**Redistricting the U.S. Congress: What’s the Issue? By Anne S. Schneider, PhD.[[1]](#endnote-1) December, 2014.**

At its national convention in June **2014,** the League of Women Voters approved a motion to begin a comprehensive three-part program of study and review focusing on three specific structures of American democracy:

* A study of the process of amending the U.S. Constitution;
* A review and update of the League position on campaign finance in light of forty years of change; and
* A review of the redistricting process for the U.S. Congress.

These topics are being discussed by the LWVMP at its **Wednesday,** September **10,** October **8** and November **12** meetings. For each topic, there will be a short issue paper circulated in advance, a few suggested readings, a 20 minute or so presentation on the topic and a facilitated discussion. The issue papers and presentations will be led by League member Dr. Anne L. Schneider, retired professor of political science and Dean Emerita, College of Public Programs, Arizona State University.

This is the third in the three-part series.

Introduction

It is perfectly reasonable to ask why congressional redistricting should be an issue. One might think by this point in the evolution of U.S. democracy, we would have developed an accepted, democratic, way to elect representatives to office. Yet, drawing district lines has become one of the most contentious actions taken by state legislatures with persistent court challenges and seemingly contradictory rulings.

Over the past several decades, the most common complaint about the drawing of district lines, which have to be redone after each decennial census, is gerrymandering – the drawing of lines with the intent of partisan political gain and thereby the marginalization of the other party. The most common solution to the problem is to amend state constitutions (through citizen initiatives) that shift the authority for drawing district lines from the legislature to an independent redistricting commission (IRC). IRCs, however, are now being challenged as the U.S. Supreme Court has accepted a case questioning the constitutionality of Arizona’s commission. If the Arizona IRC is found unconstitutional, it almost certainly will end the IRCs that currently exist in 21 states.

Partisan gerrymandering, however, is only part of the problem of appropriate representation. Over the past decade, the increasing polarization of the two parties and the resulting gridlock in Congress and in some states has turned attention to the “single member district / winner take all” method of election and produced calls for a fundamental change in the way elections are conducted. Thus, the issue of redistricting continues to be an important aspect of U.S. Democracy.

The purposes of this paper are (1) to review the issues associated with redistricting in the U.S. (2) to describe how the redistricting process works in Arizona and the results through the 2014 election, (3) to review the League positions on redistricting at the national and local levels, and then to examine the “theory of the median voter.” This last section illustrates the ways in which single member “winner take all” election districts contribute not only to lack of representation of minority points of view, but also contribute to the polarization that has produced significant gridlock and inability of the parties to work together over the past decade.

I**ssues in Redistricting**

Historically, the fundamental underlying issue with redistricting has been that representatives should be representative of the people – that is, multiple points of view should be appropriately represented. “Appropriately” represented is difficult to define, but in practice is not that hard to recognize serious distortions. When the national Democratic party gains more votes, nation-wide, than Republicans (by about 2 percent), but Republicans hold 54 percent of the seats in the House of Representatives, it is easy to understand why Democrats think there is a problem in the system. This problem is compounded by the iron-clad rules in both houses of Congress that enable one party in the House to completely dominate the legislative agenda and allow one party in the Senate to require a 60 vote majority to pass any significant legislation.

The problem can be seen also in the state delegations. For example, in Arizona in 2012, when Democrats won five of the nine Congressional races but had considerably fewer votes state-wide, it is understandable why Republicans were upset. (The results from the 2014 election are still being recounted in District 2, but it is likely that the Republicans will now have five of the nine representatives. If the Democrat had eeked out a win in District 2, however, they again would have more seats than Republicans although almost 200,000 fewer votes statewide.)

