



# PARTISAN BIAS IN THE U.S. HOUSE: THE REPUBLICAN ADVANTAGE FROM DEMOGRAPHICS, PARTISANSHIP, INCUMBENCY, AND GERRYMANDERING

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## Spotlighted Facts

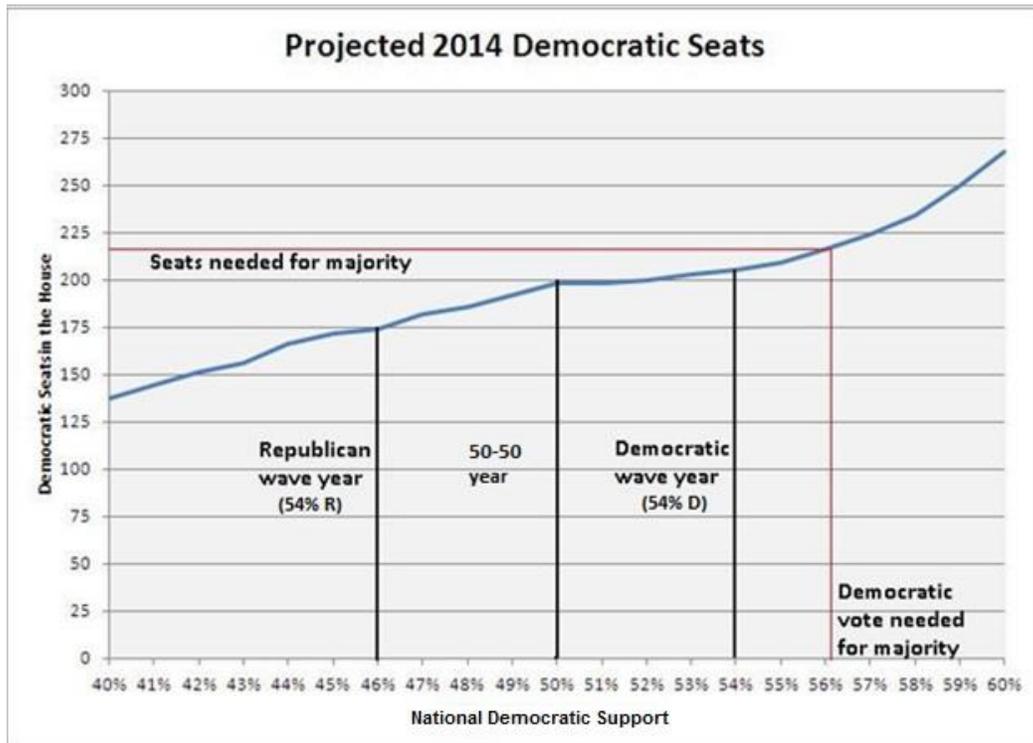
- **Measuring the bias against Democrats**
  - Democratic House candidates won more votes than Republicans in 2012 and were preferred by an estimated 52% of voters (when controlling for incumbency and uncontested races), but Republicans won a majority with 234 seats (54%).
  - Republican candidates could realistically get as little as 45% of the national vote for the House of Representatives and still retain a majority in the House in 2014.
- **Four underlying causes of partisan bias**
  - *Demographics:* Democrats are increasingly clustered in urban areas, such that single-seat districts naturally “pack” them and reduce their representation. Bill Clinton in 1992 and Barack Obama in 2008 won comparable victories in the popular vote for president, but Clinton won 1,519 counties while Obama won only 693.
  - *Partisanship:* Voters have become less likely to split their tickets between parties. In 1995, 79 of the 236 House Republicans represented districts that supported Bill Clinton in 1992, but in 2013 only 17 of 232 House Republicans represent districts that backed Barack Obama in 2012.
  - *Incumbency:* Incumbents always have an electoral advantage over challengers; in 2012, incumbents had an average “bump” of 4.5%. Republicans had more incumbents in 2012 and will again in 2014.
  - *Gerrymandering:* Republicans controlled more state legislatures in key states than Democrats during the 2010 redistricting cycle – and when they had such control, the natural clustering of Democrats made it easier for Republicans to use gerrymandering to their advantage.

