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**Reflections on “Redistricting and  
Legislative Partisanship”**

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**Abstract**

Many argue that redistricting reform will reduce partisanship in the state legislature. They base this claim on two assumptions: (1) legislators respond strongly to the competitiveness of their districts, and (2) the 2001 redistricting made districts less competitive. The second assumption is true, but the first is not. In this article, I summarize the findings of a recent report that analyzes voting patterns in the state legislature. It shows that competitive districts often elect highly partisan legislators, and that the legislature was about as partisan before the 2001 redistricting as it has been since. I conclude with some implications and suggestions for alternative reforms.

**KEYWORDS:** redistricting, parties, polarization, legislatures, California

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## Reflections on “Redistricting and Legislative Partisanship”

Eric McGhee  
Public Policy Institute of California

The 2008 budget stand-off left many feeling that California’s legislature is hopelessly divided by party. For 78 days past the new fiscal year, the legislature was unable to agree on spending plan for the state. Republicans insisted that taxes should not be raised, while Democrats insisted that spending should not be cut beyond a certain amount. In the end, the two sides came together in a deal that mostly postponed important decisions and achieved balanced numbers only through a variety of questionable gimmicks (Walters 2008). Such conflicts help explain the legislature’s image, which is in tatters: just 25 percent approved of its performance in an October 2008 survey by the Public Policy Institute of California (Baldassare, et al. 2008).

The budget stand-off is just the tip of the iceberg. From health care to global warming to water management, Republican and Democratic legislators seem to have trouble agreeing on common solutions to the state’s problems. This partisan divide does not always lead to gridlock, since Democrats alone can pass any bill that needs only a majority vote. But on any bill that requires a two-thirds majority—including spending and tax bills—some Republicans must cross party lines, and this can lead to long delays or the failure to act. Even where only a simple majority is required, many observers feel something is lost when legislation is crafted and passed by hardened partisans. While the result might not be gridlock, it could be extreme policies that many Californians dislike.

It is common to blame the districts for this party polarization. According to this argument, the 2001 redistricting made legislative districts safe for one party or the other, leaving legislators to worry only about a challenge in the primary from the extreme wings of their own party (*San Jose Mercury News* 2007, 2008; *San Diego Union Tribune* 2007, 2008; Fund 2007, Wiegand 2007, Hertzberg and Brulte 2006). This pressure has in turn forced these legislators to the extremes of American politics. In fact, many supporters of Proposition 11, the reform of the redistricting process that passed last November, see the independent commission it creates as a way to undo the effects of the 2001 plan by producing a more competitive map of districts.

The argument makes a great deal of sense on its face, because the legislators are partisan and the 2001 redistricting did, in fact, make the districts less competi-

tive. But are the two connected? Does it make sense to blame the 2001 redistricting for a partisan legislature? Will reform of the redistricting process produce a more moderate legislature? In a recent report for the Public Policy Institute of California (McGhee 2008a), I explored these questions as carefully and systematically as possible. The results suggest that the 2001 redistricting had almost no effect on the partisanship of the legislature one way or the other. Today's legislators are certainly partisan, but they were about as partisan before the redistricting as they have been since. And while moderates do tend to represent competitive districts, the link between competition and moderation is much weaker than one might expect. If the goal is to moderate the legislature, redistricting is probably not a very effective way to do it.

### **The 2001 Redistricting**

The United States Supreme Court has ruled that districts must be as equal in population as possible.<sup>1</sup> As a practical matter, this means every state must redraw its congressional and state legislative districts every 10 years upon receipt of the latest census numbers. In California, these redistricting plans are legislative bills much like any other: they must pass both chambers of the legislature and receive the governor's signature before they can become law. If one party holds the governor's seat and the other controls the legislature, the result can be stalemate.

This is exactly what happened in 1991, when Republican Governor Pete Wilson could not agree with the Democratic legislature on a plan. It fell to an independent commission of retired judges, the "Special Masters," to redraw the districts (Kousser 2006). The plan they developed included a relatively large number of competitive seats with a roughly even balance of Democrats and Republicans (Johnson, et al. 2005). Many reformers have praised the plan for this reason, seeing it as an example of the sort of districts that would be common under independent commissions (Johnson 2005).

By contrast, the legislature drew the districts in 2001 and changed them radically. Competitive districts became uncompetitive; district lines snaked to include incumbents' houses; threatened incumbents saw their prospects shored up. The result left few incumbents in any real danger of losing and made clear which party was supposed to control each district. Indeed, elections to the state Senate and Assembly have proceeded largely according to expectations: for the first three elections under the new plan, not a single district changed party control. The same reformers who praise the 1991 plan often decry the 2001 result as an example of everything that is wrong with allowing the legislature to draw its own district lines.

Figure 1 shows the percentage of competitive districts before and after the 2001 redistricting. I use the difference between the percentage of registered voters who are Democrats and the percentage who are Republicans as a measure of partisan balance; a district is classified as competitive if this difference falls between three points in favor of Republicans to 10 points in favor of Democrats (a difference of zero would be a district with exactly the same percentage of Democrats and Republicans). As the graph makes clear, the percentage of districts in both the Assembly and the Senate that fit this description fell sharply under the new plan. The 2001 plan clearly drew seats that were less competitive, at least on paper.

