Issues in GOVERNANCE STUDIES

Number 5 July 2006

How to Think About the November 2006 Congressional Elections

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1775 Massachusetts Ave., NW
Washington, DC 20036

EXECUTIVE SUMMARY

The recent spate of good news for President Bush (in Iraq, in a hotly contested special election in San Diego, and in the decision of the prosecutor not to press charges against Karl Rove in the CIA leak case) has prompted yet another reassessment of the prospects for Democrats this November of winning majority control of the House and/or Senate. Polls conducted subsequent to these events reported a slight up-tick in public evaluations of Bush and his handling of the war in Iraq, suggesting that his stunning political collapse since winning reelection may have finally bottomed out and begun to reverse. Just as likely, however, is that this minor bounce in the polls will prove ephemeral, as have previous ones following supposed turning points. Critical public views of the president, the war in Iraq, and the economy have hardened over the past year and are unlikely to change without more measurable and durable improvements in the underlying conditions. Are such improvements possible in the barely four months remaining before the election? Can a skillful national campaign frame the partisan choice for the electorate to compensate for public unhappiness with the president and his party? Even if not, does the current structure of competition in House and Senate elections insulate the majority party from a negative referendum on the administration sufficient to make a change of party control of Congress unlikely?

Midterm Elections in Historical Perspective

Uncertainty over what to expect in the midterm elections is based partly on a belief that

critical changes in contemporary politics have rendered historical lessons inapposite. One of the few iron laws of American politics was that the president's party loses House seats in midterm elections. (The pattern in the Senate was less consistent, depending importantly on which seats are up in the election cycle.) The only exception between the Civil War and the near end of the twentieth century was the 1934 election, in the midst of the last major party realignment. Elections in the sixth year of an administration (the "six year itch") produced on average substantially larger seat losses. The size of the midterm loss was related to how many seats the president's party gained in the previous election (the larger the gain, the more seats at risk), how the economy performed in the year preceding the election, and how the public evaluated the performance of the president. A modest House seat pickup (or loss) in the previous presidential election, a healthy economy, and a presidential approval rating of 50 percent or higher minimized the normal seat loss. Each of these factors plus a negative public reaction to Republican plans to impeach President Clinton allowed the Democrats to break the pattern and gain five seats in 1998. Four years later, the "iron law" was shattered again: with George W. Bush in the White House, Republicans picked up eight additional House seats. GOP fortunes were boosted by the fact that they lost House seats in the 2000 elections, the President enjoyed post-9/11 approval ratings well above 60 percent throughout 2002, and the Republican campaign effectively elevated terrorism over the economy as the central public concern.

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The New Rules of the Game

Breaking the pattern of midterm loss by the president's party in two successive elections might well be explained by circumstances unique to those election years. But other, more systemic changes appear to be afoot. The last five House elections have produced historically low party seat switches, incumbent defeats, and net party gains. As a consequence of gerrymandering, residential mobility, and stronger party-line voting in the electorate, the partisan makeup of House districts has become more lopsided, with many safe Republican and Democratic districts and very few competitive ones. The number of districts carried by a presidential candidate of one party and a congressional candidate of the other has declined sharply (from 148 in 1988 to 59 in 2004). There are many fewer potential mismatches between the party of the House incumbent and the partisanship of the district, something key to the Republican landslide of 1994. Unsurprisingly, the playing field for the two national parties – the number of seats targeted for financial and campaign assistance and seriously contested by both – has shrunk. Each party now excels at protecting their potentially vulnerable incumbents and marginal open seats and funneling resources into the most competitive seats held by the other. But neither makes any significant investment in expanding the number of seats in play. To many analysts, all of this suggests that the parties are locked in a pattern of uncompetitive parity, with the Republicans likely to maintain their slim majority in spite of adverse national conditions.

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Such a conclusion strikes me as premature if not myopic. The ingredients for a strong national tide in congressional elections have not been present since 1994. Local forces (the partisan makeup of the district, the visibility and reputation of the incumbent, the quality and resources of the challenger, the saliency of constituency issues, the presence of scandal) dominate congressional elections in the absence of national public sentiment decisively favoring one party or the other. On the other hand, a sharply negative referendum on the party in power -- one producing a midterm swing in the national popular vote for the House of five percentage points or more -- buffeted those local factors in the 1946, 1958, 1966, 1974, 1982, and 1994 midterm elections sufficient to produce losses ranging from 26 to 56 seats. The new pattern of uncompetitiveness that developed after the 1994 Republican landslide has not yet been tested by a surly electorate. The Democrats need a pickup of 15 House seats to become the majority party. The probability that they will achieve that objective depends upon the magnitude of the national tide generated by public unhappiness with the Bush administration and how the resultant national vote swing is distributed across congressional districts.