In the 2012 election, Democratic candidates for the U.S. House of Representatives received more votes than Republican House candidates, but Republicans won a large majority of seats. This bias was in fact more pronounced in 2012 than simple raw vote totals would suggest. Accounting for uncontested races and the greater number of Republican incumbents, Democrats actually received about 52% of voter support nationwide, rather than the oft-quoted figure of just over 50% of the raw two-party vote. This “voter support” figure is derived from the fact that Democratic incumbents, on average, performed about 4% better than their Republican counterparts relative to their districts’ partisanship.

The 2012 House election was a major distortion of democracy and the will of the American electorate. Our analysis suggests that it was not a one-time occurrence. Instead, it was indicative of the underlying partisan bias inherent in the use of single-member, winner-take-all districts combined with the current partisan geography of the U.S. and increasingly polarized voting trends.

The findings of *Monopoly Politics 2014* indicate that the partisan bias could very plausibly lead to another wrong-winner election in the next election. For Democrats to retake the House in 2014, FairVote projects that they would most likely need the underlying support (as one might see in a generic congressional ballot poll) of more than 56.5% of voters – an unheard-of margin in the modern era of congressional elections.<sup>1</sup> By way of comparison, Democrats had 54% of nationwide support in the 2008 wave election that gave them control of the presidency, the Senate, and the House, and Republicans had 53.8% support in their 2010 counter-wave. Those two elections were the most heavily tilted toward one party since FairVote began tracking nationwide party support in 1996.

The graph below shows how many seats Democrats would be expected to receive at a given level of nationwide support in the 2014 election.



The most striking feature of this graph is the difference between how Republican-favoring years and Democratic-favoring years translate into congressional seat outcomes. In a Republican-favoring year (the left side of the graph), Republicans win additional seats in a roughly linear relationship with each percentage of additional nationwide support gained. But for Democrats, increasing their national level of support above 50% has very little impact before it reaches 55%. Thus, the already significant partisan bias against Democrats in a 50-50 year is aggravated by the fact that Democrats can only make disproportionately small gains in wave years.

Why is it so much more difficult for Democrats to pick up 17 seats than for Republicans to do the same? The surface reason is that there are very few seats in which FairVote projects Republican incumbents to win less than 55% of the two party vote in a nationally even 2014 election – just seven, in fact, compared to 29 such Democratic seats.

The deeper cause of this partisanship bias has four main components: the demographic concentration of Democratic votes, a trend of hardening partisanship, incumbency advantage, and Republican gerrymandering in the 2011-2012 redistricting process. Each of these causes is examined in more detail below.

**Factor #1: Changing Partisan Demography:** It has been a fact of American politics for decades that urban voters tend to be Democratic and rural voters tend to be Republican. Importantly, this pattern is not symmetrical: urban areas are more likely to be heavily Democratic than rural areas are to be heavily Republican.

This phenomenon has significant effects on a system of election that uses single-member districts, as does the U.S. House. Single-member districts will produce a proportional outcome in a two-party system if Democrats win Democratic districts by about the same popular vote margins as Republicans win Republican districts. But when Democrats have a few districts that are extremely Democratic and Republicans have many districts that are just Republican enough, the system will favor Republicans. Because of the concentration of Democratic votes in small geographic areas, that kind of congressional map is likely to emerge in the U.S. even without partisan gerrymandering.

Demography has worked against Democrats for decades. In 1996, for instance, Bill Clinton easily won re-election – carrying the popular vote by 8.5% – but won only 49% of counties. He also ran ahead of his national average (the barometer of partisanship) in only 196 districts, meaning that 239 districts had a Republican lean – even though Democrats were largely in control of the previous redistricting process.

But the lean toward Republicans is more impactful today, as the geographic concentration of Democrats has become even more pronounced. Barack Obama won the 2012 popular vote by 3.8%, but won only 22% of counties – fewer than the 26.3% of counties won by Michael Dukakis in 1988 while *losing* the popular vote by 7.7%. Even in 2008, when Obama won the popular vote by 7.3%, he carried only 28% of counties.