It is easy to imagine that such districts would push legislators to partisan extremes. A legislator who does not need to worry about a challenge in the fall election has no need to moderate in an effort to appeal to voters from the opposing party. In fact, the only credible danger lies in the party primary, where an extremist candidate might challenge the incumbent from within the party's own ranks. This should encourage legislators to move to the extremes to avoid such a challenge, and so produce the patterns of party loyalty often observed in the legislature.

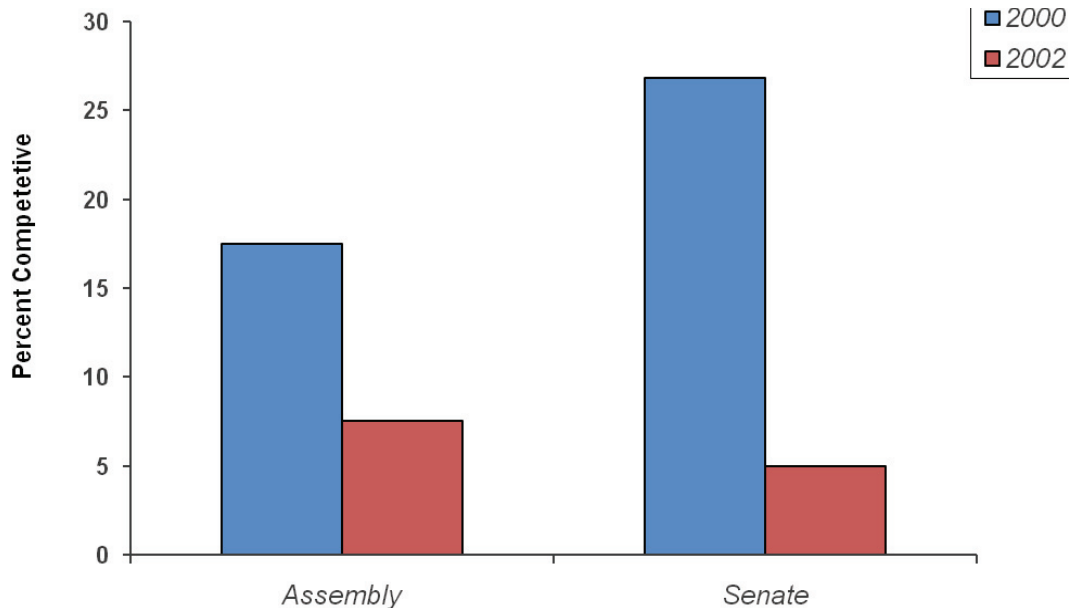
This narrative assumes what could be called the "district delegate" model of representation, where legislators try to represent their districts as faithfully as possible. The more balanced the district, the more balanced the legislator. However, one might just as easily imagine a "partisan" model where party influence dominates. Legislators might face tremendous pressures from party interests: from the leadership in the legislature, the ideology of party identifiers in the general public, or the network of donors and interest groups that typically support candidates from each party. Any of these pressures might be as large as or even larger than the pressures from voters in the district's general election. The result would be partisan behavior even in districts that should otherwise push legislators toward the center.

The partisan model should be taken seriously. The U.S. Senate has become polarized by party, yet senators represent states that are never redrawn, and senators from different parties who represent the same state usually harbor profound differences on policy. The same polarization has occurred in the U.S. House of Representatives, even though most states did not draw uncompetitive districts in 2001 (Abramowitz, et al. 2006; McCarty, et al. 2006). The district delegate model is often just assumed, but a more careful examination of the evidence seems warranted.

### **Measuring Moderation**

If legislators were in fact pushed to partisan extremes by their districts, two things should be true. First, at any point in time, legislators from politically bal-

Figure 1. Competitive Seats Before and After the 2001 Redistricting



Source: California Secretary of State.

anced districts should be much more moderate than ones from lopsidedly partisan districts. Second, the number of moderates should be smaller after the redistricting than before it. If either of these predictions is untrue, it becomes much less likely that the redistricting could be the cause of the partisanship we currently see.

I measure partisanship and moderation using scores of roll call voting. Many interest groups score how often each legislator votes in favor of that group's position on bills that the group considers important. The higher the score, the more often the legislator supports that interest group's point of view. I use three scores in particular: the California Chamber of Commerce for economic issues; the California League of Conservation Voters for environmental issues; and Planned Parenthood of California for abortion/contraception issues. I also add a measure of overall partisanship that I have borrowed from *Congressional Quarterly (CQ)*, the highly respected and nonpartisan journal of U.S. congressional affairs. *CQ*'s measure starts with all bills on which a majority of Republicans voted against a majority of Democrats, and then scores members on how often they voted with their own party on these "party-line" bills. The result is a measure of party loyalty on bills where the parties clearly took different positions.

