

*Cracking Back: The Effectiveness of Partisan Redistricting
in the Texas House of Representatives*

Brian K. Arbour and Seth C. McKee

We assess the partisan consequences of alternative redistricting plans in 2001 for the Texas House of Representatives. In the paper, we combine a methodological tool (the Judgelt program) that allows us to examine both enacted and proposed redistricting maps with data from not only the districts used in the 2002 and 2004 Texas House elections, but also from districts that existed only in proposed plans. We find that each redistricting plan benefited their sponsor's party. In fact, a plan supported and advocated by Democratic Speaker Pete Laney is projected to have kept a Democratic majority in the Texas House after the 2002 elections. Our data also demonstrate that rules matter in redistricting, especially in the context of substantial party system change shown by the growth of the Republican Party in Texas.

In 2003, the redistricting battle in Texas played out in dramatic fashion, as Democrats in the Texas House and Texas Senate both left the state at different times in an ultimately unsuccessful attempt to stop the majority in the Legislature from implementing a congressional redistricting plan that greatly favored Republicans. In this paper, we show that the drama provided by the escapes to Ardmore, Oklahoma and Albuquerque, New Mexico are the result of a previous redistricting—the 2001 redrawing of lines for the Texas House of Representatives. Those new lines allowed Republicans to take the majority in that body in the 2002 elections and complete the first sweep of Texas government by Republicans since Reconstruction.

Our study uses a methodology that allows us to evaluate the partisan impact of redistricting by comparing different plans proposed for the Texas House in 2001. Our analyses show that if Texas Democrats were able to implement their map then they would have retained a majority of Texas House seats in 2002—an important finding since the 2003 congressional redistricting would not have been possible if Texas House Republicans remained in the minority. In addition, our paper makes two other contributions: (1) we

The authors thank Jeremy M. Teigen and Gary King for their assistance. Portions of our research were funded by the Public Policy Institute at the University of Texas at Austin, and we thank David Leal, the institute's director, for his assistance. We also thank Charles Eckstein, Research Assistant for the Texas Legislative Council, for providing most of the data used in our study. As always, the authors are solely responsible for the analysis, the conclusion, and any errors.

BRIAN ARBOUR is a Ph.D. candidate in political science at the University of Texas at Austin.
SETH MCKEE is assistant professor of political science at the University of South Florida,
St. Petersburg.

The American Review of Politics, Vol. 26, Winter, 2005-06: 385-403
©2005 The American Review of Politics

use innovative methods to compare the partisan effects of the plan used in the 2002 and 2004 elections with proposed maps that did not go into effect, and (2) that rules matter in redistricting, especially in the context of substantial party system change, with the Texas GOP making rapid political gains at all levels of electoral competition.

The paper proceeds as follows. We provide a discussion of what scholars have learned about redistricting and what we still need to explore. Then we examine redistricting in Texas, providing some historical perspective on Texas House elections in the 1990s and the 2001 redistricting, and introduce the plans we have selected for analysis. We present our model and results, using the JudgeIt statistical program to analyze the redistricting plans. Last, we conclude with a discussion of the significance of Texas House redistricting, examining in particular how our results provide insight on the future of Texas politics.

What We Know (and Don't Know) about Partisan Redistricting

Redistricting studies in the 1980s focused on the partisan impact of redistricting in the post-*Baker v. Carr* era. Results were mixed (Cox and Katz 2002, 21-22). Some studies found that the party of the line drawer had only modest effects on the partisan seat balance (Ayes and Whiteman 1984; Cain 1985; Niemi and Jackman 1991; Squire 1985), while others found that redistricters did succeed at creating seats for their party (Abramowitz 1983; Cranor, Crawley, and Scheele 1989; Gopoian and West 1984).¹

In the 1990s, research on the impact of redistricting focused more on the impact of race on redistricting outcomes. Driving this line of research was the increase in the number of majority-minority districts, which states had to create in the 1990s round of redistricting due to Justice Department interpretations of several late 1980s court cases (Bullock 2000; Clayton 2000; Cunningham 2001).

Redistricting has been especially contentious throughout the South because of the strong connection between race and partisanship. After the 1990 Census, the creative cartography of new congressional and state legislative districts—most of which were drawn by Democrats (Niemi and Abramowitz 1994)—drew judicial scrutiny.² Democratic line drawers had to maximize the number of majority-minority districts (Cunningham 2001), which by definition concentrate the most loyal Democratic voters. But to maximize their party's electoral benefit, Democratic redistricting plans had to create neighboring districts that could offset the loss of loyally Democratic minority voters with others who could be expected to be most supportive of the Democratic Party.³ In addition, Anglo⁴ Democratic incumbents were protected by minimizing the percentage of their district populations

that contained residents who resided in a different district prior to redistricting (Petrocik and Desposato 1998). The expectation was that these Democratic incumbents could rely heavily on the votes of constituents they represented before and after redistricting.

Research on the impact of majority-minority districts, despite the best efforts of Democratic line drawers, has generally found that racial redistricting in the 1990s proved beneficial to Republican candidates (Black and Black 2002; Bullock 1995a, 1995b, 2000; Cameron, Epstein, and O'Halloran 1996; Epstein and O'Halloran 1999a, 1999b, 2000; Hill 1995; Hill and Rae 2000; Lublin 1997; Lublin and Voss 2000a, 2000b, 2003; McKee 2002; Swain 1993). These studies found this partisan effect was mainly a consequence of the strong and growing racial polarization in southern elections (Voss and Lublin 2001). Throughout the South, and especially in Texas, the ongoing realignment of whites into the Republican Party has served to widen the difference in vote choice among Anglos and minorities.⁵

While research indicates that redistricting can have marked partisan effects, the evidence is generally mixed and case-specific. While political scientists, journalists, and political practitioners all assume that line drawers can manipulate district lines to their party's benefit (but see Rush 1993), questions still remain about the magnitude of that impact. One reason for this gap is that nearly all studies have focused on enacted boundaries (with notable exceptions like Gronke and Wilson 1999). In this paper, we combine a methodological tool (the JudgeIt program) that allows us to examine both enacted and proposed redistricting maps with data on not only the districts used in the 2002 and 2004 elections, but also in districts that existed only in proposed plans.