The changing partisan geography has inevitably manifested itself in the congressional district map, as 240 districts now favor Republicans and 195 favor Democrats.

**Factor #2: Hardening Partisanship:** Historically, Democrats have been able to win the House despite its underlying bias against them. In 2006, for instance, Democrats won a House majority for the first time since they lost the House in 1994, and then expanded on that majority in 2008. But Democratic victories were only possible because voters who typically voted for Republican presidential candidates were willing to split their tickets and vote for Democratic House candidates. These Democrats winning in Republican territory were often long-term incumbents or the remnants of the once-powerful Southern Democrats. Democrats held 32 congressional districts after 2008 with a partisanship that favored Republicans by at least 54% – meaning that in the 2008 election, many voters in those districts voted for Republican presidential nominee John McCain as well as the Democratic House candidate.

But in the Republican wave year of 2010, almost all of those Republican-district Democrats were eliminated. Voters stopped splitting their tickets, a national Republican wave undid the usual incumbency advantages, and the underlying partisan bias of congressional districts was exposed. Notably, Republicans picked up only a handful of districts that favored Democrats and, despite the strength of their wave, did not defeat a single Democratic incumbent from a district that was more than 54% Democratic. They did not need to – Republicans could gain a large House majority simply by winning all the districts that favored them.

The 2012 elections proved that we can expect ticket-splitting to be a rare phenomenon in races for president and the House going forward. Even though 2012 was closer to a 50-50 year than 2010, voters were even less willing to split their tickets, and more Members of Congress representing the other party's districts were defeated. In the 113<sup>th</sup> Congress, only six Members of either party remain who represent a district of at least 54% in favor of the opposing party. Republicans did not defeat a single Democratic incumbent in a district that favored Republicans in 2012, while Democrats did not defeat a Republican in a district with a Republican partisanship of more than 54%.

**Factor #3: Incumbency:** Incumbents in general have an electoral advantage over challengers. They have run in their district before, have been earning free media and “franked mail” constituent reports for their work in the district, and have responded to constituent service needs. The average “incumbency bump” (the percentage of votes won by the incumbent over what a generic nominee of their party would be expected to win in an open seat race) has ranged in the past 12 years from a high of 7.75 percentage points in 2000 to a low of 4.5 percentage points in 2012 – equivalent to an increase in victory margin of 15.5% in 2000 and 9% in 2012.

Republicans will have more incumbents running in 2014, meaning that they will have more candidates receiving incumbency bumps. Democratic challengers must not only make the case against Republican control of the House; they also must overcome the personal advantage of Republican incumbents, while running in districts that mostly lean Republican. In 2012, the Republicans' incumbency advantage likely translated into an extra five to ten seats. Democrats did not pick up enough seats in 2012 to significantly dent the incumbency advantage that Republicans will receive in 2014.

**Factor #4: Gerrymandering:** The most commonly cited reason for why Democrats do not currently hold a majority in the House and are unlikely to do so after 2014 is willful partisan gerrymandering by Republican state legislatures. It is undeniable that such gerrymandering influenced the 2011-2012 redistricting process. While Republicans and Democrats alike attempted to draw congressional district maps that benefited their respective parties, Republicans were far more successful at doing so – especially in states like Pennsylvania and North Carolina, where they won lopsided majorities of seats while losing the overall statewide vote in congressional races.

Not only did Republicans have monopoly control over redistricting in more states in 2011 than Democrats, but the nature of American political geography – with Democratic votes clustered in urban areas – makes it easier for Republican map-makers to draw many Democratic voters into one district than vice versa. For Democrats to eliminate a single Republican seat in Maryland, they had to draw perhaps the most convoluted map in the country. Republicans could create much more imbalanced maps in the states where they controlled redistricting with less obvious changes to district lines.

