

THE POLARIZATION CRISIS IN CONGRESS: THE DECLINE OF CROSSOVER REPRESENTATIVES AND CROSSOVER VOTING IN THE U.S. HOUSE

Spotlighted Facts:

- Fewer Crossover Representatives*:
 - Number of Crossover Representatives in 1993: 113
 - 88 Democrats in Republican districts
 - 25 Republicans in Democratic districts
 - Number of Crossover Representatives in 2013: 26
 - 16 Democrats in Republican districts
 - 10 Republicans in Democratic districts
 *Crossover Representative a member whose district favors the opposite party

Less Moderation:

- Percentage of Moderates* in the House in 1993: 24%
- o Percentage of Moderates in the House in 2011: 4%
 - *Moderate defined as between 0.25 and -0.25 NOMINATE score

Increased Polarization:

- o Distance between Republicans' and Democrats' NOMINATE* score in 1993: 0.74
- Distance between Republicans' and Democrats' NOMINATE score in 2011: 1.069
 - * NOMINATE score ideological ranking where -1 is the most liberal and +1 is the most conservative

• Crossover Effects:

- Crossover Republican's average NOMINATE score in 2011*: 0.490, compared to
 0.675 for the average Republican score
- Crossover Democrat's average NOMINATE score in 2011: -0.217, compared to
 -0.394 for the average Democrat score

*NOMINATE scores are only available for members who were elected prior to 2012

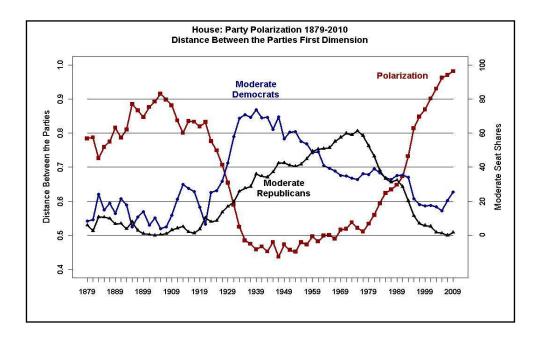
If you are the whip in either party you are liking this [polarization] – it makes your job easier. In terms of getting things done for the country, that's not the case.

- former Senate Majority Leader Trent Lott (National Journal, February 24, 2011)

It will not surprise many political observers that "crossover voting" – that is, when members of Congress vote against a majority of their party – has become less prevalent in Washington in recent years. What has drawn less attention is the cause that "crossover representatives" – by which we mean representatives in districts that favor the other major party – have also been in rapid decline during the past two decades. Identifying that cause helps direct reformers to the reforms necessary to restore the "big tent" parties that allow Madisonian democracy in a system grounded in checks and balances.

As concerns over polarization and the vanishing center persist, reformers continue to suggest a number of solutions as cures for the extreme dysfunction that persists in Washington. While remedies aimed at depoliticizing the redistricting process or limiting the use of the filibuster deserve consideration, they do not get at the root of the problem: Republicans and Democrats continue to act like parliamentary parties, rather than big tent coalitions that truly reflect the broad ideological spectrum of the electorate. In order to solve this problem and maintain the American tradition of cross-branch compromise, we must turn toward a more comprehensive statutory change: replacing winner-take-all electoral rules with fair representation voting methods that will represent the left, center and right in every state.

Politics in Washington did not always reflect the partisan polarization we see today. Policy differences in the 1950s through the 1980s often cut across both regional and ideological lines, opening the door for genuine compromise. But bipartisan policy demanded the presence of what we call "bridgebuilders" - that is, moderate members who have an *electoral incentive* to work with the other major party. Those bridgebuilders have largely disappeared: our data reveals that the number of crossover members has decreased from 113 in 1992 to just 26 in 2013 – a 77% decline.



In the past, these crossover members could be counted on to engage in bridgebuilding when negotiating key pieces of legislation, because their re-election chances were dependent on earning the votes of people who backed the other major party in presidential elections. These Members weren't necessarily moderate on every issue, but they had certain beliefs that earned them support from the other party and encouraged development of majority coalitions across party lines.