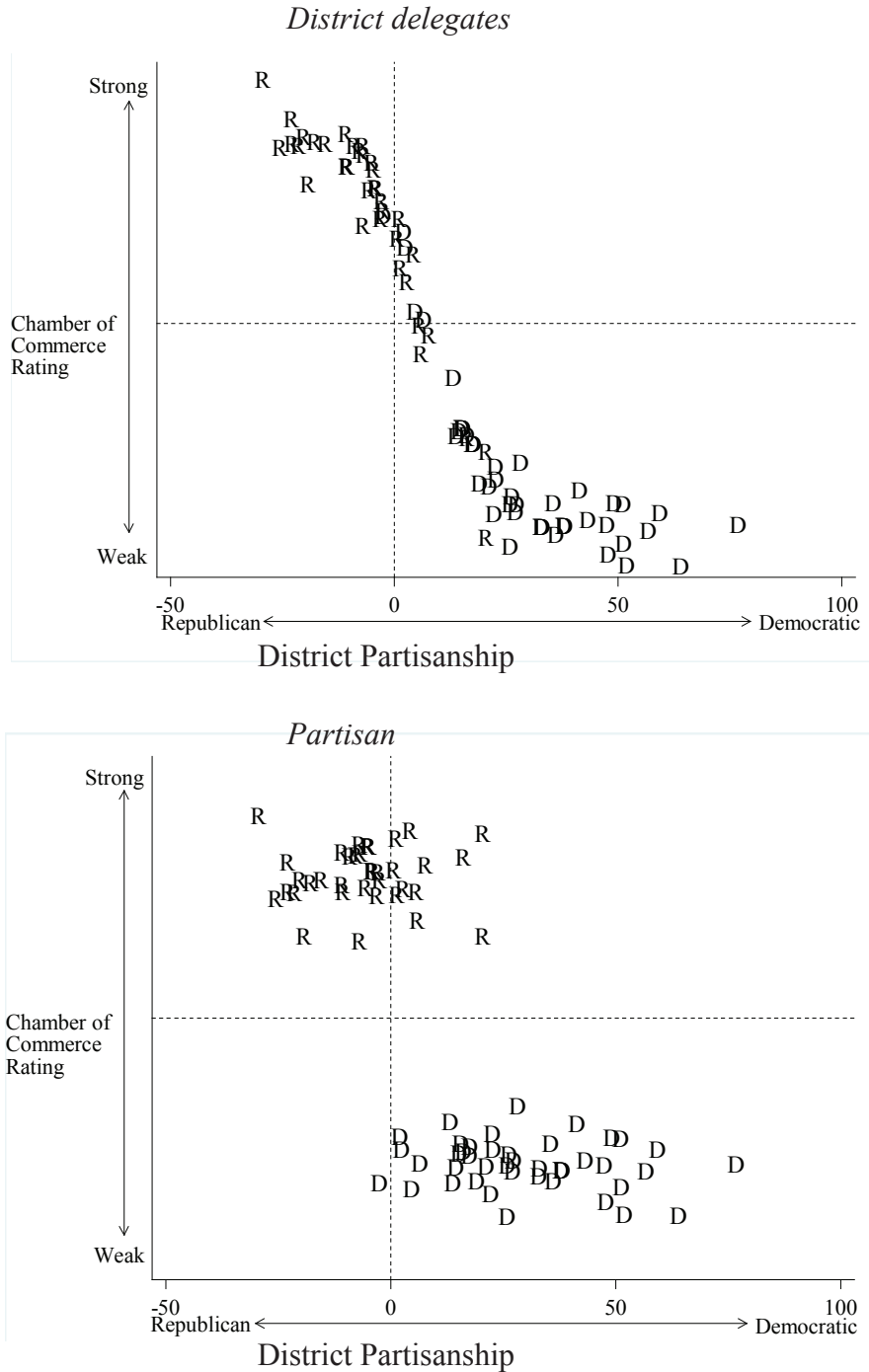
These measures of roll call votes have two potential limitations, each of which seems more serious than it probably is. First, roll call votes cannot capture ev-

everything a legislator does. There are many important aspects to the job—including participating in negotiations and committee hearings, lobbying colleagues, and drafting legislation—that occur before any vote is cast. However, these activities are invisible to the average voter and difficult to use against an opponent in a political campaign. Since redistricting wields its influence through elections, we should expect it to have a far larger effect on roll call votes than on behind-the-scenes activities.

Second, roll call votes may ignore issues that divide the parties internally but never come up for a vote (Walters 2008). In fact, the majority party will often avoid votes on legislation that does not unify the party, which may leave the very legislation that might show moderation off the agenda. This, too, is not as serious a problem as it may seem. If a party has a strong ideological division, it cannot be buried forever and will usually manifest itself in votes. The converse is also true: the mere fact of a difference of opinion within the party does not mean the party suffers a serious ideological split. Even highly cohesive parties have internal disagreements. If the party leadership is able to smooth over these differences and avoid a vote on related legislation, then the disagreement may not be as serious as it seems. Take an example from outside the California legislature: both parties in the U.S. House of Representatives have been internally divided on the question of immigration, and significant immigration reform rarely receives a vote. Yet independent observers agree that party polarization in the House is higher now than at any time in a century. The legitimate differences on immigration do not affect the larger ideological complexion of the body.