Texas House Redistricting

Table 1 provides a look at the course of Texas House politics in the 1990s. In 1990, Democrats controlled the Legislature, and, with the signature of Democratic Governor Ann Richards, passed a redistricting plan that benefited their party. This advantage held throughout the decade of the 1990s. While Republicans came to dominate statewide elections,⁶ the Democrats continued to hold onto their advantage in the Texas House throughout the decade, maintaining a 78-72 majority after the 2000 elections.

The remarkable partisan transformation in Texas is captured in Table 1. The dramatic change in representation in the Texas House from 1990 to 2002 is documented by the link between the racial/ethnic composition of a district and the corresponding race/ethnicity of the representative. In 1990 there were more Anglo Democrats than Anglo Republicans, but by 2002 over 80 percent of Anglo representatives were Republicans. In a little over a

decade the Texas Democratic Party has become the party of racial minorities and the Texas Republican Party has achieved majority status by relying overwhelmingly on the electoral support of Anglos.

Table 1 illustrates that, despite a pro-Republican tide in the state, the Democrats were able to hold onto their majority through the 2000 elections. Democrats have a nearly rock-solid base of support in districts with high concentrations of minorities, winning all but three majority-minority seats from 1990 to 2002. The Democratic redistricting plan for the 1990s allowed them to keep enough Anglo seats to maintain their majority throughout the decade, despite strong Republican gains concentrated in these seats. Not surprisingly, Republican seat gains in 2002 come almost entirely at the expense of Anglo Democrats who represented majority Anglo districts.

Thanks to their slim majority, Democrats had the edge in the first stage of redistricting in 2001. In this legislative stage, Democratic Speaker Pete Laney dominated the process in the House. A plan proposed by Laney's handpicked Redistricting Committee passed the House on May 8, 2001 by a 75-68 margin on a largely party line vote.⁷ However, disputes in the Texas Senate over their redistricting plan, as well as strong opposition to the Laney plan by the Republican Party and conservative interest groups (Copelin 2001a; Halter 2005, 122) held up all redistricting business, and the Legislature adjourned without passing along a redistricting plan to Republican Governor Rick Perry.

Texas law requires that when the legislature and the governor cannot agree on a redistricting plan during the regular legislative session following the decennial census, the responsibility for redistricting passes to the Legislative Redistricting Board (LRB). The LRB is composed of the leaders of the two houses of the Texas Legislature and three other statewide elected officials.⁸ The LRB meets for the sole purpose of drawing new districts, and a simple majority is needed to implement a new plan.

It is important to emphasize that the plans advocated by Speaker Laney faced long odds of winning approval. Because Republicans constituted a 4 to 1 LRB majority, Republican legislators could simply let redistricting legislation die, and thus allow the LRB to draw maps much more favorable to their party.⁹ The need for Republican support in the Texas Senate and from the Republican Governor made it extremely unlikely that even a map that protected Texas House incumbents of both parties would pass the Legislature. This context helps demonstrate how the rules matter in shaping both the strategies of political actors and the partisan outcome of the redistricting process.

In 2001, led by then Attorney General John Cornyn, the board's Republican majority passed a redistricting plan for the Texas House on July 24, 2001. While amendments to the plan made during the July 24 session of the

**Table 1. Texas House of Representatives Districts:
1990, 1992, 2000, and 2002**

Category	1990		1992		2000		2002	
Party	D	R	D	R	D	R	D	R
Seats Won	93	57	92	58	78	72	62	88
Seats Won by Member's Race								
Anglo	60	57	52	58	37	71	19	86
Hispanic	20	0	26	0	27	1	29	1
Black	13	0	14	0	14	0	14	0
Asian	0	0	0	0	0	0	0	1
Seats Won by District Type								
Majority Anglo	56	54	46	57	24	69	14	83
Majority Hispanic	21	1	27	1	31	0	33	2
Majority Black	8	0	10	0	7	0	6	0
Majority-Minority	7	2	6	0	14	1	9	0
No Majority	1	0	3	0	2	2	0	3
Racial Composition of Districts								
Average Percent Anglo	54%	75%	53%	79%	40%	71%	35%	70%
Average Percent Hispanic	29	15	31	12	42	17	47	17
Average Percent Black	15	8	15	6	16	8	16	8
Average Percent Black plus Hispanic	44	23	45	18	58	24	63	25

Note: There are 150 seats in the Texas House of Representatives. Data compiled by the authors. All data were provided by the Texas Legislative Council (TLC). Racial/ethnic statistics are all computed according to a district's voting-age population. Percentages for Asian-Americans and those from "Other" races are not included. Majority-minority districts contain a combined majority of Hispanic plus black voting-age populations; neither population by itself constitutes a majority. No majority means that neither the combined minority population (Hispanic plus black), nor the Anglo population alone, constitutes a majority of a district's voting-age population. The results for 1990 and 1992 were based on the 1990 Census and the results for 2000 and 2002 were based on the 2000 Census.

LRB prevented immediate analysis of its partisan impact, Cornyn had previously estimated that his proposed plan would yield 82 to 88 Republican seats (Copelin 2001b).