The problem in Arizona in 2012 is not mainly an issue of gerrymandering, however, but the result of heavily Democratic districts with very low turnout. In District 7, for example, the Democrat won with only 50,000 votes where in most other districts, more than 100,000 votes were needed to win in 2014. The difference here is in low registration and low turnout. Nationwide, the distortion between the total national vote and representation in Congress is created by gerrymandering as well as by the fact that Democrats tend to win in heavily urban areas with many votes being cast to win whereas Republicans tend to win in more suburban and rural areas where fewer votes are needed to win.

Gerrymandering is defined as the intentional drawing of district lines for political gain – usually, to benefit one party over another. This can be done either by “packing” or by “cracking.” “Packing” refers to clustering almost all the voters of one party (or one ethnic/racial group) into a single district that they can win overwhelmingly, with many “wasted” votes that could have helped them win in another district. This provides the group with one or perhaps two representatives, but the other group wins all of the rest. “Cracking” is another strategy in which the smaller party or a minority group finds that its votes are distributed across many districts but always in amounts that permit the other party or group to win the election. This can actually deny the party or group any representation at all. Libertarians, for example, had over a million votes in the 2014 Congressional elections, nation-wide, but not enough in any Congressional district to actually win. In Arizona, there are more people registered as Independents than either Republican (second) or Democrats (third); yet not a single independent is elected to the legislature. This is because, first, Independents are not a party and seldom offer candidates; and second because even if they were organized, they are very evenly divided among all of the 30 Legislative districts and not a majority in any of them.

There are some instances where gerrymandering is undertaken to protect incumbents in their election bid. There have been cases where district lines were drawn so that a particular incumbent is placed in a district distinctly disadvantageous to him or her. In other instances, district lines are drawn to enable two incumbents or otherwise-popular figures to each have his or her own district rather than having to run against one another. Or, just the opposite: lines are drawn so that two popular figures of the other party are put into the same district, insuring that one or the other of them will lose.

Gerrymandering is designed to distort a fundamental principle of democracy that different points of view should be proportionately represented in the governing body. Districts can be drawn in such a way that all of the socialists, libertarians, green party, or some other minority third party fails to win any representation at all in the Congress.

Most observers contend there is no objective way to “measure” gerrymandering, but a mathematician in North Carolina and his student have developed a mathematical system to assess the probability that any particular district configuration is outside the bounds of a given probability. Mattingly and his student divided the state into small grids each with equal population and contiguous. They then developed a mathematical simulation and drew 100 different district arrangements, each with equal population and contiguous. The result was that 95 of the 100 simulated arrangements delivered 6 to 9 of the 13 seats for Democrats and 4 to 7 for the Republicans. The actual district boundaries produced only 4 Democrats. Mattingly commented,

...here we have this bar chart with seven and eight Democrats elected. That happened over 50 percent of the time—and we had between six and nine Democrats elected over 95 percent of the time.” (Mattingly and Vaughn, 2014).

Gerrymandering, however, is not the only problem in representation. The lack of adequate representation of minority points of view can also be traced to the “single member district / winner take all” system of elections. Originally “single member election districts” were criticized as they force the electorate into just two parties and seriously under represent members of third parties. But more recently, single member winner take all election systems have been included in the blame for the extreme polarization of the American political system and the seemingly ever-increasing extremism including the inability of the parties to work together.

And, these issues have become even more important now that the Supreme Court has accepted review of Arizona’s Independent Redistricting Commission – which has been the primary policy tool used to solve the redistricting problems – and also has voided that portion of the Voting rights Act that required states with a history of racial discrimination to have their redistricting plans approved.

**Arizona Process of Drawing District Lines**

In 2000, Arizona passed a citizen initiative, Proposition 106, that called for an independent redistricting commission to draw the district lines, taking the ability to do this away from the legislature. These lines were used beginning with the 2010 election.