The decline in the total number of crossover members has further solidified the intransigence of both parties in Congress, making any compromise difficult to achieve. Dozens of studies have shown that both Republicans and Democrats have become more homogenous within their party ranks, with little overlap in voting patterns among members of opposite parties. Among the most noteworthy observers of this phenomenon have been noted political scientists Thomas Mann and Norman Ornstein. In their 2012 book, *It's Even Worse Than It Looks*, they cite a number of recent instances of hyper-partisanship in conflicts between Republican Congressional leaders and President Barack Obama. Likewise, political scientists Keith Poole and Howard Rosenthal provide <u>empirical evidence</u> demonstrating that the 112th Congress in 2011-2012 was the most polarized since Reconstruction. This polarization does not appear to have been a transitory phase; recent reports that take into account newly elected candidates from the 2012 election project the 113th Congress to *exceed* the 112th's record level of polarization.

Although polarized political parties may not present much of an obstacle to the passage of legislation in parliamentary democracies under single-party rule, America's separation of powers system depends on inter-branch cooperation in order to govern effectively. The increasing polarization, when combined with the U.S.'s winner-take-all electoral system, has made effective governance nearly impossible.

Incomplete Explanations for Increases in Polarization

Before turning to a more detailed analysis of the decline of the political center in Congress, we will review two reform proposals commonly put forth to encourage more compromise in Congress: *independent redistricting processes* and *open primaries*.

Gerrymandering: Problematic, but not the Cause of Polarization

The most frequent explanation for the recent rise in party polarization lays the blame on the practice of partisan gerrymandering. The increase in the number of "safe seats," many argue, creates incentives for lawmakers to cater to the extreme views of their districts, rather than to attempt bipartisan compromise. The existence of safe seats, however, should not be equated with gerrymandering. Most areas of the country would be safe for one party regardless of how lines are drawn.

Even though uncompetitive seats certainly contribute to the election of more partisan candidates, the evidence <u>suggests</u> that gerrymandering is not the primary factor in the proliferation of entrenched incumbents. John Friedman and Richard Holden, in their 2009 study, found that incumbents' seats as a whole have frequently been made *less safe* in election years following partisan redistricting. Although that was not true in 2011, the largest jumps in the number of non-competitive elections have taken place between redistricting cycles, such as in the mid-1990s.

While our analysis shows that partisan redistricting generally makes the most vulnerable incumbents safer, the great majority of incumbents are already in districts so safe for their party that gerrymandering is not necessary to protect them. Very few of the 168 safe Republican incumbents' or 129 safe Democratic incumbents' districts were significantly altered in terms of partisanship during the 2011 redistricting process, yet these seats nonetheless became less competitive in 2012 compared to past elections. Of those 297 districts, 199 became less competitive, with a median partisan change of 2.9%, while 98 became more competitive, with a median partisan change of by 2.3%.

One explanation for the widening partisan district divide over the last several decades is offered in Bill Bishop's 2008 book, *The Big Sort*. Bishop argues that most districts are uncompetitive due to geographic trends in which voters of similar political persuasions cluster together, deepening the ideological divide within the electorate. In order to counter this geographical sorting within the straitjacket of winner-take-all, single-member district elections, "reverse gerrymanders" would usually be required to create large numbers of competitive districts.

Even when nonpartisan commissions are employed to redraw district lines, most congressional races remain noncompetitive. Consider that in California, where a highly-touted independent redistricting commission drew lines in 2011, 40 of 53 districts in the state have a clear partisan tilt of at least 58% for one party heading into the 2014 elections. Only five of California's districts are now within the highly competitive partisanship band of 47% to 53% – lower than the national average and equal to the five such districts that existed in the state before redistricting in 2010.

Closed Primaries and Congressional Leadership

Many have also attributed a state's primary system as a contributing factor for the increased polarization in Washington. In their 1998 study, Elizabeth Gerber and Rebecca Morton find evidence that states with closed primaries tend to nominate more extreme candidates for office than states in which an open primary is employed. Limiting the primary process to only party activists, they argue, pressures sitting members of Congress to appease the party base for fear of being "primaried" by a more ideologically pure candidate. Thus, candidates who manage to win primaries tend to align with the views of voters who participate in those primaries – voters who are often more liberal or conservative than the median voter in the district as a whole.

While the theoretical logic behind support for open primaries as a moderating influence is compelling, a 2013 study by Hans Hassell finds little support for this idea. He argues that any primary, open or closed, tends to place undue influence in the hands of party activists because of low primary election voter turnout and the influence of party endorsements and name recognition. The moderate independents who would in theory be the moderating influence in open primaries turn out in lower numbers for primary contests, minimizing their impact on the selection of parties' nominees. Another 2013 paper in the American Journal of Political Science by McGhee, Masket, Shor, Rogers, and McCarty found that "the openness of a primary election has little, if any, effect on the extremism of the politicians it produces."