The redistricting process then moved to its third stage, where the U.S. District Court took up the case. During deliberations, the Department of Justice denied preclearance¹⁰ to the plan passed by the LRB. However, the objections were relatively minor, and related to retrogression of Hispanic voting in three districts in South and Southwest Texas, and in Bexar County (San Antonio). Taking these objections into account, the Court approved the LRB plan with minor modifications in 28 districts (out of 150 total) to

account for the Justice Department's objections. The 2002 Texas House elections then proceeded under the lines drawn by the Court.¹¹

Plans for Analysis

Our analysis examines three plans proposed for the Texas House of Representatives in 2001. The first plan, *Laney House*, passed the Texas House in 2001 with the strong support of Speaker Laney. The goal of Speaker Laney and his allies was to preserve a Democratic majority in the Texas House and allow Laney to retain the Speakership. In addition, we consider the *LRB* plan, sponsored by Attorney General John Cornyn and passed by the Republican-dominated Legislative Redistricting Board.

Again, we assume a partisan goal for both of these plans: increasing the number of seats for their party in the Texas House. The Democratic plan hoped to accomplish its partisan goal by preserving the status quo—helping Democratic incumbents hold onto their current seats by packing Republicans into a smaller number of districts. The Republicans hoped to take control of the Texas House by targeting vulnerable Democratic incumbents. Cracking the districts of Anglo Democrats would force them either to retire or to face a difficult reelection by placing these incumbents in districts with large percentages of new voters. Also, both parties' plans sought to defeat the opposition's incumbents by having them face off against other incumbents (of the same and opposite political affiliations). Finally, the Republican sponsored plans shifted more districts in the state's urban areas to the growing and Republican leaning suburbs (Halter 2005, 123; Ma 2001; Copelin 2001c).

While several other redistricting plans were offered, we chose to examine these plans (*Laney House* and the *LRB* plan) for two reasons. First, the partisan intent of the two plans is abundantly clear. Second, both plans had to be politically adroit enough to garner a majority of votes in the Texas House and the LRB, respectively. Both plans' sponsors had to balance the different demands of various supporters. We argue that these plans thus represent not just the partisan intentions of their sponsors, but also the most politically viable plans proposed by Democrats and Republicans during the 2001 redistricting process.

The final plan we consider is the *Court* Plan, which, as noted above, was the actual plan used in the 2002 elections. Again, the Federal Court made only minor changes to the plan passed by the LRB. In addition, we will analyze the *1990s* plan¹² to provide a baseline for evaluating the new plans. As discussed previously, Democrats crafted this plan. Table 2 provides a list of the plans, their sponsors, and their partisan affiliations.

In analyzing each of these plans, we focus primarily on the partisan impact of the plan. Specifically, we assess how many seats would Republicans

Table 2. Texas House of Representatives Redistricting Plans

Plan Name	Plan Sponsor	Plan's Partisan Affiliation
Laney House	The House Redistricting Committee, which was solely appointed by Speaker Pete Laney	Democrat
LRB	Attorney General John Cornyn. The plan passed the Republican majority Legislative Redistricting Board	Republican
Court	U.S. District Court for the Eastern District of Texas (Judges Ward, Hannah, and Higginbotham)	Court
1990s Plan	Texas House map in place for the 1992-2000 elections	Democrat

have won had these plans been implemented. And second, we assess whether the sponsors of the two partisan plans would meet their partisan goals of winning as many seats as possible for their party, ensuring majority control of the Texas House.

Data and Methods

The data we employ in our analyses were provided by the Texas Legislative Council (TLC). The TLC serves as a research institution for the Texas Legislature and it utilizes state of the art mapping technology for the purpose of providing information on redistricting to lawmakers and the public.

We have constructed four explanatory variables to assess the partisan effects of three plans proposed for the 2002 Texas House elections. First, we include a variable to account for incumbency. In Texas, state house candidates must live in the district they seek to represent. Based on reports from the TLC, we know which district each incumbent resided in before the election. All of the plans in our study contain some districts that pit incumbents against each other based on district residence.

We have followed a consistent method to determine incumbency given the complication of multiple members living in the same district. We award the new district to the incumbent who retains the largest portion of their old district population. For example, if a Democrat and Republican are paired in a district, the Democrat is classified as the incumbent if more of his/her old district population remains compared to the share of the district previously represented by the Republican. We then assume an incumbent runs in every district where applicable, and code our variable 1 for Republican, 0 for open seat, and -1 for Democrat.¹³

We also include variables for the percent Black voting-age population (BVAP) and the percent Hispanic voting-age population (HVAP). Data from

Texas show a strong and positive correlation between the minority percentage of Texas legislative districts and their propensity to vote for Democrats (Halter 2005, Figures 7.7 and 7.8).¹⁴ As discussed earlier, partisan gerrymandering relies heavily on manipulating the racial composition of districts since race is the most accessible and reliable indicator of vote choice apart from party identification.

The last independent variable is an index of district partisanship compiled from all six statewide open seat elections taking place in 1998 and 2000. To provide an accurate gauge of two-party competition, we selected only open seat, lower profile contests.¹⁵ The index is the Republican share of the two-party vote for each Texas House district in each of the plans. Finally, the dependent variable is the Republican share of the two-party Texas House vote in the 2000 elections.

JudgeIt Model

To conduct our statistical analyses we use the JudgeIt statistical program created by Andrew Gelman and Gary King (1994).¹⁶ The strength of JudgeIt is its predictive power and versatility. Gelman and King explain that, “the purpose [of JudgeIt] is not estimating causal effects . . . [but] to choose variables that would help in forecasting future votes” (1994, 523). The program can be used to generate numerous statistics commonly used to assess redistricting plans (e.g., seats-votes curves, electoral responsiveness, partisan bias, seat predictions, etc.). Furthermore, JudgeIt allows one to evaluate: (1) elections that have already taken place, (2) elections under a new districting plan that have yet to occur, and (3) counterfactual conditions such as no incumbents running for reelection (i.e., all open seats).