The Arizona commission consists of 5 persons, two chosen by the majority leaders of the house and senate, two by the minority house and senate leaders, and the fifth is chosen by the other four and must not belong to any political party. All are from a list of 25 possible candidates provided by the Commission on Appellate Court Appointments. These 25 are selected after an open nominations call for applicants; 10 must be Democrats, 10 Republicans, and 5 Independents. No more than two of the four chosen by legislative leaders may be from the same county and no more than two may belong to any one party. Proposition 106 was a bi-partisan citizen initiative supported by prominent Republicans such as Lisa Graham Keegan, former Supt of public instruction; Grant Woods, former Attorney General, Neil Giuliana, former mayor of Tempe, Sam Campana, former mayor of Scottsdale. And prominent Democrats including Governor Janet Napolitano, former Supt of Public Instruction Carolyn Warner, and former Attorney General, Terry Goddard. Opponents included well-known lobbyist Barry Aaron and Republican Congressmen Bob Stump, Jim Kolbe, J.D. Hayworth, Matt Salmon and John Shaddegg. The League of Women Voters, Common Cause, Az. School Board Association were supporters while the Chamber of Commerce opposed.

The commission begins its work from a grid of the entire state, with each grid meeting the first two criteria:

* equal population,
* contiguous and compact.

Thereafter, the commission adjusts to account for four more criteria

* Compliance with the U.S. Constitution and the Voting Rights Act (including the provision that the districts must not weaken or reduce minority voters’ rights).
* Respect for communities of interest;
* Incorporation of visible geographic features, including city, town and county boundaries, as well as undivided census tracts; and
* Creation of competitive districts where there is no significant detriment to other goals

**Arizona Congressional Districts**

Table 1 shows the characteristics of each legislative district and Table 2 shows the voting results from the 2014 election. Attachment A is a map of the legislative districts used following the 2010 census.

Each of Arizona’s districts had exactly the same population in the 2010 census: 710,224 (see Table 1). They differed somewhat in terms of voting age population (column 3 of Table 1) with District 7 having the lowest and District 2 the highest. Democratic registration outnumbered Republican in Districts 1, 3, and 7, whereas Republicans held in edge in districts 2, 4, 5, 6, and 8. In District 9, Independents had the most registrations, followed by Republicans and then Democrats. Statewide, Independents had more registered voters than either party, followed by Republican and then Democratic registration. But Independents did not have the most in any district except District 9 (won by Krysten Senima, Democrat).

District 1 is a mammoth district, beginning in the far northeast corner of the state, extending in places almost all the way across the state to the west and covering the entire eastern corridor down to the border of Cochise county in the far southeast corner. This district wraps around to encompass most of Pinal county just south of the Phoenix metropolitan area. District 1 includes most of the Indian population although they are a very small minority of people in this district. The district has 137,333 registered Democrats compared to 110,320 registered Republicans but there are 121,715 independents. This is a relatively competitive district although won by Kirkpatrick 52 to 47 % in 2014, her second year in winning the seat.

District 2 is a highly competitive district in southwest Arizona including Tucson, some of Pima county, and all of Cochise county. Martha McSally and Ron Barber competed in 2012 with Barber gaining a narrow win, and McSally winning a razor-thin recounted election in 2014. There are 128,361 registered Republicans and 125,973 Independents.

District 3 is one of the three safe Democratic seats. Located in south central Arizona covering Pima county and Yuma, it is represented by Raul Grijalva. There are 118,944 registered Democrats, 61,005 registered Republican and 107,344 Independents. Grijalva won in 2014 with 55% of the vote. This distinct is 60.6 percent Hispanic.

District 4 is another huge district, in terms of geographical space, and is solidly Republican with 74,814 Democrats registered compared to 153,603 Republicans and 140,900 independents. Paul Gosar won this seat 70% to 25%. This district covers almost all of the western part of Arizona and wraps all the way around the Phoenix metropolitan area and includes part of Pinal county east of Queen Creek and the east valley. It extends as far as Young.