Compounding the problem of more extreme candidates winning in primaries regardless of their rules has been a trend of increasing power being concentrated in the party leadership, particularly the

Speaker of the House. <u>Richard Fenno</u> claims that this shift toward remaining loyal to the party has created incentives for representatives to vote less independently than in the past, and practices such as the "Hastert rule" — when the Speaker denies a floor vote for any measure lacking majority support within the majority party — further polarizes voting patterns. These trends are reinforcing, of course, as having fewer members with an electoral incentive and institutional capacity to work with the other major party means that congressional leaders also know they need to make fewer allowances for members of their caucus challenging the party line.

Regional Realignment

An accurate but incomplete explanation for the rise in polarization is the partisan realignment that has occurred in the House over the last two decades, centering on the transformation of the Democratic Party in the South. After the end of Reconstruction, the Democratic Party gained near-total political dominance in the South that lasted in state politics until nearly the end of the 20th century. Although controversial civil rights legislation in the 1960s and the rise of religious-based voting in the 1970s initiated this partisan realignment of voters, many conservatives in the South continued to "split their tickets" – supporting Democratic candidates in House races and Republicans for President – until the 1994 election. In 1991, Democrats represented 67% of all Southern districts. Following the 2012 election, that percentage is down to 28%. The trend is largely attributable to the abandonment of the Democratic Party by Southern white voters in congressional races.

Moderate and urban Republicans have similarly had difficulty winning elections in the Northeast in recent decades. As recently as 1994, Republicans won 8 of the 23 seats (35%) in the New England states, all of which are now held by Democrats. They held 14 of 31 House seats in the state of New York after the 1994 elections, but are down to only six today (after a nadir of just two seats in 2009).

This precipitous decline in crossover Republicans from the Northeast and Democrats from the South has played a role in diminishing the ability of Congress to forge bipartisan deals. These members were often looked upon to play the role of bridgebuilders between political adversaries, and their departure has left few remaining who are willing to take on that role.

The Underlying Explanation: Winner-Take-All Elections

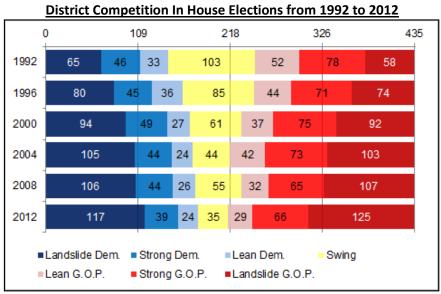
To understand the best reform to address the problem of the loss of bridgebuilders, it is important to recognize the most dominant player in politics: voters themselves. When forced to choose between Democrats and Republicans, the overwhelming percentage of voters today support one of the two major parties during elections, from local to federal offices. It is unlikely that many of these voters will suddenly revert to their past ticket-splitting ways that facilitated the election of genuine bridgebuilders in Congress. Realizing this, most candidates run and win with the goal of representing their party's base in their state or district. As a result, it has become less and less likely that genuine bridgebuilders end up on the ballot in the first place. When only one candidate with one ideology represents an entire congressional district, distortions and polarization are likely to ensue.

While the aforementioned causes certainly contributed to the rise of polarization, the underlying reason that these factors had such a polarizing impact is our system of winner-take-all elections. Gerrymandering and primaries are only significant factors under winner-take-all. While the Southern realignment may have occurred regardless of the electoral system, the nearly complete elimination of white Southern Democrats and Northeastern Republicans would have been impossible without a winner-take-all system.

The same is true of other often-discussed reforms. Campaign spending limits, for instance, do little to alter the partisan balance in uncompetitive districts. Although outside money can make reelection more difficult for crossover members by reminding voters that the candidate is "one of the enemies," the power to engage in this style of campaigning is rooted in winner-take-all elections. Term limits may force incumbents out of office, but these vacated seats are even more likely to break toward the majority party – the few remaining crossover members are viable on their opponent's turf only because they enjoy a significant incumbency advantage. While these reforms may have value for other reasons, they cannot be counted on to rebuild our nation's political center.