We employ JudgeIt to estimate partisan bias, electoral responsiveness, and the predicted probability that the Republican Party wins each district in each of the plans we evaluate. Partisan bias is measured as the degree to which a party receives a greater or lesser proportion of seats than what would be fair in terms of the proportion of seats won by the opposite party. In other words, based on its average district vote, one party is able to capture more or less seats in comparison to the other party. For example, if we consider the Republican share of the two-party vote, a partisan bias of -0.03 would mean that the GOP receives 3 percent less seats than they would if there were perfect symmetry in terms of the translation of votes to seats between the parties.

Electoral responsiveness measures the percent increase in seats a party is expected to gain based on a 1 percent increase in the average district vote across all districts. So, for instance, a responsiveness of 3.8 percent means that a 1 percent increase in the average district vote for a party across all districts should increase their share of seats in the Texas House by 3.8 percent.

Finally, with JudgeIt, under each plan we can generate the probability that each district is won by a Republican candidate. We report the number of seats the Republicans should win under each plan based on the number of seats in which Republicans have a probability of victory that is greater than .5. We also estimate the security of each party's seats, estimating the number of safe seats for each party (> .8 probability of winning).¹⁷

We estimate the bias, responsiveness, and the number of seats Republicans should win assuming that the 2002 elections are contested under the lines drawn for each plan. We report the results for the plans assuming that all incumbents run for reelection based on the coding rules listed above. Then, we report the same results assuming that none of the incumbents stand for reelection. By excluding incumbents, we can examine the long-term impact of each of these plans.

Our model, like all models, is but a representation of reality. As such, it does not include a number of important factors in determining election results, including the decision of politically skilled or experienced candidates to run for office (Jacobson and Kernell 1983; Hogan 2004; Gierzynski and Breaux 1991). Research on Texas legislative elections has found that the amount of money a challenger spends (Hogan 2000), the quality of campaign communication—which Texas legislative campaigns conduct with direct mail and pamphletting (Hogan 1997), and even how a campaign schedules their candidate's time (Arbour 2006) can impact election outcomes. Certainly in the 2002 Texas House elections, the efforts of the Republican Party and its financial donors to target competitive races and to direct large donations to these contests played a vital role in many Republican victories (Olsson 2002).¹⁸

Our model cannot know these things. Nor can we establish with any certainty what line drawers knew about potential candidates in the upcoming election, or what they estimated the effort of individual campaigns—both in terms of raising money and organizing their get-out-the-vote programs—would be. What we can model is what redistricters knew at the time that they drew the lines—the partisan and racial make-up of proposed districts. And we also know that these two factors are essential to explaining the outcomes of state legislative elections (cf. Hogan 2004; Tucker and Weber 1987).

Results

The data show a clear partisan effect in the redistricting plans. As we expected, the party of line drawers tells us much about the partisan implications of the plan they drew.

Short Term Impact of Redistricting Plans

Our first analysis uses Judgett to examine each of the plans under the conditions of the 2000 elections. We include incumbency in this analysis, again assuming that all incumbents stay in the district of their residence and that all incumbents run for reelection in 2002. This analysis provides a short-term perspective on the impact of redistricting—examining how each plan would affect the 2002 Texas House elections.

As Table 3 shows, we find that Republican line drawers were successful in their attempts to bias the districts in favor of their party. The *LRB* plan has a Republican bias of 2.7 percent. Speaker Laney and his allies were just as successful in tweaking the lines to his party's favor, as the plan he endorsed is similarly weighted toward Democrats (a 2.6% Democratic bias). The *Laney House* plan increases the Democratic bias from the 1990s lines. Although it is significant for all plans, responsiveness in substantive terms has a minor effect, and little difference exists between the plans.

The impact of the bias of the plans shows up in the expected number of victories per party. The model shows that under Speaker Laney's plan, Democrats are projected to win 79 seats, enough to retain a Democratic majority in the House. The Republicans crafted a plan that would have

Table 3. Partisan Impact of Texas House of Representatives Redistricting Plans (with Incumbents)

Plan	1990s Plan	Laney House	LRB	Court
Bias (se)	-0.018* (0.002)	-0.026* (0.005)	0.027* (0.007)	0.022* (0.007)
Responsiveness (se)	0.272* (0.050)	0.318* (0.070)	0.675* (0.107)	0.669* (0.023)
<i>Predicted Seats Won</i>				
Republican seats (> .5 probability of winning)	71	71	82	81
Safe Republican seats (> .8 probability of winning)	71	70	76	75
Safe Democratic seats (> .8 probability of winning)	77	77	66	66
Note: Negative coefficients represent a Democratic bias and positive coefficients represent a Republican bias.				
*p < .001 level of significance.				

provided their party with 83 seats, a strong majority in the 150 member Texas House.

Long Term Impact of Redistricting Plans

To examine the long term impact of the 2001 round of Texas House redistricting, we examined each plan without incumbents. By removing incumbency, we get a better idea of the impact of each plan over the course of the decade, as many of the incumbents currently in the legislature will retire.

Shorn of incumbents, the plans show strong Republican majorities in the future of the Texas House. Nonetheless, the electoral impact of the individual plans is tempered by the partisan intent of the line drawer. The *Laney House* plan would have created districts *more* favorable to Democratic open seat candidates than the *1990s* plan. Despite this, Laney was fighting an uphill battle, as the model projects both a Republican bias (though the 1.4% Republican bias is not statistically significant), and more importantly, a Republican majority of 83 seats. The Republicans, not surprisingly given the Republican trend in Texas, do a much better job of creating seats for their fellow partisans; the *LRB* plan projects 95 Republican seats. The result for responsiveness (3.8%) shows that in the absence of incumbents, relatively small partisan electoral swings will lead to large pickups in the Texas House.

