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, winning only 43 of the 99 seats.[1]

	US House		WI Senate		WI Assembly		Popular Vote	
Obama	3	37.5%	16	48.5%	43	43.4%	1,620,985	53.5%
Romney	5	62.5%	17	51.5%	56	56.6%	1,410,966	46.5%
Total	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 recent redistricting process and the challenge faced by Democrats if they wish to regain control of the state legislature in the next ten years.[2]

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
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 for Democrats to win the state legislature. Or Republicans can govern as a minority party so long as they can 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
Democratic	1,620,985	1,547,104	1,445,015	696,773	1,417,359
Republican	1,410,966	1,380,126	1,401,995	593,893	1,249,568
Total	3,031,951	2,927,230	2,847,010	1,290,666	2,666,927
Dem Percent	53.5%	52.9%	50.8%	54.0%	53.1%

Interpretation of these results is tricky, however. Not all of the legislative races were competitive ones. One problem is what to do with races where only one party fielded a candidate. Democrats fielded no candidate in four Assembly races while Republicans did not contest twenty three. In such cases that party received no votes apart from a few write-ins. But the winning party likely also saw a depressed count when voters saw less reason to vote without a contest. The average vote total for uncontested Assembly seats was just under 21,000, while that for contested seats averaged 29,000.

Even where two candidates are on the ballot, viewing a race as one-sided, that may depress turnout. In the recent election a small minority of seats was considered competitive and attracted attention and resources from the parties. The strongest possible candidates are likely to be

reluctant to enter races they regard as hopeless. Likewise, in the US House races, the largest drop off between the presidential vote and house vote occurred in the 4th and 5th 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 the whole, slightly under-performed Obama. For example, in the Assembly six Republicans won districts that Obama won, while 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 (again ignoring write-ins and third-party votes). Note that most districts fall below the blue 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

$$y = 0.3407x^2 + 0.685x + 0.0396$$
$$R^2 = 0.8331$$
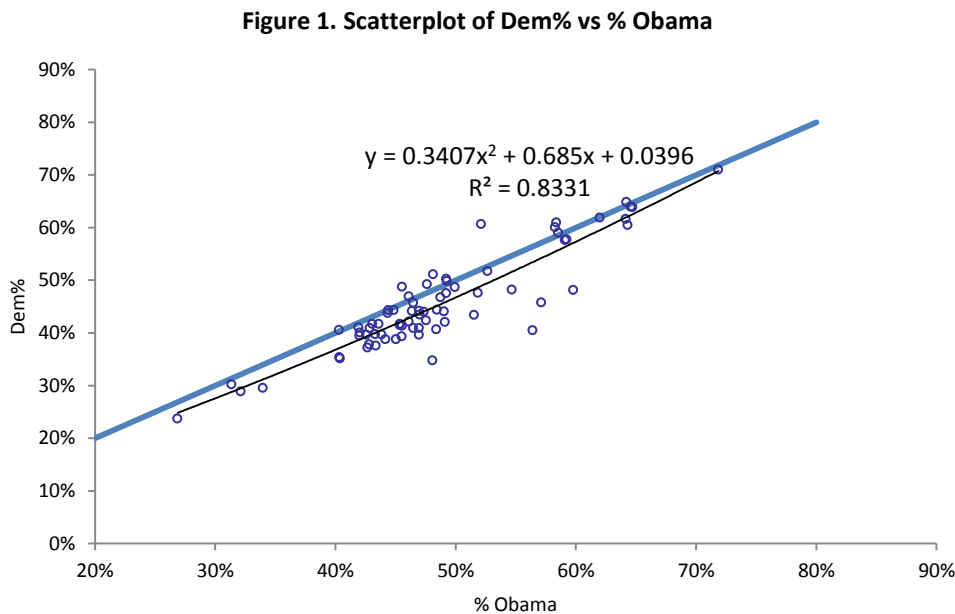
The average Democratic Assembly candidate did slightly worse than Obama, particularly in the most competitive districts. Using simple linear regression, the state-wide 53.5% Obama vote translates to an average Assembly candidate vote of 50.5%. Using the polynomial equation shown in Figure 1 gives an average Assembly for of 50.3%.

These results indicate a slight majority 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 51st district (Spring Green) Obama received 58.5% of the vote while the Republican assembly candidate won with 51.9%. Romney won the 70th (Tomah) and 75th (Rice Lake) districts comfortably (57.6% and 53.5%, respectively) while Democrats won both seats (50.3% and

51.1%). It would probably be worthwhile to explore further the reasons behind the apparent high level of ticket-splitting in these districts.

