

A Reply to “What to Do about Turnout Bias in American Elections”

Kenneth A. Wink and Ronald E. Weber

Thomas Brunell (2006a) critiques our article, “Do Democrats and Republicans Pay the Same Price for Seats in U.S. State Lower House Elections” (Wink and Weber 2005). We found that partisan turnout bias exists in state lower-house elections, and mostly the turnout bias favors Democratic Party candidates. Brunell does not dispute our findings on distributional bias or take issue with our methodology; rather, his main argument is that turnout bias is not significant enough to warrant concern from legislative parties or the courts.

In our reply, we elaborate on our earlier proposition that turnout bias is important in American legislative elections. We also take issue with some of the assumptions made by Brunell in which he argues in favor of “sweetheart gerrymandering” as a solution to the partisan gerrymandering woes that have so frequently accompanied recent legislative redistrictings. Far from being tangential to our argument about turnout bias, Brunell’s affinity for the sweetheart gerrymander reveals his understanding of the broader context in which redistricting concerns should be addressed, and his position on a remedy for partisan gerrymandering is one with which we disagree.

Partisan Bias in Legislative Elections

Essentially, Brunell and we have no quarrel over our belief that there are a number of possible sources of partisan bias in the translation of partisan votes into partisan legislative seats. In fact, Brunell has noted that malapportionment, distributional bias, and turnout bias are all sources of bias or “unfairness” in legislative elections (Brunell 1999; Grofman, Koetzle, and Brunell 1997). In our original article, we simply measured the level of turnout bias in forty-four state lower houses from 1968 to 1999 using a method proposed by James E. Campbell (1996) in his analysis of congressional elections. Applying Campbell’s method to state lower-house elections yielded

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results similar to those found by Campbell: Democrats typically benefited from turnout bias.

Brunell and we also seemingly agree on how turnout bias occurs, and how it is different from the more frequently studied distributional bias. In his critique, Brunell notes that distributional bias is produced when a legislative party draws district lines in such a way as *to maximize the number of wasted votes (votes cast for losing candidates)* of the opposition party. In his example of a hypothetical five-district state, he illustrates how a clever use of “packing” and “cracking” of Republican voters by a Democratic Party majority can inflate Democratic legislative seat shares. But his example can also be used to illustrate that distributional bias is not the only form of partisan bias that matters.

In his example, Brunell asserts that “Democrats only make up 40 percent of the total population, yet with artful map-making they can easily control 60 percent of the seats (3 of the 5).” Democrats potentially can win 60 percent of the seats given Brunell’s district lines, but only if two conditions are met: (1) The districts have the same population size (there is no malapportionment); and (2) The number of *votes cast* for winning candidates in each district is the same (there is no turnout bias). Brunell praises the Democrats for a clever gerrymander, but we have yet to see the election results from his hypothetical state. Brunell assumes the percentage of partisan identifiers by district will produce the election outcomes Democrats desire; this is a big assumption, considering that three districts are closely contested in terms of partisan identifiers.

Applying real world conditions to his hypothetical, we would agree that intervention by the federal courts has greatly limited malapportionment bias in state legislative elections. But turnout bias occurs *when one party casts more votes for winning candidates (unwasted votes)* than the other party. In his example, what if Republicans won Districts 1 and 2 with very few votes cast for winning candidates, but Democrats won Districts 3, 4, and 5 with much higher numbers of votes cast? Or even worse for the Democrats, what if they lost one of the most closely contested seats, with high voter turnout for Democrats and Republicans, while losing the two Republican “safe” districts with very low vote totals for the Republicans? Conceivably, Democrats might actually cast more statewide votes than the Republicans but win a minority of the seats, as Texas Republicans did in the 2002 congressional elections.

Brunell correctly points out that in the real world, one would expect some pro-Democratic Party bias in turnout in most jurisdictions in the contemporary U.S., as Democrats appeal disproportionately to lower socioeconomic status individuals who are less likely to vote. A small amount of systematic pro-Democratic Party turnout bias may be unavoidable.

Ironically, however, Brunell unwittingly reveals a potential source of government-sponsored pro-Democratic turnout bias when he compares Ralph Hall’s Texas U.S. House District 4 win in 2004 with Gene Green’s Texas U.S. House District 29 victory in the same year. While Republican Ralph Hall won his “rural/suburban” district with 182,866 votes, Democrat Gene Green won his inner-city Houston seat with only 78,256 votes (and no Republican opponent). In fact, the 29th District was created in 1991 as a majority-minority district to comply with the Justice Department’s interpretation of the requirements of the 1982 amendments to the Voting Rights Act (VRA) (Barone and Ujifusa 1993). The Texas 29th has been modified somewhat over the years, but it is currently 66 percent Hispanic and 10 percent African-American (Barone and Cohen 2005), thus making it uncompetitive for Republicans. Brunell’s conclusion that “if turnout were higher in the low turnout districts virtually nothing would be different” is a big assumption to make. What if the Texas 29th had been drawn differently—perhaps to be more competitive—from the very beginning? Would it be a “shoo in” for Democrats, or would they have to work for a victory and actually expend votes to win that seat? Imagine the statewide impact on partisan turnout bias of drawing multiple majority-minority districts. In fact, 11 of Texas’ 32 congressional seats are drawn from majority-minority districts.