Table 4. Partisan Impact of Texas House of Representatives Redistricting Plans (without Incumbents)

Plan	1990s Plan	Laney House	LRB	Court
Bias (se)	0.017 (0.012)	0.014 (0.011)	0.046* (0.013)	0.032* (0.010)
Responsiveness (se)	3.693* (0.022)	3.872* (0.014)	3.804* (0.046)	3.873* (0.496)
<i>Predicted Seats Won</i>				
Republican seats (> .5 probability of winning)	88	83	95	94
Safe Republican seats (> .8 probability of winning)	57	60	67	66
Safe Democratic seats (> .8 probability of winning)	44	42	42	42
Note: Positive coefficients represent a Republican bias. *p < .001 level of significance.				

Results of the 2002 and 2004 Texas House Elections

The districts in place for the 2002 Texas House elections were not drawn by partisan politicians, but instead by a Federal Court. However, as noted above, the judges made only minor changes to the plan passed by the Legislative Redistricting Board. The data show that the impact of the *Court* plan was similar, but slightly less favorable to Republicans, than the *LRB* plan. The Federal Court's plan reduces the Republican bias both in the short term and in the long term. Compared to the *LRB* plan, the seat predictions show that the *Court* plan, both with and without incumbents, gives the Republicans one less safe seat and one less seat in which they are favored to win.

The JudgeIt program evaluates the 2002 plans assuming that electoral conditions are the same as in the 2000 elections. But the 2002 elections were not held under the same conditions as 2000. In 2002, Republicans improved their electoral showing statewide, as the Democratic "Dream Team" ticket of Tony Sanchez for Governor, Ron Kirk for U.S. Senate, and John Sharp for Lieutenant Governor proved disastrous. Not only did all three candidates lose, they also did much worse than expected.¹⁹

The Republican trend continued in Texas House races, as Republicans won 88 seats. Of the 78 Democrats elected in 2000, 14 either retired from politics or ran for higher office, while five members lost to a Republican in November 2002, and another five were defeated in a primary election. The partisan sweep in November affected the next legislative session, as Tom Craddick won election to the Speaker's Chair—the first Republican Speaker in Texas since Reconstruction.

In the 2004 Texas House elections, Democrats recorded a minor success, gaining one seat to reduce the Republican majority to 87-63. But the 2004 Texas House elections do not deviate much from the general patterns identified in this paper. Republicans actually gained vote share across the state, improving their total share of the two-party vote from 54.9 percent in 2002 to 57.3 percent, and their share of votes in contested elections from 60.1 percent to 62.1 percent.

Democrats netted one seat in large part because they were more successful in closer elections, as eleven of their winners garnered under 55 percent of the vote, compared to only six Republicans who did so.²⁰ The Democrats who hold these competitive seats tend to be Anglos (nine of the eleven), come from districts with majority Anglo populations (67.7% Anglo on average), and vote Republican in other elections (President Bush not only won all eleven districts, but the 62.0% of the vote he averaged in these districts is higher than his statewide vote share of 61.1%).

Thus, Republicans would seem the strong bet to win most of these eleven seats in the near future, either by defeating the Democratic incumbent outright, or by winning open seats when these Democrats retire. In short, while Democrats may be able to occasionally use advantages in incumbency, government performance, or candidate skills to win these seats periodically, their long term prospects of holding these seats appear bleak. Republicans have a more fertile field to pick off Democratic seats in upcoming elections. It would not surprise us to see a Texas House in the near future with more than 100 Republicans.

Conclusion

Redistricting has played a vital role in contemporary Texas politics. As we have shown, the great variation in the number of Texas House seats that each party would have won is a function of the redistricting plan. With the JudgeIt statistical program, we have been able to measure the partisan impact of Texas House plans conditioned by short- and long-term scenarios. According to our analyses, both parties proved quite adept at furthering their electoral interests, particularly in the short-term, when we account for incumbency. However, in the long-term, assuming all open seat contests, the Republican trend in Texas renders Democrats the minority party even if a Democratic plan were enacted.

In the case of Texas, a state undergoing rapid party system change with the GOP in ascendancy, redistricting still registers a substantial independent effect on electoral outcomes. If the Democratic plan had been passed, Pete Laney would have remained Speaker, and hence Texas Republicans could not have pursued their successful effort to redraw the congressional map for the 2004 U.S. House elections. Of course, after the Laney plan passed the Texas House, Republicans held all the cards at each of the subsequent stages of the Texas redistricting process. By not passing the *Laney House* plan, the Republican-controlled Texas Senate ensured that Texas House redistricting would be left to the Legislative Redistricting Board. There, Republicans could use their majority to pass a plan favorable to them.

That Republicans held a majority on the LRB is reflective of the GOP trend in Texas politics. Republicans have been on a seemingly inexorable climb in Texas. The current trend has shown that while Democrats can hold onto marginal seats through the incumbency advantage, once Republicans win those seats, Democrats have little chance to win them back. The projections for open seat races provide little reason to believe that this trend will change within the decade. Democrats will continue to lose even more seats as their incumbents retire.

In the Texas House of Representatives, the two parties have almost reached the point where they are divided entirely by the racial makeup of their districts. After the 2002 Texas House elections, Republicans represented 86 percent (83 out of 97) of the Anglo majority districts, whereas Democrats represented 96 percent (48 out of 50) of districts with majority-minority populations (Table 1). The most reliable indicator of vote choice in Texas elections is race and partisan line drawers primarily manipulate the racial compositions of districts to further their redistricting goals.