My strategy is to compare polarization on these roll call scores before and after the 2001 redistricting. If the redistricting had a significant effect, then moderates should be far more common in competitive seats, and there should be fewer of them after the redistricting. I capture both ideas through scatter plots. **Figure 2** offers a hypothetical example. The horizontal axis is the partisanship of the district, as measured by the difference between the percentage of registered voters who are Democrats and the percentage who are Republican. The vertical axis is a legislator's Chamber of Commerce score: higher values correspond with a more conservative economic perspective. The "Ds" are Democratic legislators and the "Rs" are Republicans. A district delegate model would look something like the first panel in Figure 2. Heavily Republican districts should elect strong Chamber supporters (upper left) and heavily Democratic districts strong Chamber opponents (lower right). Most important, as districts become more Democratic, their representatives should gradually grow more opposed to the Chamber's agenda: districts in the middle should elect legislators in the middle. By contrast, a "partisan" model should look like the second panel in Figure 2. Strong Republican and Democratic districts should still elect strong Chamber supporters and opponents, but so should

**Figure 2. Hypothetical Relationships between Legislators and Their Constituents**



Note: Numbers are hypothetical and represent two possible distributions of legislators.



districts in the middle. Legislators should always be camped at the extremes, and always be in agreement with other members of their party.

Neither model will perfectly describe the way legislators vote. For any given legislator, there will be times when they vote their district, times when they stick by their party, and times when they go another route entirely. The question is which one seems to be a better fit overall, and whether legislators shifted to the extremes along with their districts after 2001 in a way that the district delegate model would predict.

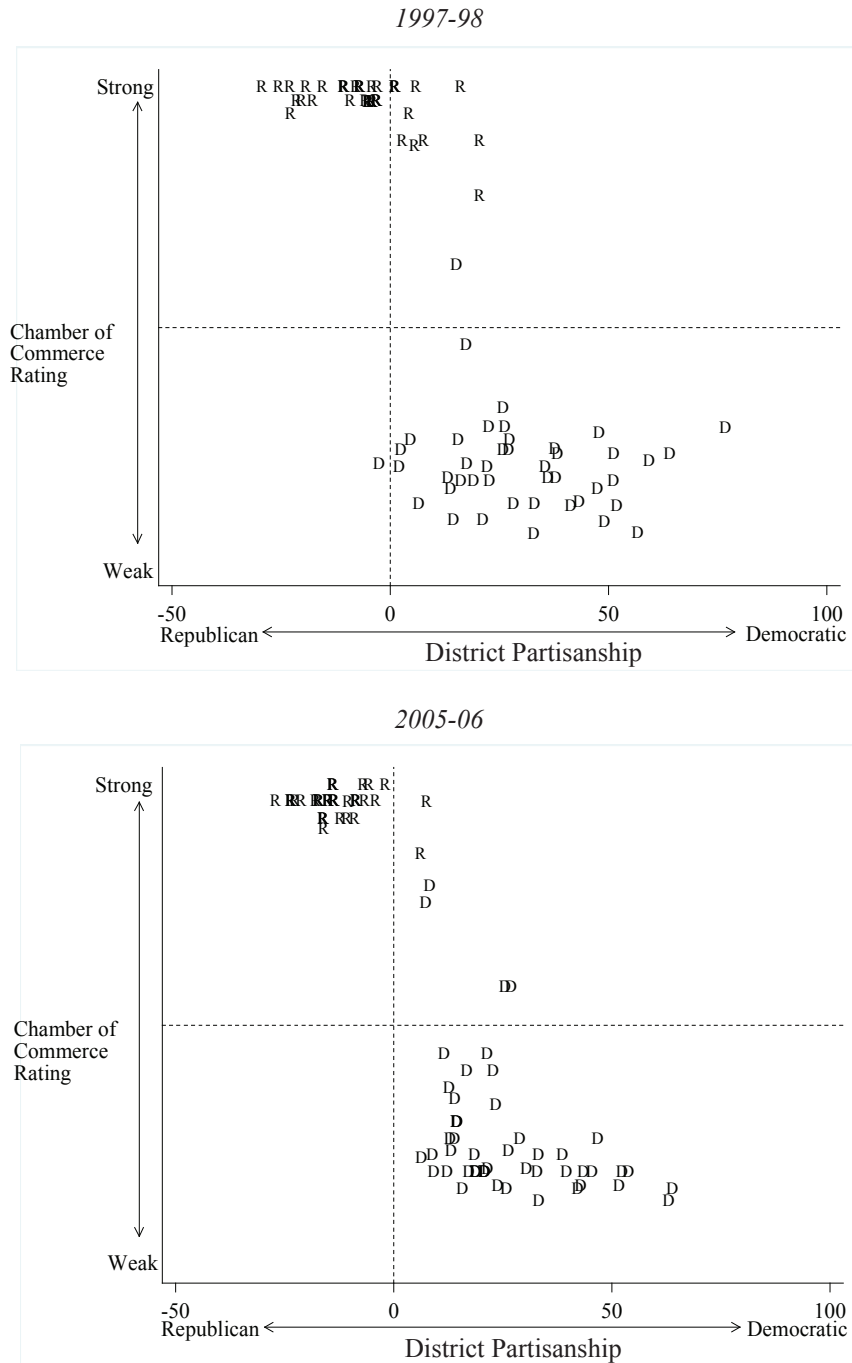
### A Look at the Votes

Figure 3 compares the Chamber of Commerce scatter plots from the 1997-98 Assembly, before the 2001 redistricting, and the 2005-06 Assembly, after it. The two legislatures offer a good comparison: each fell at least two election cycles away from a redistricting, and each culminated in a gubernatorial election (a lopsided win for Gray Davis in 1998 and a lopsided win for Arnold Schwarzenegger in 2006). I focus on the Assembly to simplify presentation, but the results are similar for the state Senate and can be found in the full report (McGhee 2008a: 12). The first notable aspect of Figure 3 is how closely the scatter resembles the “partisan” model at both points in time. While legislators on the far right and left of each graph—who represent strongly Democratic and Republican districts—vote strongly for or against the chamber, so do those from more competitive seats in the center. While the few moderates in either graph do tend to come from competitive seats, such seats are at least as likely to elect a strong partisan.