The only way to facilitate compromise across party lines in Congress is to alter the way in which lawmakers are elected by moving away from winner-take-all methods. Though winner-take-all may not be the root cause of polarization, it facilitates intransigence and exacerbates the impact of other polarizing forces, leading to a completely dysfunctional Congress. Thus, as long as the current political environment persists, any reform short of the elimination of winner-take-all elections will only slightly mitigate the problem.

The Decline of Competitive Districts and Crossover Representatives



*From: Nate Silver at 538.com

Bipartisan legislation often depends on the cooperation of moderate members of Congress from both sides of the aisle, often representing either *competitive* or *crossover* districts. As the number of

members representing such districts continues to decline, however, moderating incentives have become harder to come by in recent years.

Following the 2012 election, the *New York Times'* Nate Silver conducted an <u>analysis</u> that reaches very similar conclusions to previous <u>FairVote reports</u> outlining the decline in competitiveness of both congressional districts and states as a whole. As the above graphic illustrates, since 1992, the number of swing congressional districts (within 2.5% of the national average in the presidential election, slightly different than the 3% measure used by FairVote) has significantly decreased, while the number of landslide seats (more than a 10% away from the presidential average) has steadily increased over that same time span.

As discussed previously, this decline in competitiveness in Congressional races cannot be blamed on gerrymandering alone. The pattern of declining competitiveness began well before the post-census redistricting: between the 1992 and 2000 elections, the number of competitive districts using Silver's definition declined from 103 to 61, though there was no regular redistricting in that time period. While the change from 2010 to 2012 appears more dramatic than that of the preceding years, that is largely due to the outlier 2008 election, which saw unusually high turnout among Democratic voters, making Republican districts seem more competitive.

The combination of this drop in the number of competitive districts, along with the lessened willingness of voters to split their tickets, has produced a decline in crossover members and a corresponding rise in congressional polarization and dysfunction.

Poole and Rosenthal's finding that Republicans and Democrats are the most polarized since Reconstruction is based on an ideological ranking system called <u>NOMINATE</u>, which measures how conservative or liberal a member of Congress is based on roll call voting behavior (-1 being the most liberal and +1 being the most conservative). Unsurprisingly, crossover members from either party are drastically more moderate than their counterparts from safe districts. In 1993, the average NOMINATE score among all Democrats was -0.335, and was 0.405 for all Republicans. Meanwhile, crossover Democrats had an average score of -0.220 and crossover Republicans had a score of 0.306 (scores closer to zero indicate more moderation). This trend has continued in recent sessions of Congress – crossover Republicans in 2013 have an average NOMINATE score of 0.490, compared to the 0.675 score of the average Republican. Similarly, current crossover Democrats collectively have a score of -0.216, significantly more moderate than the average Democratic score of -0.394 in the 112th Congress (scores have not yet been calculated for the 113th Congress – newly elected crossover members were not included in this calculation).

As this data demonstrates, NOMINATE scores have not drastically shifted among crossover members – there are simply fewer of those members around. There were 113 members from crossover districts in 1993, compared to only 26 such members remain today. Many of the moderate Democrats from the South that had previously represented crossover districts and worked in political coalitions with African Americans have been replaced by conservative Republicans in safe districts who have almost no political relationship with racial minorities.

Lessons from Crossover Voting in Recent House Votes

To illustrate the influence district partisanship has on voting behavior in Congress, this report analyzes two House votes from earlier in 2013: 1) the *Fiscal Cliff Deal* struck between Speaker John Boehner and

President Barack Obama in January of 2013; and 2) the *Democratic Budget* – the proposal passed in the Senate and voted on in the House in March of 2013. Under particular scrutiny is the probability that members will defect from the majority of their party on highly publicized votes if they represent *crossover* or *competitive* districts – defined here as having a partisanship between 47% and 53% Democratic. In order to assess long-term voting behavior, this section compares the NOMINATE scores of the members from districts of various levels of competitiveness.

Fiscal Cliff Vote Breakdown (Republicans Only):

		District Competition		Crossover	2014 Projection Status (Monopoly Politics 2014)		NOMINATE	NOMINATE Scores:
	Votes	Competitive (39)	Non- Competitive (197)	Members (14)	Projected to win (221)	No Projection (15)	Score	All; Competitive; Crossover
'Nay'	151	14 (36%)	137 (70%)	3 (21%)	146 (66%)	5 (33%)	0.724	
'Yea'	85	25 (64%)	60 (30%)	11 (79%)	75 (34%)	10 (66%)	0.553	0.675; 0.590; 0.490

o The impact of district partisanship defined by the 2012 Presidential Election:

- Out of the 39 total Republicans from competitive districts (districts within a 47% to 53% range), 25 (64%) voted in favor of the Fiscal Cliff deal, while the remaining 14 (36%) were opposed
- 137 (70%) out of the 197 total Republicans from non-competitive districts opposed the bill, while 60 (30%) supported the bill
- Of the only 14 Republicans who represent crossover districts, 11 (79%) supported the Fiscal Cliff deal and 3 (21%) opposed it

Relationship with FairVote's 2014 election projections:

- FairVote projected 333 congressional races in 2012 with 100% accuracy, and makes similar projections for the 2014 election in this report.
- 10 (67%) out of the 15 Republican members in seats that are not projected in 2014 voted in favor of the bill
- 146 (66%) of the 221 members who are projected to win their seats in the 2014 election opposed the bill, while only 75 (34%) supported it

Relationship with NOMINATE scores:

 Average NOMINATE scores among members opposing the bill is 0.724, 7% more conservative than the average Republican score in the 112th Congress (0.675), and 30% more conservative than the average Republican who supported the bill (0.553)

The difference in voting behavior among Republicans who reside in competitive, crossover, and safe districts is stark. Even when bipartisan legislation that is supported by party leadership makes its way to the floor, Republicans from safe districts, where a primary threat is more pressing than a general election threat, have little incentive to work across the aisle. The divergence between Republicans from competitive and crossover districts is also significant – members who find themselves representing their opponents' turf were about 14.5% more likely to vote in a bipartisan manner than those residing in a

competitive district. According to NOMINATE scores, crossover representatives are about 20% more moderate in their long-term voting behavior than members from competitive districts.

Democratic Budget Vote Breakdown (Democrats Only):

	Votes	District Competition		Crossover	2014 Projection Status (Monopoly Politics 2014)		NOMINATE	NOMINATE Score:
		Competitive (27)	Non- Competitive (162)	Members (16)	Projected to win (151)	No Projection (38)	Score	All; Competitive; Crossover
'Nay'	35	15 (56%)	20 (12%)	13 (81%)	10 (7%)	25 (66%)	-0.254	-0.394; -0.255; - 0.221
'Yea'	154	12 (44%)	142 (88%)	3 (19%)	141 (93%)	13 (34%)	-0.418	

• The impact of district partisanship:

- Of the 27 total Democrats in competitive districts, 15 (56%) opposed the Senate
 Democratic Budget, while 12 (44%) remained loyal to party leadership and supported the bill
- Of the 162 total Democrats from non-competitive districts, 142 (88%) supported the bill, while just 20 (12%) opposed it
- Of the 16 Democrats who currently represent crossover districts, only three (19%) supported the budget proposal, while 13 (81%) opposed it
- Of the 35 Democrats in opposition to the bill, 28 (80%) represent *either* a competitive district or a crossover district. That is 65% of all Democrats from such districts (43).

o Relationship with FairVote's 2014 election projections:

- A total of 38 Democrats who voted on the Budget represent "no projection" seats (too close to project), and 25 of them (66%) voted 'no' on the proposal, while the remaining 13 (34%) supported it
- o 141 (93%) of the 221 members who are projected to win their seats in the 2014 election supported the bill, while only 10 (7%) opposed it

• Relationship with NOMINATE scores:

- Compared to the average Democratic NOMINATE score (-0.394), Democrats who opposed this budget proposal are 55% more moderate (-.0254), and Democrats who supported the proposal are 6% more liberal (-0.418) than the average Democrat in the 112th Congress
- Average NOMINATE scores of all Democrats: -0.394; Democrats from competitive districts: -0.255; Democrats in crossover districts: -0.221

Depending on whether the member is from a competitive, crossover, or safe district, considerable variation in voting behavior is also present on the Democratic side of the spectrum. Once again, Democratic lawmakers from Republican-leaning districts were about 20.5% more likely to defect from party lines than Democrats from districts with presidential vote shares between 47-53%. Democrats in crossover districts have an average NOMINATE score 15% more moderate than Democrats from competitive districts.

The Loss of the Center

Much of the academic research on polarization and district competitiveness corresponds to the findings in this report. Douglas Macrae's <u>marginality hypothesis</u>, originally formulated in the 1950s, found that officials who narrowly win election vote more closely in line with the median voter in their districts. In other words, members of Congress are more likely to defect from the majority of their party if their district has a relatively even split of partisanship. More recently, John Griffin's <u>2006 analysis</u> finds that districts that have remained competitive are more responsive to their constituents' preferences. That responsiveness often requires working across the aisle on key pieces of legislation and occasionally being willing to challenge the party's majority.