Over the long term, the rapid growth of the Hispanic population provides Democrats the opportunity to retake some seats. But outside of a large shift of Anglo voters back to the Democratic Party, the Republican majority won in the 2002 Texas House elections appears to be the first in a long series of consecutive Republican majorities.

APPENDIX

JudgeIt Model

The JudgeIt model takes the form of a random components regression:

$$v = X\beta + \gamma + \varepsilon,$$

where v is the Republican proportion of the two-party vote for each district; X is a vector of explanatory variables (incumbency; % BVAP; % HVAP; and statewide index); β is a vector for the k parameters that estimate the impact of the explanatory variables on v ; and γ and ε constitute independent error terms. The variable ε is equivalent to the error term in ordinary least squares regression. What makes the JudgeIt regression different from OLS is the variable γ which is the error term that accounts for the random component in the model that arises from the fact that the explanatory variables cannot perfectly predict election outcomes because of measurement error in the variables included in the model and the omission of other relevant variables (Gelman and King 1994).

Several steps are required to generate the estimates for our model. First, because of the random component in the model we have to estimate two hyperparameters, sigma (σ) and lambda (λ), for which we obtain constant values by running separate regressions on several election years (Hill 1995). We have run regressions for three elections to determine the average values for sigma (.0495) and lambda (.6917).²¹ These constants are then used in the regressions that estimate partisan bias, electoral responsiveness, and the probability of a GOP victory for each district in each plan.

Next, using the redistricting plan in place for the 1992-2000 elections, we regress the Republican portion of the state house vote in 2000 on our explanatory variables: incumbency; % BVAP; % HVAP; and the statewide index.²² Then we use the parameters estimated from the 2000 plan to predict the outcomes for the three plans proposed for the 2002 Texas House elections. In other words, the regression estimates from the 2000 plan are used to predict the outcomes for each 2002 plan conditioned upon the values of the explanatory variables as they apply to each plan.

NOTES

¹The bulk of research on the partisan effects of redistricting has involved analyses of congressional plans (Lublin and Voss 2000a). However, the findings from U.S. House studies are applicable to state legislative redistricting. In essence, the difference between U.S. House and state house redistricting is a matter of degree not of kind. For example, since a state house delegation is generally much larger than the corresponding state congressional delegation, smaller district size in the former, makes it easier to draw districts with majority-minority populations. And compared to U.S. House races, which are characterized by low information, state house contests are even less visible affairs. Given their lower salience, we would expect racial composition, incumbency, and partisanship to weigh more heavily in deciding state house contests.

²The current precedent regarding race-based redistricting, decided by the Supreme Court in *Easley v. Cromartie* (2001), emphasizes a narrow distinction between plans that explicitly rely on race as a factor for drawing districts versus plans that rely on partisanship as the basis for drawing districts. To pass judicial scrutiny, plans can draw districts to further partisan interests, but race cannot be the primary basis for drawing districts. It is in fact the case that line drawers use racial data to guide them in drawing districts, but the use of racial data must be for the purpose of implementing a partisan gerrymander.

³In Texas, among Anglos, rural voters were expected to be the most supportive of Democratic candidates (Barone and Ujifusa 1993).

⁴In Texas, Anglos is used as a synonym for non-Hispanic whites. The term is historically rooted in the tri-ethnic makeup of Texas from the movement of American settlers and their slaves into Mexican Texas in the 1820s and 1830s. The term Anglo has remained in common usage in Texas, particularly in areas with large concentrations of Hispanics. We use the term here due to both its common usage in Texas and for the clarity it provides in distinguishing between Hispanics and non-Hispanic whites.

⁵In addition, Republicans targeted Democratic seats in bleached districts—seats that gained Anglo voters as African-Americans were drawn into majority-minority districts (Abramowitz 1995; Black and Black 2002; Jacobson 1996). Voters added to these bleached Democratic districts were not familiar with their new representatives, and the propensity of these new voters to support the GOP (Petrocik and Desposato 1998) led to a disproportionate share of Republican gains in these districts (Abramowitz 1995; Black and Black 2002; Campbell 1997; Jacobson 1996).

⁶Since the 1998 election, Republicans have controlled all 26 statewide offices.

⁷Four rural Republicans joined the Democratic majority, and four urban Democrats voted against the Laney plan.

⁸In 2001, the members of the LRB were Lieutenant Governor Bill Ratliff (R), Speaker of the House James E. (Pete) Laney (D), Attorney General John Cornyn (R), Comptroller Carole Keeton Rylander (R), and Land Commissioner David Dewhurst (R).

⁹We thank an anonymous reviewer for directing us to focus more on the partisan strategies of Texas Democrats and Republicans.

¹⁰As a state covered by the 1965 Voting Rights Act (VRA) through the 1975 amendment to the VRA, Texas must receive preclearance from the Department of Justice (DOJ) or from the U.S. District Court for the District of Columbia to ensure its redistricting plans do not have negative effects on the rights of minority voters.

¹¹The Texas Legislative Council provides an overview of each significant step of the 2001 round of redistricting on their web site: www.tlc.state.tx.us/research/redist/redist.htm.

¹²Texas House districts were changed three times during the 1990s. When we refer to the 1990s plan in the paper, we are referring specifically to the last valid plan prior to the 2002 elections—Plan H882—which was passed by the legislature in 1997, and used in the 1998 and 2000 elections.

¹³It is of course true that candidates can move into different districts (and several did), but line drawers do not have a crystal ball. Therefore, our method best replicates the information available to redistricters as they drew up their maps. So, for the plan enacted for the 2002 Texas House elections, instead of assigning incumbents according to the districts in which they actually ran, for the purpose of consistency, we apply the same criteria to determine incumbency.