The second notable aspect of Figure 3 is the absence of much change between the two legislatures. Despite the dramatic change in the districts documented in Figure 2, the pattern of voting on these contentious business regulation issues in 2005-06 closely resembles the pattern in 1997-98. There is no sign that there are fewer moderates after the redistricting than there were before it—in fact, if anything there appear to be a handful *more*. This is certainly not what a redistricting effect would predict.

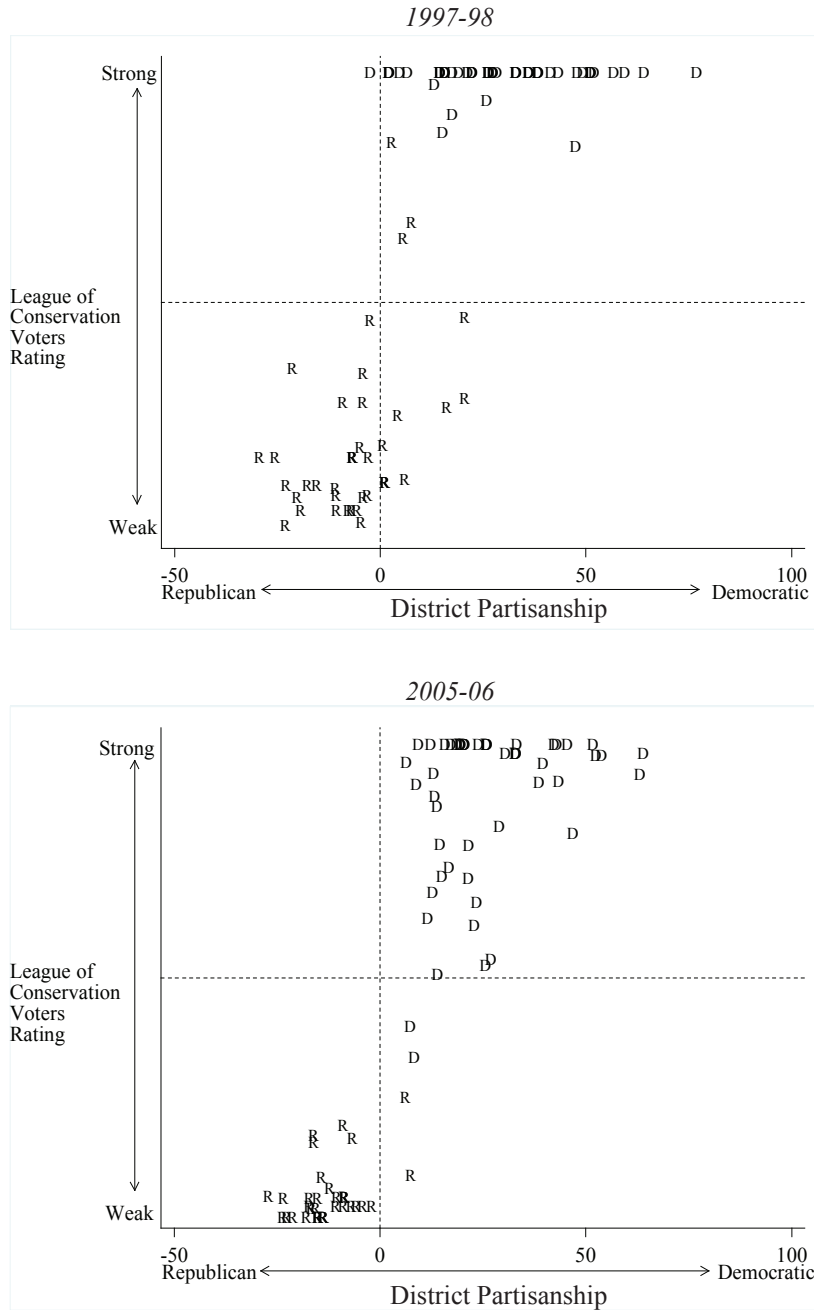
Figures 4 through 6 show the same comparison for the other measures of roll call voting: the League of Conservation Voters (Figure 4), Planned Parenthood (Figure 5), and overall party loyalty (Figure 6). On each of these measures, Democrats tend to score high and Republicans to score low (the party loyalty score is designed to reflect loyalty to the *Democratic* Party to ease comparison with the other measures, so higher scores for Republicans reflect greater disloyalty to their own party). There are some differences from the Chamber of Commerce graphs—for instance, in both years there are more moderates on the environmental issues tracked by the