Districts 5, 6, 7, 8, and 9 all are in or near the Phoenix metropolitan area. District 5 is in the southeast valley and is a safe Republican district held by Matt Salmon. He got 69.4 percent of the vote compared to 30% for James Wood. There are 81,970 registered Democrats and 186,898 registered Republicans with 143,417 Independents.

District 6 is another safe district for Republicans with 54,708 registered Democrats, 167,806 Republicans and 147,603 registered Independents. David Schweikert won this with 64.7 percent of the vote (127,767 to 69, 233).

District 7 is in south phoenix and, along with District 3, is a majority Hispanic district (64% Hispanic). This is a safe seat for Democrats. Reuben Gallego won it in 2014, following the retirement of the long-time representative Ed Pastor. Gallego won with 53,341 votes compared to 10,545 for the Republican. Registration is 102,189 Democrats compared to 38,695 Republicans and 95,372 Independents. District 7 has very low turnout and registration. As shown in Table 1, in District 7 only 14% of the voting age population actually vote. Only 50% of the voting age population in that district are registered.

District 8 is held by Trent Franks, a solidly Republican district with 93,988 registered Democrats and 160,373 Republicans. There are 140,424 independents. Franks won 126,963 to 40,4099 (75% of the voter).

District 9 is highly competitive with the seat won by Krysten Sinema (54.5% of the vote to 42% . Her second win in a row in this newest Arizona district has been a surprise to some since Democrats are a minority of the registration: 107,645 registered Democrats, 117,643 Republicans and 135,063 Independents. District 9 covers most of Tempe and some of Scottsdale.

The districts in Arizona, then, are four safe for Republicans (4,5,6,8), two safe for Democrats (3 and 7), one somewhat competitive but leaning democratic, (1) and two actually competitive seats 2 and 9.

**Challenging the Arizona Independent Redistricting Commission**

A vote by the Republican-controlled Arizona Legislature authorized the speaker to file suit against the Arizona IRC on the grounds that independent redistricting commissions violate the U.S. Constitution, which says that the authority to do this lies with the state legislature. Section 4 of the U.S. Constitution reads as follows:

**Section. 4.**

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

On February 22, 2014, the [U.S. District Court for Arizona](http://judgepedia.org/United_States_District_Court_for_the_District_of_Arizona), in a two-to-one decision, ruled that the state's independent redistricting commission does not violate the federal constitution. The district court's ruling held that "Legislature" in Section 4 of Article I of the U.S. Constitution refers to the lawmaking process of the state and not legislators specifically. (Denniston, 2014).

In October, 2014, the U.S. Supreme Court agreed to consider the Arizona case regarding the constitutionality of an Independent Redistricting Committee, but they left themselves an out in also agreeing to decide whether a legislative body has standing to bring the case. (Denniston, 2014).

**League of Women Voters Positions on Redistricting**

The national League of Women Voters has no official position on how district lines should be drawn although there are principles that can be taken from other positions of the League. A recent paper (February, 2014) reviews the League position (LWVUS, 2014). Here’s a long excerpt on what this excellent paper says regarding the national league position:

Context: The question has come up, what can the LWVUS do regarding redistricting for the U.S. Congress? While the LWVUS has a position on apportionment and has supplemented that with its position on Voting Rights, there is no national position on the redistricting process. This paper is an exploration of what is possible regarding redistricting. While the next census and consequently the next apportionment and redistricting efforts will not occur for several years, now is the time to prepare for these activities. The LWVUS is an appropriate body to be discussing redistricting as it applies to the U.S. Congress. We have an opportunity to achieve agreement on the various facets of redistricting in plenty of time to be ready for the next cycle.

Moreover, this is an area in which the public and elected officials look to the League. It is a core issue on how our officials are elected and how government works. The League needs to be a more effective force nationwide on this issue.

Current position: The LWVUS has a position on apportionment adopted in 1966 and revised in 1982, one that standing alone provides limited guidance for Leagues to take action.

