in Madison, so that a candidate could break with the party on issues where a district did not agree with the state party position. This would help make local district races more local.

## **6. Challenges for the Republicans**

Republicans face many of the same challenges as the Democrats. The growth of safe seats means that most legislators face little threat from a candidate from the other party. Instead of appealing to wavering moderates they are likely to move rightward to head off any potential threat from a primary challenge. There will be little incentive to search for common ground across parties, especially since groups focused on purging the party of "RINOS" (Republicans in name only)

seem considerable more developed on the Republican than the Democratic side. Because of this, Republicans, like Democrats, may find it increasingly hard to find candidates for state wide races, who are experienced in reaching out to voters on the other side.<sup>3</sup>

But compared to Democrats, Republicans would seem to be sitting pretty. Redistricting has given them a cushion that allows them to lose the state-wide popular vote while maintaining control of the legislature (and the US House delegation). The danger for the Republicans is that this removes one incentive to resist the right-ward movement. Like an industry that is protected by tariffs and finds itself unable to compete when the tariffs are removed the Republican party is in danger of taking advantages of its protections to become increasingly less competitive.

Finally one must wonder whether the intensity of recent efforts, both nationally and in Wisconsin, to tilt the playing field in favor of the Republican party betrays a deep pessimism about its own future. While both parties have tried to use redistricting in their favor in the past, the intensity of gerrymandering after the 2010 census was striking. When combined with the many other efforts to gain advantage, including proposals to allocate electoral college votes by house seats in blue states, the growth of burdensome voter ID requirements, proposals to eliminate same-day registration and early voting, and campaigns that imply voters may be prosecuted, one is left with the feeling that the Republican party does not believe it can win without these advantages.

## 7. The Big Sort and Legislative Districts

Bishop in *the Big Sort* called attention to the phenomenon of Americans sorting themselves by geography and politically (Bishop, 2008).<sup>4</sup> Lutjen applied this to Wisconsin, comparing heavily Republican Waukesha county (a suburb of Milwaukee) to heavily Democratic Dane county (Madison) (Lutjen, 2012). Both authors regard this as a bad thing as people are likely to mostly interact with those who agree with them.<sup>5</sup>

There are several costs to this sorting. It often harder to be creative in an environment in which one is surrounded by neighbors who all have fixed ideas of what's right and what's wrong. There is evidence that groups who all agree with each other become more extreme. Politicians may find they prosper by appealing to and encouraging the group's biases. Where primaries decide elections, winning requires emphasizing issues the party base is most excited about, working against the fortunes of moderate candidates (Bishop, p. 236).

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<sup>3</sup> It is perhaps relevant that Scott Walker, despite his very partisan reputation, was successful in the heavily Democratic Milwaukee County before running for governor. If nothing else, this experience may have given him a sense of what not to say.

<sup>4</sup> Abrams & Fiorina (Abrams & Fiorina, 2012) question Bishop's conclusions. Their major arguments seem to be that his use of presidential votes over time is questionable because the growing concentrations of voters may reflect the differences in candidates and that the changes in party registration don't show the same trends. Overall I did not find their arguments convincing, in part because they did not discuss how the differences in presidential candidates could explain the apparent increasing concentration nor explore trends in party registration and in part because they seemed to enter the discussion with a chip against Bishop. For a discussion of this see this blog (Sides, 2012) and Bishop's response (Bishop, 2012).

One striking aspect of this phenomenon is the tying together of seemingly unrelated issues, so that how one feels about bike trails may predict one's position on, say, abortion. This makes it hard to break from the predominant orthodoxy. From my own experience on the Milwaukee school board predominantly "blue" areas may find it hard to consider new models of education. Doubtless officials in "red" areas may find they have to walk gingerly when proposing things like land use planning, lest they be accused of acting like liberals or of being "RINOs".

By contrast a politician whose constituents have diverse views may find it profitable to work to find common ground. Where an election is decided in the general election, the successful candidate is the one able to get at least 51% of the vote. The motivation then is to find ways to attract independent votes and members of the other party.

The big sort is also a contributor to the growth of safe seats. When great swaths of territory are dominated by one party it becomes harder to draw competitive seats even if one wants to. By the same token it becomes easier to put one's opponents into a few very one-sided districts.

The advantages of competition in supplying consumer goods are well-established. Local monopolies are considered a bad thing. Yet we have moved in that direction when it comes to elections. The minority in many districts is effectively disenfranchised. As these districts are either taken for granted by one party and written off by the other, they may find they lose influence.

## **8. Possible Solutions**

There are several steps that might alleviate the present situation:

- Setting up a non-partisan commission to redistrict the legislature after the 2020 census. Part of its mandate could be to maximize competition, both the overall competition for the control of the legislature and the number of competitive seats. Now would be the time to make the change, since it is unclear which party would benefit and many of the present players may have gone on to other things by the time elections are held in 2022. The commission could either undertake the redistricting itself or establish criteria and invite proposals which could be judged against those criteria.

But there is a limit to how many truly competitive districts could be formed. As populations become more concentrated in politically homogeneous areas, it becomes harder and harder to design competitive districts. In connection with the recent Wisconsin redistricting, I signed on to a brief arguing for a redistricting model to maximize competition (Moorshead, 2012). Under this proposal, overall control of the legislature would switch easily from one party to the other.

This plan also aimed for maximum competition at the district level. Even so, only 21 assembly districts and 6 senate districts would have been considered competitive, with the Republican-Democratic vote falling between 48% and 52%. The rest would have

been either predominately Republican or predominantly Democratic. While this is an increase over the current districting, it would have still left 78 assembly districts and 27 senate districts with a bias (and often an overwhelming one) towards one or the other party. It turns out that the geographic sorting of voters can make it hard to design competitive districts.

The following two suggestions are aimed at allowing voters in heavily partisan districts to enjoy the benefits of competition.

- Change the law to hold open primaries in which the top two candidates, even if from the same party, would advance to the general election. Thus the more moderate candidate might be elected with the help of voters in the minority party.
- Free up partisan discipline in the legislature so that cross-party coalitions could form over particular issues. This would get rid of the “majority of the majority” rule that often gives effective power to a small minority. This could be part of a Democratic strategy for winning more seats, if their candidate could assure voters they would be free to offer an agenda that appeals to the district.

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