Solutions

Our suggestions in the original article about how to deal with partisan turnout bias resulted from brainstorming (drawn heavily from the ideas of James Campbell) and included some suggestions that were feasible, and some that were not likely to be adopted. A proper remedy really depends on the cause of the problem, and there is no consensus about why partisan turnout bias varies from state to state and from one time period to the next, only that it tends to favor Democrats. At one point, we noted the size of lower-house chambers could be reduced, thus producing more demographically heterogeneous districts and reducing the safe, “rotten borough” districts bemoaned by Campbell. Surprisingly, Brunell takes the opposite position and suggests instead that district lines should be drawn to create the maximum number of *demographically homogeneous* districts.

Citing his recent research (Brunell 2006b), Brunell claims empirical evidence shows that voters who cast ballots for the winning candidate in U.S. House elections have more affect for, and higher approval of, the incumbent member of Congress; have a higher approval rating of Congress; and have more trust in Congress in relation to the other branches of government (and political parties). Thus, drawing more homogeneous districts and

producing a higher percentage of voters casting ballots for winning candidates is Brunell's solution to the problem of partisan gerrymandering. In fact, Brunell writes that the creation of competitive districts with a diversity of opinion has substantial costs (partisan gerrymandering) but "really [has] no benefits" (Brunell 2006a). Then, amazingly, he explains in almost the next sentence that he does agree with our notion that increasing voter turnout among unlikely voters should decrease partisan turnout bias and should be encouraged. But we believe homogeneous districts likely would *reduce* voter turnout.

At any rate, Brunell may be getting his wish about more homogeneous districts, as there is a convincing line of research that more homogeneous congressional districts are becoming the norm as a result of economically segregated housing patterns and more partisan and ideological voting based on socioeconomic status (Abramowitz and Saunders 1998; Abramowitz, Alexander, and Gunning, 2006). But should we pursue the drawing of more homogeneous districts as a matter of policy? We think not.

First, Brunell assumes that more homogeneous districts will produce permanently happier voters who feel more efficacious toward government. What about the intensity of feelings about fair redistricting practices and the saliency of this issue for partisans who are in the minority (the losers)? Less competitive elections are likely to produce long-term partisan minorities who may well feel very alienated from and distrustful toward government, particularly if they realize legislative districts are drawn with the sole purpose of ensuring their more-or-less permanent status as "election losers."

Second, citizens should not be put in a situation where their choices of work and living arrangements might be affected by a legislative attempt to create uncompetitive districts. Not only might citizens choose to live in a community based on the quality of the schools, the quality of other social services, the local property and sales tax rates, etc. (Peterson 1981), but they now would have to factor into their cost-benefit analysis the question of whether their party's candidates for the U.S. House or state legislative seats would almost automatically win, or almost automatically lose. Put another way, one could envision a scenario where new arrivals are told that the Democrats live over there, and the Republicans live over here. We do not believe this is an optimal social arrangement.

Third, although Brunell has focused on partisan bias in his research, other scholars of the legislative seats-votes relationship (and even the Electoral College) have determined that representational form or responsiveness is as important as partisan bias in linking partisan vote change with partisan seat change (Garand and Parent 1991; King 1989; King and Browning 1987; Taagepera and Shugart 1989; Tufte 1973). The general thrust of this research has been that a system that does not produce a generous turnover in

seats given a shift in partisan voting behavior is a negative, rather than a positive, situation. The predisposition of these researchers is that there is something wrong with an unresponsive election system, and recent research has highlighted the roll-call voting (Griffin 2006) and public policy "dysfunctions" (Trounstine 2006) that can emerge from a lack of electoral competition. In fact, we can only imagine that the creation of intentionally safe legislative districts would undermine, not enhance, democracy.

Conclusion

Our intention in writing the original article was to determine whether or not measurable amounts of partisan turnout bias existed in state lower-house elections as Campbell had found in U.S. House races. We agree with Brunell that distributional bias will be the focus of most legislators and judges in the near future, but we are persuaded that they should also take into account the level of partisan bias likely to be produced during legislative redistricting. We reject the notion that a sweetheart gerrymander is a just substitution for the admittedly rough-and-tumble redistricting of the contemporary era. Instead, we suggest that turnout bias should be added to the list of considerations that currently include distributional bias and the maximizing of minority voting rights as we strive to create "fair" and responsive legislative systems in the U.S.

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