"The League of Women Voters of the United States believes that congressional districts and government legislative bodies should be apportioned substantially on population. The League is convinced that this standard, established by the Supreme Court, should be maintained and the U.S. Constitution should not be amended to allow for consideration of factors other than population in apportionment.”

The LWVUS position on Citizen's Right to Vote, announced in 1982, says that the right to vote "must be guaranteed." Under this position, the League has supported the Voting Rights Act and worked to ensure that electoral districts are drawn to protect the voting rights of racial and ethnic minorities.  
In addition, League principles and other positions can impact the League's work on redistricting.  
Principles applicable to reapportionment include (key words):

* citizens right to know
* adequate notice
* open meetings
* open records
* every citizen right to vote
* no person or groups should suffer legal, economic or administrative discrimination

Representative government positions applicable to reapportionment include (key words):

* open government system
* representative
* accountable
* responsive

Even though the national League has no consensus position, several states including Arizona have consensus positions that are relevant to the issue. In brief. The Arizona League supports Independent Redistricting commissions and several innovations in election procedures including Instant Runoff Voting (IRV) and Ranked Choice Voting (RCV). Here’s the full text of the Arizona positions: (Fairvote, 2014).

1. **AZ LEGISLATIVE AND CONGRESSIONAL REDISTRICTING   
Consensus: 1967; Revised: 1979, 1995, 2005, 2011**

The League of Women Voters of Arizona supports measures to ensure the regular redistricting of Arizona legislative and congressional districts on an "equal population" basis. The LWVAZ supports:

* The retention of an independent commission to redistrict legislative and congressional districts at regular intervals, subject to judicial review. The Legislature itself should not be the reapportioning agency.
* Legislative districts that provide more equitable representation, more accountability and responsibility, more competitive elections, and closer contact with constituents.

**2. The League of Women Voters of Arizona**  
  
The League of Women Voters of Arizona (LWVAZ) believes in the election system principle of greatest voter representation. The League further maintains the hope that election system reform that provides a stronger voice for the greatest number of voters would have a positive effect on voter participation. Therefore, the LWVAZ:

1. Supports changing the present election systems so that they more accurately represent the wishes of voters.

1.a. Adopting the Instant Runoff Voting (IRV) system for single seat races.  
1.b. Adopting proportional representation for multi-seat races; specifically Ranked Choice Voting.

2. Believes that education of the voting public is important to election systems.  
3. Supports giving Arizona voters the option of more choice among election systems.

Adopted 1/8/05  
Amended 5/17/08

It is particularly notable that the Arizona positions include ranked choice voting in single member districts and proportional representation through ranked choice voting in multi-seat districts.

Similar positions on proportional representation and alternative voting systems have been taken by the League of Women Voters in four other states. Here’s the full text of their positions: (Fairvote, 2014).

**League of Women Voters of South Carolina – proportional representation**

10. Adopting election systems that ensure better proportional representation of the varied segments of our voting population, within South Carolina, by city, county or statewide, as is appropriate. Our present “winner-take-all” system in many instances fails to achieve a goal of fair representation of minorities and women. Most of the world’s major democracies use a form of proportional representation, and we endorse this opportunity for the following reasons:

**League of Women Voters of Vermont – proportional representation**  
  
The emphasis on geographic representation in legislative bodies in the U.S. may be anachronistic. It is more important that voters be represented by elected officials who reflect their political views, than happen to live nearby. Single-seat winner-take-all elections, regardless of method of redistricting, elevate the representation of geography above political philosophy, and other priority voter self-identities.  
  
It is impossible to redistrict single-seat districts in such a way as to promote BOTH competitive elections AND a highly representative delegation (as these two priorities are in inherent conflict in single-seat districts). Therefore, T**he League of Women Voters of Vermont supports the principle of legislative districts using alternative voting methods, such as proportional representation in multi-seat districts, as a way of achieving both competitive elections and fair representation of both majorities and minorities within a district.**Position on Redistricting and Voting Methods of The League of Women Voters of Vermont (adopted May 3, 2008)

**The League of Women Voters of Washington**

* Supports state election laws allowing for more options for alternative election systems in governmental jurisdictions at both the state and local levels.
* Believes that consideration should be given, when evaluating election systems, to how well they promote "representative-ness," citizen participation and accountability.