**Figure 3. District Partisanship and Assembly Chamber of Commerce Scores**



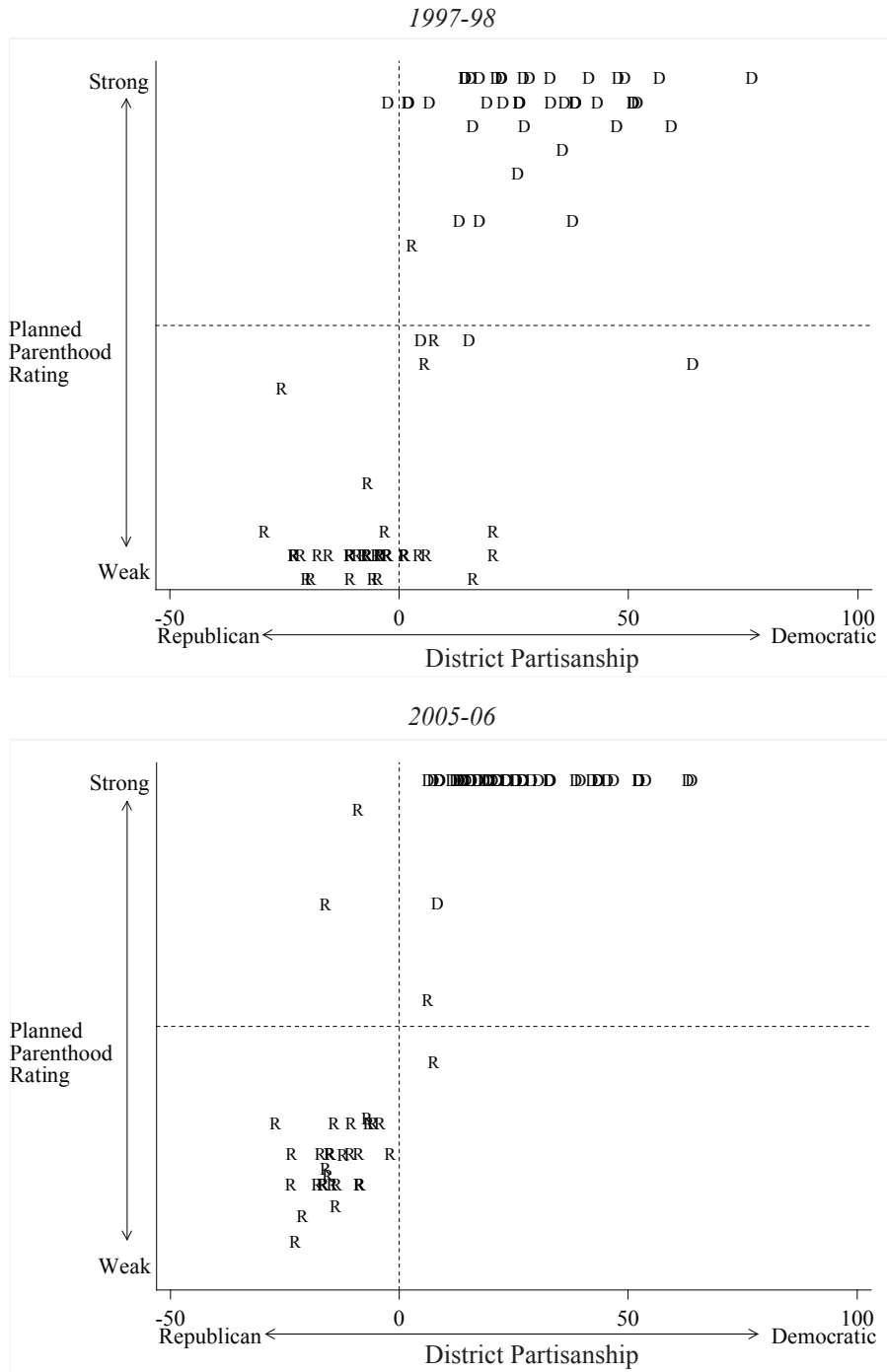
Source: California Secretary of State (party registration); California Chamber of Commerce (scores).