¹⁴To provide an estimate of the impact of race on partisan vote share, we, like Halter (2005), regressed Democratic vote share (measured by our partisan index of statewide open seat races in 1998 and 2000) on the minority percentage in each district using the 1990s plan. A 1% increase in the percentage of minority voters increased the Democratic vote by 0.51%. The equation is Democratic Vote Share = 0.2684 + 0.5162 * % Black + % Hispanic (s.e. 0.0290; t = 17.80).

¹⁵Such a method allows us to better account for the true state of partisanship in each district by eliminating the distortions than can be created by a popular incumbent (e.g., George W. Bush in the 1998 gubernatorial election). Further, in lower information elections, voters are more likely to use partisan rather than candidate-specific cues. We calculated the average Republican portion of the two-party vote at the district-level for the following contests: 1998 lieutenant governor, 1998 attorney general, 1998 comptroller, 1998 land commissioner, 1998 agriculture commissioner, and 2000 court of criminal appeals.

¹⁶Please see Gelman and King (1994; 2001) for a more technical and complete explanation of the inner workings of the JudgeIt program.

¹⁷Following Gronke and Wilson (1999), safe seats are those in which a party has greater than an 80% probability of winning.

¹⁸An effort brought to national attention by the September 28, 2005 indictment of U.S. House Majority Leader Tom DeLay for activities in the 2002 Texas House elections.

¹⁹The down-ballot statewide races illustrate the Democratic disaster and Republican triumph of 2002. No Democratic candidate in these low-information elections came within eight percentage points of defeating a Republican.

²⁰If one uses a victory with less than 60% of the vote as the standard for a vulnerable incumbent, Democrats do not fare much better. Seventeen of their members won with less than 60% of the vote, compared to eleven Republicans in the same situation.

²¹To generate values for sigma and lambda we use the JudgeIt program to regress the Republican portion of the two-party state house vote v_{t+1} on v and several explanatory variables. For example, we regress the 1996 Republican portion of the state house vote (v_{t+1}) on the 1994 Republican vote (v); and the following explanatory variables: the 1992 Republican portion of the state house vote; 1994 incumbency; 1992 party control (1 = sitting incumbent is Republican, -1 = sitting incumbent is Democrat); 1994 uncontested (0 = contested district, 1 = Republican running uncontested, -1 = Democrat running uncontested); 1994 percent BVAP; and 1994 percent HVAP. We repeat this regression for 1998 and 2000 with the same set of explanatory variables corresponding to the next set of election years. We then take the average of the values obtained for each sigma and lambda produced from each regression. We use multiple elections to get sigma and lambda in order to develop greater precision for these estimates (Gelman and King 1994).

²²Following Gelman and King (1994), for uncontested state house elections we impute values of .75 and .25 for Republicans and Democrats, respectively. This procedure is

used to better fit the data since even in the most one-sided districts two-party competition would yield values closer to .75 and .25 as opposed to 1 and 0.

REFERENCES

- Abramowitz, Alan I. 1983. Partisan Redistricting and the 1982 Congressional Elections. *Journal of Politics* 45:767-770.
- Abramowitz, Alan I. 1995. The End of the Democratic Era? 1994 and the Future of Congressional Election Research. *Political Research Quarterly* 48:873-889.
- Arbour, Brian K. 2006. Tempus Fugit: How Legislative Candidates Allocate Their Own Time. *Journal of Political Marketing*. 5:79-103.
- Ayres, Q. Whitfield, and David Whiteman. 1984. Congressional Reapportionment in the 1980s: Types and Determinants of Policy Outcomes. *Political Science Quarterly* 99:303-314.
- Barone, Michael, and Grant Ujifusa. 1993. *The Almanac of American Politics 1994*. Washington, DC: National Journal.
- Black, Earl, and Merle Black. 2002. *The Rise of Southern Republicans*. Cambridge, MA: Harvard University Press.
- Bullock, Charles S., III. 1995a. Affirmative Action Districts: In Whose Faces will They Blow Up? *Campaigns & Elections*, April, p. 22-23.
- Bullock, Charles S., III. 1995b. Comment: The Gift that Keeps on Giving? Consequences of Affirmative Action Gerrymandering. *The American Review of Politics* 16:33-39.
- Bullock, Charles S., III. 2000. Partisan Changes in the Southern Congressional Delegation and the Consequences. In *Continuity and Change in House Elections*, eds. David W. Brady, John F. Cogan, and Morris P. Fiorina. Stanford, CA: Stanford University Press.
- Cain, Bruce E. 1985. Assessing the Partisan Effects of Redistricting. *American Political Science Review* 79:320-333.
- Cameron, Charles, David Epstein, and Sharyn O'Halloran. 1996. Do Majority-Minority Districts Maximize Substantive Black Representation in Congress? *American Political Science Review* 90:794-812.
- Campbell, James E. 1997. The Presidential Pulse and the 1994 Midterm Congressional Election. *Journal of Politics* 59:830-857.
- Clayton, Dewey M. 2000. *African Americans and the Politics of Congressional Redistricting*. New York: Garland Publishing.
- Copelin, Laylan. 2001a. Republicans Could Turn Redistricting Loss into Win. *Austin American-Statesman*, May 6, p. A1.
- Copelin, Laylan. 2001a. Maps Likely Last Word on Districts for '02 Vote: Federal Judges Largely Accept GOP-backed Plans for Texas House, Senate. *Austin American-Statesman*, November 29, p. A1.
- Copelin, Laylan. 2001b. Travis Democrats to Fight Redistricting: Republican Plan Puts 3 State Lawmakers in Central Austin District. *Austin American-Statesman*, July 11, p. A1.
- Cox, Gary W., and Jonathan Katz. 2002. *Elbridge Gerry's Salamander: The Electoral Consequences of the Reapportionment Revolution*. New York: Cambridge University Press.
- Cranor, John D., Gary L. Crawley, and Raymond H. Scheele. 1989. The Anatomy of a Gerrymander. *American Journal of Political Science* 33:222-239.