Ranked choice voting is at the heart of all these proposals and is a seemingly simple system of elections, although the counting of votes can become quite complicated. In ranked choice voting, each voter simply ranks his/her top three, four, or more candidates by placing a “1” next to the top choice, “2” to the second, and so on. Instant runoff voting in a majority single seat district is then accomplished by determining if any candidate received 50 percent plus one vote. If so, then that person is elected. If not, then the candidate with the fewest votes is eliminated, and those who had ranked this person first now have their votes assigned to the person they ranked second. If anyone now has 50 percent plus 1 vote, they are elected. If not, the candidate with the lowest vote total is removed and their votes reassigned, and so on until someone has a majority of votes.

A “top 2” primary system also relies on ranked choice voting. “Top 2” refers to one in which all candidates, regardless of party, are in one primary. A “top 2” primary proposal was on the Arizona ballot in 2010 but was defeated. (Party names can be listed next to the candidates, but the party is not holding the primary). The top two vote getters – using a ranked voting system—then move on to the general election. The idea here is that Independents have a completely equal opportunity to participate in the primary system. In Arizona, Independents can vote in the primary, but they have to declare which primary they want to participate in and then are locked in to choosing among the candidates of that party for all of the different elections. Furthermore, if Independents are on the Permanent Early Voting List in Arizona, then each year they have to request a primary ballot. For these, and other reasons, Independent participation is very low in the Arizona primary, 17% in the 2014 primaries.

Some opponents of the “top 2” primary believe that political parties can manipulate these in such a way that the general election then only contains the top two candidates of the majority party, offering even less choice to the electorate and contributing to increased polarization. Thus, some have argued for a “top 4” primary system in which the four leading candidates move on to the general election.

It also is possible, with ranked choice voting, to just have one election. Voters rank their choices among all the candidates from all the parties and if one gains more than 50 percent plus one vote, then that person wins. If no one has 50 percent plus one, then the candidate with the fewest votes is removed from the contest and those who voted for that person then have their second choice counted for one of the candidates, as explained previously.

The system gets far more complicated if “threshold” counting is used. If the election is to choose, for example, two from the field of several candidates and there are 100 voters, then the “threshold” is 1/3 plus one vote, which would be 34 votes needed to be chosen. This may seem odd, but the reasoning is simple: Suppose that a candidate through ranked choice voting gets 34 of the 100 votes; then another candidate also gets 34 of 100 votes which is 68. Since there are only 100 votes, no one else can be elected as that would be 68 plus 34 = 102 votes.

Threshold counting, however, requires that one ONLY needs 34 votes. What if one of the candidates gets 50 votes? This is a “surplus” and only 34 were needed. Thus, if a candidate gets 50 votes and only needs 34, there are 16 additional votes that are then proportionately allocated to the second ranked choices of those who voted for the candidate who already won. If the election is to choose three candidates, and there are 100 votes, then the threshold is 25 percent plus 1 or 26 votes. Again, once three candidates obtains 26 votes each, this is a total of 78 votes and no one else can be chosen as that would be 104 votes and there are only 100 votes. (see Ranked Choice voting with threshold counting, 2014).

In a different system of counting, called the “Hare” system, no “extra” votes are distributed. In fact, once a voter’s first choice is elected, then his or her ballot is discarded and the first choices of the voters who had not voted for the candidate who has already won are considered. This is sometimes used to help insure that a majority party does not win all of the seats and enables minority groups to elect their first choice candidate also.