4.   Safe vs. Competitive Seats

The majority of legislative districts are strongly favorable towards one party or the other, with relatively few that are normally in play. Figure 2 shows the a frequency plot of assembly districts arranged in order of the percentage of votes for the Democratic candidate in the fall 2012 election. The blue bars show seats won by Democrats; the red 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
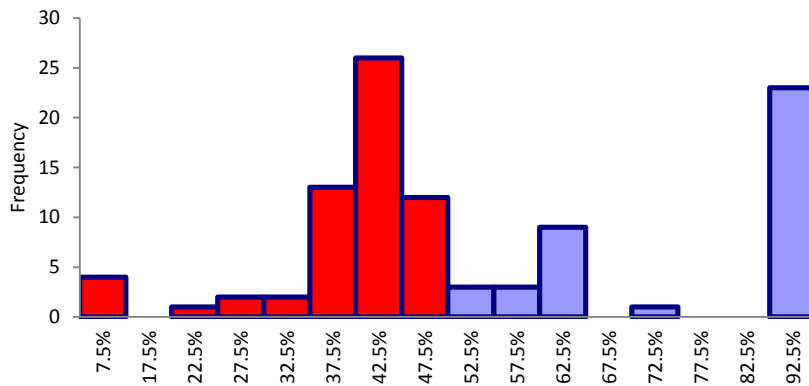
Another view of competitive versus safe seats is given by the distribution of seats that would have been won by Obama if he had been tied state-wide in the popular vote. Of the 99 districts 5 were within 2% of being tied and twelve within four percentage points. For most of the others the primary election may be 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 Parties

The growth of safe seats creates challenges for both political parties. With most legislators facing little threat from a candidate from the other party they are likely to move away from the center to head off any threat from a primary challenge. There will be little incentive to search for common ground across parties.

With the decision coming in the primary, the parties become more vulnerable to those who wish to enforce ideological conformity. The result is a sort of intellectual wasteland in which both parties are intolerant of ideas that don't fit in to dominant thinking and the state is less able to

respond effectively to new challenges. Both of the parties become shrinking tents as mavericks are attacked and purged as "RINOS" or "DINOS." While this process of purification has progressed further on the Republican side, the Democratic party has also become less diverse.

Wisconsin remains competitive in state wide races, as reflected in the differing outcomes of the November elections and the recall election the summer before. With the shortage of competitive seats, both parties may suffer from a shortage of potential candidates for state-wide elections who are experienced in reaching out to voters on the other side. Democratic candidates will have practice only in appealing to other Democrats; Republicans to other Republicans. The politician skilled at appealing to diverse groups may be an endangered species. (It is perhaps relevant that Scott Walker 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.)

The particular challenge for Democrats is that the redistricting dooms them to minority status for at least the next ten even if they receive a majority of votes. They either have to obtain a 55% supermajority of votes or find ways to broaden their appeal in specific districts where they currently lose by up to 4 or 5 percentage points. The fact that most legislators come from highly Democratic seats may make it difficult for them to think in terms of reaching out and expanding the tent. Still they have every incentive to do so, but the leadership to do this may need to come from outside the legislature.

At first glance Republicans are sitting pretty. Redistricting has given them a cushion that allows them to lose the state-wide popular vote while maintaining control. But the ultimate danger may be greater for them if they have little incentive to resist further moves to the right.

6.   The Big Sort and Legislative Districts

Bishop (Bishop, 2008) in *the Big Sort* and (Lutjen, 2012) in *30 Miles: And a World Apart* have both called attention to the phenomenon of Americans sorting themselves by geography and politically.[3] Wisconsin's Waukesha county (a suburb of Milwaukee) is heavily Republican while Dane county (Madison) is heavily Democratic. Both authors regard this as a bad thing as people are likely to mostly interact with those who agree with them.

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 tend to become more extreme. Politicians may find they prosper by appealing to and encouraging the group's biases. Where the election is decided in the primary, winning depends on emphasizing the issues the party base is most excited about.

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.

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 ones opponents into a few very one-sided districts.

The advantages of competition in supplying consumer goods are well-established in the United States. None of us would like a situation where businesses divided the country and did not compete in most locations. 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 or written off, they may find they lose influence.

7.   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. This would be the time to do it, since we don't know which party will have the advantage by that time and many of the present players may have gone on to other things. The commission could either undertake the redistricting itself or establish criteria and hold an open contest and choose the plan that best meets 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 was involved with a group working to offer a model to would maximize competition. Under this proposal, 9 assembly districts and 6 senate districts would have been considered competitive under the 48-52 rule described above. The rest would have been either predominately Republican or predominantly Democratic. The result of this plan would have been very competitive elections for overall control of the legislature, but still only a minority of competitive districts.

- 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 break from the party on issues where the district differs from the party position.

Bibliography

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[1] The calculations shown here are based on spreadsheets published on the Wisconsin Government Accountability Board web site.

[2] For more on the redistricting, see Craig Gilbert's article in the Milwaukee Journal Sentinel (Gilbert, 2012)

[3] Abrams & Fiorina 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).