- Cunningham, Maurice T. 2001. *Maximization, Whatever the Cost: Race, Redistricting and the Department of Justice*. Westport, CT: Praeger.
- Epstein, David, and Sharyn O'Halloran. 1999a. Measuring the Electoral and Policy Impact of Majority-Minority Voting Districts. *American Journal of Political Science* 43:367-395.
- Epstein, David, and Sharyn O'Halloran. 1999b. A Social Science Approach to Race, Redistricting, and Representation. *American Political Science Review* 93:187-191.
- Epstein, David, and Sharyn O'Halloran. 2000. Majority-Minority Districts and the New Politics of Congressional Elections. In *Continuity and Change in House Elections*, eds. David W. Brady, John F. Cogan, and Morris P. Fiorina. Stanford, CA: Stanford University Press.
- Gelman, Andrew, and Gary King. 1994. A Unified Method of Evaluating Electoral Systems and Redistricting Plans. *American Journal of Political Science* 38:514-554.
- Gelman, Andrew, and Gary King. 2001. *Judgelt: A Program for Evaluating Electoral Systems and Redistricting Plans*. <http://GKing.Harvard.edu>.
- Gierzynski, Anthony, and David Breaux. 1991. Money and Votes in State Legislative Elections. *Legislative Studies Quarterly* 16:203-217.
- Gopoian, J. David, and Darrell M. West. 1984. Trading Security for Seats: Strategic Considerations in the Redistricting Process. *Journal of Politics* 46:1080-1096.
- Gronke, Paul, and J. Matthew Wilson. 1999. Competing Redistricting Plans as Evidence of Political Motives: The North Carolina Case. *American Politics Quarterly* 27:147-176.
- Halter, Gary M. 2005. *Government and Politics of Texas: A Comparative View*, 5th ed. New York: McGraw-Hill.
- Hill, Kevin A. 1995. Does the Creation of Majority Black Districts aid Republicans? An Analysis of the 1992 Congressional Elections in Eight Southern States. *Journal of Politics* 57:384-401.
- Hill, Kevin A., and Nicol C. Rae. 2000. What Happened to the Democrats in the South? US House Elections, 1992-1996. *Party Politics* 6:5-22.
- Hogan, Robert E. 1997. Voter Contact Techniques in State Legislative Campaigns: The Prevalence of Mass Media Advertising. *Legislative Studies Quarterly* 22:551-571.
- Hogan, Robert E. 2000. The Costs of Representation in State Legislatures: Explaining Variations in Campaign Spending. *Social Science Quarterly* 81:941-956.
- Hogan, Robert E. 2004. Challenger Emergence, Incumbent Success, and Electoral Accountability in State Legislative Elections. *Journal of Politics* 66:1283-1303.
- Jacobson, Gary C. 1996. The 1994 House Elections in Perspective. *Political Science Quarterly* 111:203-223.
- Jacobson, Gary C., and Samuel Kernell. 1983. *Strategy and Choice in Congressional Elections*, 2nd ed. New Haven, CT: Yale University Press.
- Lublin, David, and D. Stephen Voss. 2000a. Racial Redistricting and Realignment in Southern State Legislatures. *American Journal of Political Science* 44:792-810.
- Lublin, David, and D. Stephen Voss. 2000b. Boll-Weevil Blues: Polarized Congressional Delegations into the 21st Century. *American Review of Politics* 21:427-450.
- Lublin, David, and D. Stephen Voss. 2003. The Missing Middle: Why Median-Voter Theory Can't Save Democrats from Singing the Boll-Weevil Blues. *Journal of Politics* 65:227-237.
- Lublin, David. 1997. *The Paradox of Representation*. Princeton, NJ: Princeton University Press.
- Ma, Jason. 2001. District Plans Costly for Area: Loss of House Seat is Likely in Legislative Plan. *Corpus Christi Caller-Times*, July 11, p. B1.

- McKee, Seth C. 2002. Majority Black Districts, Republican Ascendancy, and Party Competition in the South, 1988-2000. *American Review of Politics* 23:123-139.
- Niemi, Richard G., and Alan I. Abramowitz. 1994. Partisan Redistricting and the 1992 Congressional Elections. *Journal of Politics* 56:811-817.
- Niemi, Richard G., and Simon Jackman. 1991. Bias and Responsiveness in State Legislative Districting. *Legislative Studies Quarterly* 16:183-202.
- Olsson, Karen. 2002. Mr. Right. *Texas Monthly*, November, p. 125-133.
- Petrocik, John R., and Scott W. Desposato. 1998. The Partisan Consequences of Majority-Minority Redistricting in the South, 1992 and 1994. *Journal of Politics* 60:613-633.
- Rush, Mark E. 1993. *Does Redistricting Make a Difference? Partisan Representation and Electoral Behavior*. Baltimore, MD: Johns Hopkins University Press.
- Squire, Peverill. 1985. Results of Partisan Redistricting in Seven U.S. States during the 1970s. *Legislative Studies Quarterly* 10:259-266.
- Swain, Carol M. 1993. *Black Faces, Black Interests: The Representation of African Americans in Congress*. Cambridge, MA: Harvard University Press.
- Tucker, Harvey J. and Ronald E. Weber. 1987. State Legislative Election Outcomes—Contextual Effects and Legislative Performance Effects. *Legislative Studies Quarterly* 12:537-553.
- Voss, D. Stephen, and David Lublin. 2001. Black Incumbents, White Districts: An Appraisal of the 1996 Congressional Elections. *American Politics Research* 29:141-182.