**Single Member Districts and Political Polarization**

It is interesting how quickly a discussion of redistricting brings into play the issues raised by single member election districts where only one person wins and is then expected to represent all of the voters in that district. Several of the state-level League of Women Voters have attempted to address this question, but typically from the point of view of appropriate representation of various points of view, and as a way of engaging more Independents in the process. However, political polarization has become a critical issue in the United States, and many believe that single member districts are part of the polarization problem.

For a brief period of time after the 2014 election, the President and leaders of Congress all made conciliatory statements about being able to work together for the good of the country. Almost simultaneously, however, the Speaker of the House warned the President not to take executive action on immigration, as that would make it impossible for the parties to work together on that issue during the last two years of the President’s term. As if the parties in the House had been working nicely together on this over the past six years. And the President pointed out that the House could take up the issue any time, since the Senate has already passed a comprehensive reform measure for immigration. About the same time the President of the in-coming Republican-controlled Senate mentioned two things that he believed they could work on: trade agreements and reforming the corporate income tax structure since the U.S. has the highest income tax on corporations in the developed world (he said). And, the President pointed out that if the Congress didn’t like his executive actions, they could override them by passing legislation. So much for presumed ability to work together.

Although there are a variety of possible explanations for the obvious dysfunction of the U.S. federal government, there are those who point their finger at the single-member district “winner take all” system that the U.S. uses to elect members of Congress, to the gerrymandering that has enabled political parties to solidify their power far beyond their actual votes, to extremism among the voters, and to the culture and rules of Congress that seem to have stymied government.

If one of the goals of a representative government is that the legislative body should provide a fair representation of voters preferences, and that representatives should be able to reach agreement on vital legislation to serve the public interest, then there are problems with the way the U.S. system works, and at least some of those problems can be traced to the system of congressional districting.

Why is it that the single member district system are accused by some as contributing to the gridlock of the federal government? Because, this system of elections seems to create incentives for elected representatives to primarily reflect the views of the more extreme factions of their own party. Yet, the U.S. political system has long been considered to be one of the more moderate and effective, based on the theory of the “median voter.”

The theory of the median voter is a simple one. It begins with the assumption that voters assess candidates along a left / right continuum that is largely contiguous with liberal / conservative points of view. The second assumption is that voters prefer a candidate closer to their own point of view rather than one farther away. The third assumption is that candidates therefore position themselves as close to the median voters as possible, since they will get all of the votes to the right (or left) plus half of those between the median and their own position.

Figure 1 shows a hypothetical election district with voters arrayed from left to right. Most are clustered in the middle. To win, candidate A is too far to the left compared to candidate B. Candidate B will gain all of the votes to the right and half of those between his/her current position and that of candidate A. To make the race more competitive, candidate A should shift more to the center (Figure 2). Candidate B also should (if he/she is rational) shift more to the center, in which case eventually the candidates will both be at the median. It is this theory that has worked for decades to insure that elected officials tend to be moderates and centrists who have a powerful incentive to make policy decisions that will reflect the views of the most moderate voters (the median voters) in their district.

Figure 3 shows a more polarized but highly competitive district, with about an equal number of Democrats and Republicans. Each has a competitive primary. To win the primary, the Democrat has to take positions near the median of the political views of the Democrats, and the Republican has to take positions near the median of the Republicans. This places the candidates far apart at the outset and helps insure that more extreme members of each party will win the primary. In the general election, then, the candidates can attempt to move toward the center by modifying their positions, but in the process they look more and more like duplicitous opportunists who have no real principles.

Also, the candidates have to be very cautious about their positions during the general election, because the more extreme members of their own party may “stay at home” if they shift too much toward the middle. This has been the case over the past few decades with the tea party Republicans who seemingly have far more influence over the Republican party than their numbers in the electorate would warrant – they can threaten to not vote, thereby enabling the Democrat to win. As Democrats shift more toward the center in an effort to win, they risk alienating the left wing of their own party who may not turn out to vote.