As FairVote has shown in this report and in our <u>post-2012 election analysis</u>, the number of moderates from competitive and crossover districts continues to shrink with each passing election. In addition to the evidence presented above based on NOMINATE scores and partisanship, consider that of the 20 most moderate members from the 112th Congress (based on <u>National Journal's vote ratings</u>), 12 are no longer serving in the 113th. Much of this decline can be explained by the precipitous drop in the number of "Blue Dogs," who had represented a unified conservative voice within the Democratic Party for the past two decades. Of the 54 Blue Dogs holding office after the 2008 election, only 14 are left standing.

The outlook is dire for the remaining crossover members in the 2014 election. According to FairVote's projection model, which uses election results from 2012 and 2010, about 14 out of the 26 current crossover members are vulnerable in the next election. Of the remaining 14 Blue Dog Democrats, only seven will be safe in 2014. If hardened partisan voting patterns continue, it is unlikely that many new representatives will join the crossover ranks.

Where Do We Go From Here to Reduce Partisan Gridlock?

The issue of the vanishing center begs the question: what structural electoral reforms would have the greatest impact on mitigating polarization and government dysfunction? Some analysts are ready to give up on the Constitution, suggesting that having parliamentary-type parties demands a switch to a parliamentary system of government. Such a change is unrealistic, however, as it is both politically infeasible and would clash with the individualistic American attitude toward politics.

While FairVote supports efforts to depoliticize the districting process and increase participation in all of our elections, the effects of these measures would be <u>limited</u> if we maintain winner-take-all voting rules and fail to address the systematic impediments to a functional Congress. The U.S. House needs a higher proportion of winning candidates who authentically represent the voters and their preference for compromise over gridlock.

Any electoral system in which a single legislative seat is awarded by winner-take-all methods, typically limiting voter choice to just one or two candidates, will inevitably produce uncompetitive districts and legislators with little electoral incentive to work with the other party. When winner-take-all is combined with outside polarizing forces, a dysfunctional government is nearly unavoidable. Only through doing

away with winner-take-all elections in favor of a fair representation system can party polarization be directly addressed.

FairVote's <u>fair representation voting plans</u>, which merge current single-seat districts into larger "super districts" electing between three and five candidates using candidate-based fair voting systems, would produce a more representative spectrum of members likely to enact policy in line with the preferences of the electorate. In a three-seat district, it would take strong support from roughly a quarter of voters to be sure of winning a seat – meaning that each third of the spectrum of voters would have the power to elect and re-elect a candidate. This system would institutionalize the representation of the left, right and center across the nation.

In a national election in which partisanship is relatively balanced, our fair voting plan would produce about 202 Republican-favored seats and 200 Democratic-favored seats, with 33 balanced seats (within a 3% partisanship threshold) that would ensure overall representation in the House reflected the national partisan tide. However, the ideology of those Republicans and Democrats would be more representative of the range of preferences of their constituents when a fair representation voting system is used in both primaries and general elections. For example, a five-seat, relatively balanced district would likely produce a strong progressive, a moderate progressive, a centrist, a moderate conservative, and a strong conservative. In a four-winner district that heavily favors conservatives, one seat would be won by a moderate progressive, one by a moderate conservative, and two by strong conservatives.

That smaller threshold for victory (about 16.7% for five seats, 20% for four seats, and 25% for three seats) is much more achievable for candidates wanting to be bridgebuilders in Congress than overcoming the barrier of winning a majority of the vote in a district. The challenge of winner-take-all is made still harder in the current system by the fact that bridgebuilding candidates rarely survive the primary process, or overcome the "spoiler" tag if they try to run in the general election outside a major party.

Given current partisanship leanings throughout the U.S., we would project an election employing fair voting methods to produce a House of Representatives composed of about 50% strongly progressive and strongly conservative members, about 35% moderate members from each party's mainstream, and 15% genuine centrists. Even *within* those groupings, a greater mix of political differences would be present as well – providing a genuine reflection of the ideological variation within the electorate. Ultimately, fair voting would create incentives for lawmakers to work across the aisle and think outside of the partisan box, and in doing so, significantly decrease the negative influence of party polarization that plagues Washington.