**Figure 4. District Partisanship and Assembly League of Conservation Voters Scores**



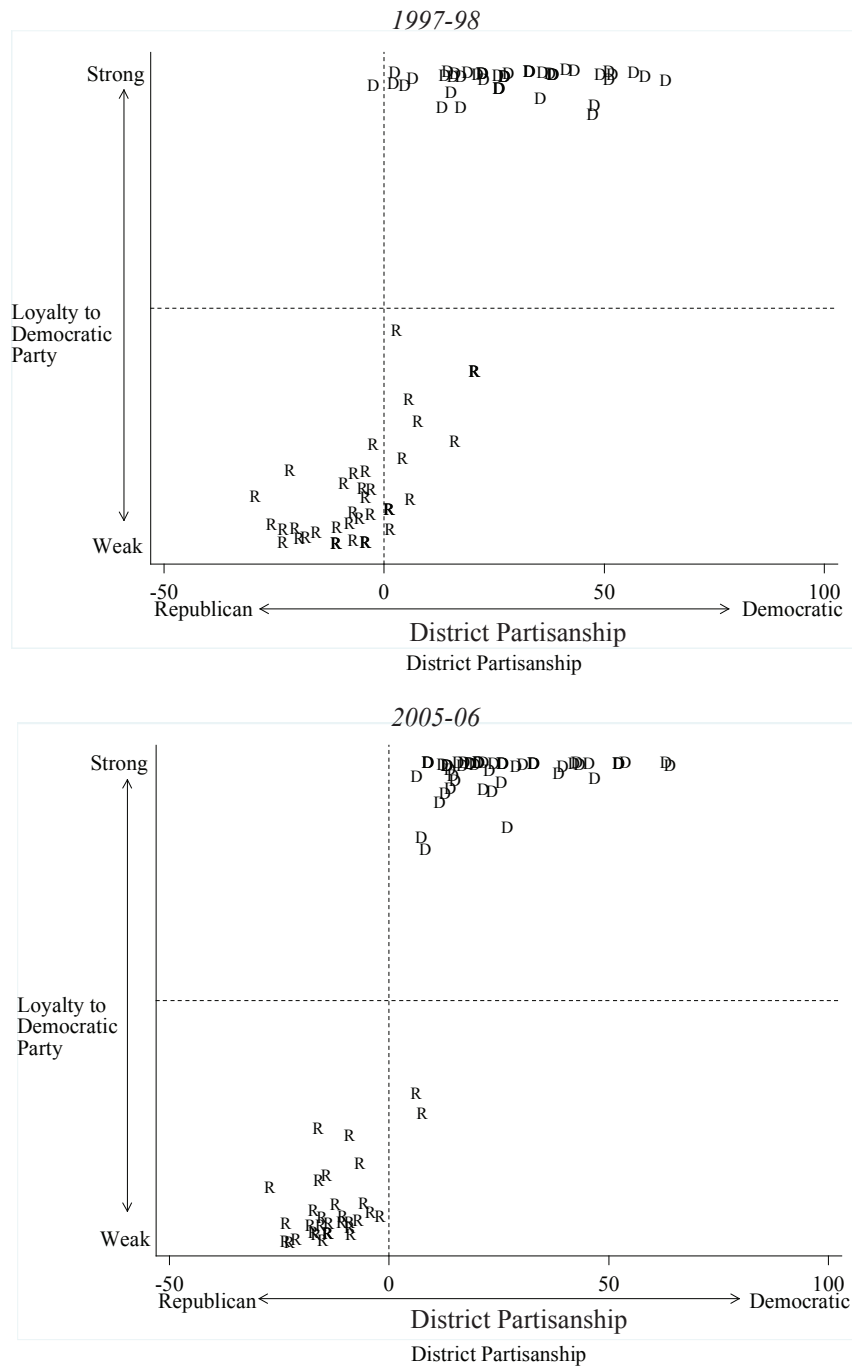
Source: California Secretary of State (party registration); California League of Conservation Voters (scores).

**Figure 5. District Partisanship and Assembly Planned Parenthood Scores**



Source: California Secretary of State (party registration); Planned Parenthood of California (scores).

Figure 6. District Partisanship and Assembly Party Loyalty



Source: California Secretary of State (party registration); roll call votes used in party loyalty calculations provided by Jeff Lewis of the University of California, Los Angeles <<http://adric.ssc-net.ucla.edu/california/>>.

League of Conservation Voters. But the overall conclusion remains the same: at least as many partisans as moderates are elected from competitive districts, and the number of moderates has not changed between the two legislatures. The only clear exception is the Planned Parenthood scores, where a diverse Democratic caucus in 1997-98 became a solid partisan bloc by 2005-06. However, if one looks at the intervening years, it is clear that this shift occurred almost entirely before the 2001 redistricting, and had more to do with the way the Planned Parenthood scores were calculated than with any significant shift in voting patterns. Details of this measurement issue are offered in the full report and in its technical appendix (McGhee 2008a: 26-29; McGhee 2008b: 23).

These findings hold up under a more rigorous and precise regression analysis (McGhee 2008b: Appendix D). They also survive a number of counterarguments. Is the lack of change a function of the sort of bills that came up for a vote before and after the redistricting? Not if we use a sophisticated measure of roll call voting developed by political scientists that is designed to correct for such problems (McGhee 2008a: 34). Have individual legislators shifted their votes to respond to changes in their districts? Apparently not: changes in votes bear no relationship to changes in districts (McGhee 2008a: 42-45). Is party registration simply a poor measure of a district's political tendencies? Perhaps, but the conclusions are the same if we use a district's decline-to-state registration, its vote for president and governor in adjacent elections, or even the vote in the legislator's own race (McGhee 2008a: 35-36). Is it possible that the districts *did* make legislators more partisan, but some other factor pushed them back toward moderation? If so, then a projection of the number of moderates based only the change in the districts (and so ignoring any other forces that might push back the other direction) should show a large decline. Yet when I calculated this projection, it showed no such decline in moderates (McGhee 2008a: 36-38).