Figure 4 shows a safe district. Again, candidates from each party align with the median voters of their own party and are even farther apart and without much of any incentive to move toward the center. The Republican candidate will win the election in Figure 4 because even if the Democrat moves considerably to the right, party loyalty and distrust of what a candidate is saying tends to be so strong that the more moderate voters on the Republican side will still vote Republican. The same dynamic is in play in safe Democratic districts. Party loyalty is so strong and primaries so dominant, that there are too few incentives to shift toward the center of an ideological spectrum.

Figure 5 factors in Independents, mimicking the voter registration in Arizona where there are more Independent registrations and slightly more Republicans than Democrats. Independents, however, do not put forth candidates (although they could do so), and the party nominees take left and right positions generally in line with their parties.

What has happened is the simple theory of the median voter underestimates the power of the party to put up a candidate to the left or right of the incumbent and give them huge resources much of it from out of state. The theory also underestimates the influence of safe districts (caused partly by gerrymandering but also partly by residential choices of voters). The theory also underestimates the threat of the more extreme wings of a party to not vote, thereby costing the candidate who shifts toward the middle. And, not to be overlooked, the rules of the U.S. House and Senate and the very culture of those institutions are such that compromising is no longer a valued part of governing in America.

Voting turnout is important, too; Turnout overall in Arizona in 2014 Congressional races is about 46%, and a key reason that candidates now pay more attention to “energizing the base” than they do “appealing to the median voter” is the stay-at-home voter.

Exacerbating the situation is the emergence of cultural norms in the U.S. Congress that disparage compromise as “weakness” and rules of the game that discourage recognition of an overwhelming public interest. Consider the “Hastert” rule, named after former speaker Denny Hastert, that the party in control of the House (or Senate) will not bring to the floor any issue for a vote unless it is first supported by a majority of his / her own party. For example, there are 435 members of Congress and it takes half plus 1 to pass legislation ( 218 votes). In 2012-2014, if all 200 Democrats favored a proposal, it would only take 18 Republicans voting in favor to pass the legislation. But when the speaker uses the Hastert rule – as both Democrats and Republicans have done over the past several years – the issue will not be brought to a vote of the full House. Thus, in 2012-2014, unless 118 members of the majority party supported a measure, it would not be voted on. Party discipline is indeed strong! So, instead of 18 Republicans needed to pass legislation, it requires 118.

Conclusion

The issue of redistricting quickly expands from simply drawing the district boundaries, to how to conduct the election itself and whether the single member district model should continue. There are no simple solutions and some would contend that a cultural change is needed. Voters and elected officials (and the media) need to move away from their talking points and sound bites to embrace a more inclusive and more collegial democracy.

The United States has experimented with different kinds of election systems, and still does especially at the local level.

When the nation was first founded, states decided on their own how to elect representatives to the U.S. Congress. Some elected using the entire state as one large multi member district and a “winner take all” system so that whichever party won the most votes gained all of the representatives. In 1842, Congress passed legislation intended to insure that minority parties in each state would win seats approximately proportionate to their votes. This required each state to designate districts and only one person elected from each district. The idea here was that no party would be able to win in all districts.

In 1967 the growing concern that minorities were still being systematically shut out of having any representation led to the Voting Rights Act that specifically not only prohibited states from intentionally under representing minority populations but in several states – including Arizona – required Department of Justice approval of changes in the districting system. (This section was overturned by the Supreme Court).

In spite of these efforts, with each successive census, the party in power at the time the new districts were drawn, was systematically drawing districts that served their own partisan purposes. As districts become safer, it is easier for the dominant party primary to keep candidates in line with their most ardent (usually, most extreme) factions within the party. In safe districts, primaries determine elections, and compromise for the national interest become more difficult.

By including this topic on its “democracy” agenda, the LWVUS has recognized the importance of a thorough review and analysis of the system of electing national leaders.

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