Furthermore, the Voting Rights Act's Section Two provision to create opportunities for racial minorities to elect preferred candidates, along with lobbying from racial minorities within the Democratic base, leads to even more heavily Democratic districts. These majority-minority districts result in more wasted Democratic votes. That said, the requirement to create such districts may actually be the only reason that Democrats are still able to win any seats at all in the Deep South. If Republican state lawmakers had a free hand to draw districts in the South, they could completely wipe out Democratic representation in South Carolina, Alabama, Mississippi and Louisiana. All of those states currently have one black-majority district that regularly elects one African American Democrat.

The actual effect of gerrymandering in creating Congress's partisan bias has been greatly overstated. Professors John Sides and Eric McGhee have [written](#) in the *Washington Post* that "redistricting didn't win Republicans the House." FairVote estimates that gerrymandering gained Republicans about nine seats that favor their party in a 50-50 year. Even if pre-redistricting lines were being used for the 2014 election, Democrats would *still* likely need to get more than 53% of nationwide support in order to win even a one-seat majority in the House.

### **Removing the Partisan Bias**

Of the four causes of partisan bias listed above, the one that could be most directly addressed by structural voting reform is the last – intentional partisan gerrymandering. If every state used independent redistricting commissions to draw their congressional district maps, such gerrymandering would cease to be a concern. But the other causes would remain. The political geography of the U.S., incumbency advantages, and the lack of ticket-splitting among voters are unlikely to change by themselves and are impossible to change by statute within the context of the single-member district, winner-take-all system.

The only reform potent enough to truly create a level playing field for both major parties – let alone independents and smaller parties – is fair representation voting. By creating larger "super districts" of

three to five members, a fair voting system would render the concentration of Democratic votes in urban cities a non-factor in causing distortion. Fair voting would make it much harder to draw gerrymandered districts in favor of one party, and would optimally be coupled with an independent redistricting commission to ensure that district lines are drawn fairly. Because fair voting would be used in both primary and general elections, voters would be assured that their preferences would be accurately reflected in the U.S. House.

Under the fair voting plan outlined in this report, for instance, the district map would be almost exactly balanced between the two major parties, with 200 seats favoring Democrats, 202 seats favoring Republicans, and 33 tossup seats. That balance stands in sharp contrast to the 45-seat disadvantage that Democrats currently face.

Furthermore, fair representation voting systems would elect Members of Congress that represent different political viewpoints within the parties, leading to a Congress that represents the complete political spectrum of the American electorate. Under fair voting, both major parties would nominate candidates more accurately reflecting their “big tents” and the geographic diversity of their voters. FairVote projects that under fair representation voting, Congress would consist of 20% strong liberals, 22% moderate liberals, 14% centrists, 15% moderate conservatives, and 29% strong conservatives. There would be a wide variety of cross-cutting centrists, leaning slightly toward Democrats to make up for the 44%-42% edge in conservative over liberal seats.

The plan would also create a level playing field in some of the states with the worst current partisan biases. In Pennsylvania, for instance, voters usually split roughly 50-50 in their two-party partisanship in 2012. However, Pennsylvania uses a badly gerrymandered congressional district map that all but ensures that 12 or 13 of its 18 seats will go to Republicans. By combining those 18 single-seat districts into four super districts, the fair voting plan for Pennsylvania would generally elect eight Republicans and eight Democrats, with two seats that would swing between the parties.

FairVote’s plan would also give fair representation to Republicans in states with congressional maps that favor Democrats. Take Massachusetts, which has not elected a single Republican to Congress since 1994. Creating three three-seat districts from the state’s nine single-seat districts would ensure that Republicans are consistently able to elect three representatives in Massachusetts, a far fairer outcome than the current winner-take-all system.

The partisan bias in American congressional elections should concern not just Democrats but all citizens who believe in a democracy that follows the will of the people and a House of Representatives that functions within the constitutional structure established by our founders. A fair representation system is the only way to ensure that the winners of elections are not determined by geographical happenstance or malicious gerrymandering.

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<sup>i</sup> This number reflects the underlying party preference among voters, controlling for the fact that there are more Republican incumbents – all incumbents have an advantage over challengers – and any potential uncontested races. The raw national vote share necessary for Democrats to earn a one-seat advantage is likely to be closer to 55%.