What about the critical issue that has motivated much of the concern about the legislature: the long delays in passing the budget? The annual stand-off is a clear sign of partisanship and it probably accounts for frustration with the legislature as much as any other single factor. Yet memories of partisan cooperation under the 1990s districts do not square with reality. If we set aside the 2008 budget as an unusual political event, then the budget has been an average of 23 days late under the new districts, compared to 18 days late in the 1990s. Indeed, budget battles in the 1990s were often contentious: the budget was 42 days late in 1997, 42 days late in 1998, and 63 days late in 2002. This is hardly bipartisan harmony.

In short, voting in the legislature shows all the hallmarks of the partisan model of representation. On a wide range of important legislation, members of the California legislature appear to represent their parties first and their districts second.

The 2001 redistricting did not make them more partisan because they were already partisan to begin with.

### Implications

If redistricting did not make the legislature partisan, then what accounts for the partisanship we see? Are there any reforms that might be better at improving bipartisanship? I have not directly examined the evidence on these questions, but there are some obvious possibilities.

The most likely cause of partisanship lies with the voters themselves. There is plenty of evidence of a “sorting” of voters into the parties based on ideology (Abramowitz and Saunders 1998; Fiorina, et al. 2005). Liberals are more likely to be Democrats and conservatives to be Republicans, while independents, who tend to be more moderate, often avoid voting altogether (Bartels 2000). As a result, those who do cast ballots in the primaries are likely to be ideologically homogenous in a way they once were not, and to nominate candidates who are ideologically extreme. As Jim Brulte, the former Republican leader, noted, “When I ran for the Assembly in 1990, conservatives had influence in our party primary. That is no longer the case—they have *dominance* in my party primary. The reverse is true with the Democrats. That’s why the legislature is polarized” (PPIC 2007). Moreover, this change should have the same effect in competitive districts and lopsidedly partisan ones, because the issue is not the number of partisans in the district but what sort of partisans show up at the polls.

The second possible cause of partisanship is interest group influence. For a variety of reasons, interest groups are more involved in politics, and they tend to take relatively inflexible positions. As one former state legislator described it in a personal interview for the PPIC report, “Interest groups want and expect 100 percent support for their agenda . . . 80 percent is not OK.” This may encourage legislators to stand by the interest group’s point of view, even if it seems extreme relative to their district. At the same time, voters are famously ambivalent about many policy issues. It may be safer to gamble that the public can be convinced on an issue than to face the certain loss of an interest group’s help (and maybe earn its active opposition) in the battle for reelection.

Pressures from the party leadership in the legislature could also be a significant factor. Legislative party leaders are elected by and represent the legislators in their party caucus, so they have a limited ability to impose their own perspective. Nonetheless, they can have a significant impact at the margins, especially on the behavior of wayward moderates who might otherwise cross party lines. The majority leadership has significant control over the flow of legislation, primarily through the

Appropriations Committee. There are also many stories of party leaders pressuring their members to toe the party line, including instances of transferring legislators to inferior offices (Shultz 2008), locking legislators out of their offices (Goldmacher 2007), and threatening to campaign against those who vote the wrong way on a given issue (Gledhill 2003). Leaders do not have to take such steps often in order to send a message that mavericks will not be suffered gladly.

Finally, those who get involved in politics are likely to be partisans in the first place. Politics attracts those with strongly held opinions on the issues of the day. Such ideological fervor is most often associated with partisans. Strong ideologues may also climb the party hierarchy faster and find acceptance among party stalwarts, while moderates are welcomed to the party but discouraged from seeking leadership posts, leading to discouragement and ultimate abandonment of the political life.

Given these possible causes, a number of avenues for change suggest themselves. First, California's party primaries could be opened to members of the opposing party. This might break the ideological consistency of the primary electorate and improve the chances for moderates seeking the nomination. Second, campaign finance reform might lessen interest group influence. The range of campaign finance options is limited, since strong reforms tend to run afoul of the first amendment, and public financing might have trouble offering enough money to encourage legislators to participate voluntarily. Finally, moderate voters tend to sit on the sidelines of political debate, and that almost certainly hampers their influence. If these voters could be mobilized to act—either by an interest group, a third party, or a charismatic candidate—their impact might grow. This is clearly the hardest change to implement, but if it could be done, it would probably also be the most effective. In politics, those who organize receive the most attention.

These suggestions may or may not increase the number of moderates in the legislature. But they would almost certainly have a larger effect than redistricting. Indeed, given the evidence presented here and in the PPIC report, we ought to temper our expectations for the independent commission created by Proposition 11. Many claim that the commission will moderate the legislature because it will draw a more competitive map, which will in turn pressure legislators to reach for the center. Even if we assume that the plan the commission draws will be more competitive, there are a number of steps in the causal chain. A district that is competitive on paper often does not have a competitive election; a competitive election often does not elect a moderate legislator; and moderate legislators rarely become partisans only because their districts are redrawn to be safe. Other significant forces intervene at every point along the way, and the end result is an impact that is small or nonexistent.



In short, those who want moderation in California politics and favored Proposition 11 for that reason should not rest on their laurels. Redistricting reform should be only the first of many changes. If it is treated as a silver bullet, its supporters and many others are likely to be disappointed with the results.

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**Note**

<sup>1</sup> See, for example, *Baker v. Carr*, 369 U.S. 1986 (1962); *Wesberry v. Sanders*, 376 U.S. 1 (1964); *Reynolds v. Sims*, 377 U.S. 533 (1964).