A Tidal Wave in 2006?

Virtually every public opinion measure available in late June 2006 points to a Category 4 or 5 hurricane gathering for the November elections. These include a presidential job approval in the mid-30s, a congressional job approval in the mid-20s, a Democratic advantage in the generic vote for the House of more than 10 percent, only a quarter of the electorate believing the country is moving in the right direction, a decidedly negative assessment of the economy's performance under George W. Bush, and a double-digit lead for the Democrats as the party trusted to do a better job dealing with the main problems confronting the nation. In every case, Bush and the Republicans are in a weaker position in 2006 than Clinton and the Democrats were at a comparable point in 1994. If history is a reliable guide, the evidence of an impending political storm is strong.

What might keep that tidal wave from developing? First, party divisions may have hardened to the point at which few voters are open to conversion on Election Day. While a sizeable number of Republican voters are critical of President Bush and the Republicans in Congress, many may well return to the fold by November. Party-line voting is at its highest level in decades. On the other hand, enough pure independents and weak partisans—classic swing voters—remain in the congressional electorate to make possible a significant swing in the national vote.

Second, negative referendums on the president's performance work both directly and indirectly to produce gains in the national popular vote. A slight fraction of the electorate changes their vote directly in response to national conditions; another possibly larger direct effect works through differential turnout. Some members of the president's party become discouraged by the adverse political conditions and stay home, while those in the opposition party are motivated to vote by strongly held negative views of the sitting president. This disparity in intensity and turnout typically contributes to the

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national vote swing against the president's party. At this point in the 2006 cycle, public opinion polls reveal a Democratic advantage in the level of interest in the midterm elections, one comparable to that enjoyed by the Republicans in 1994. What is uncertain is whether or not traditionally higher Republican turnout rates combined with their vaunted get-out-the-vote operation will significantly reduce or eliminate what should be a Democratic advantage in 2006.

Third, sharply adverse political conditions work indirectly to inflate the national vote swing away from the president's party through the strategic response of political actors. When the president is in political peril, it is easier for the opposition party (and more difficult for the president's party) to recruit strong candidates and to raise campaign funds. Stronger candidates running more vigorous campaigns win more votes, thereby contributing to the national vote swing without voters casting their ballots directly in response to their evaluation of the president and his party. But many analysts examining the election landscape from the micro-perspective of the candidates and their resources have noted in this election cycle the absence of strategic behavior favoring the out party. They see a vastly constricted field of competitive races, the failure of the Democratic Party to recruit strong candidates in targeted districts, and a fundraising advantage enjoyed by the Republicans.

Yet that observation was based on readings taken in 2005 and early 2006. More recent assessments reveal the expected patterns. For example, the widely respected *Cook Political Report* has over the course of the past year increased its number of highly vulnerable Republican seats from 2 to 10 and its somewhat vulnerable ones from 16 to 25. In June 2006, Cook identified 53 Republican districts that are now or potentially at risk, double the number a year ago. During the same period, the number of competitive Democratic seats (those either highly or somewhat vulnerable) declined from 14 to 10, while the potential playing field on Democratic turf remained at 21 districts. A comparable picture emerges from campaign finance reports. The Democratic Congressional Campaign Committee has significantly improved its fundraising capacity and expects to match expenditures with its Republican counterpart in the final four months of the campaign. Moreover, the Campaign Finance Institute reports that Democratic candidates in more than 50 Republican districts are on track to raise sufficient funds to run competitive campaigns.

The fourth and final factor that might prevent a tidal wave from sweeping across the country on Election Day is a change in the terms on which the congressional campaign is waged. Midterm elections during times of public angst traditionally revolve around retrospective assessments of the performance of the party in power, not debates about alternative policies for the future. As we have seen, those assessments are now decidedly negative; they have been for many months. It is hard to imagine how conditions in Iraq or with the economy could improve enough in the months before the election to significantly boost those assessments. A referendum on the performance of the Bush Presidency and the Republican Congress is almost certain to produce a stinging electoral defeat for the party.

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Given this reality, Bush and the Republicans have decided to pursue a very risky strategy: turn their greatest liability—the war in Iraq—into an asset by linking it to the broader war on terrorism and luring the Democrats into a debate about how and when to complete our mission there. The risk is that it will reinforce the public's association of the Republican Party with an unpopular war. The potential gain is that it will muffle the referendum and allow the Republicans to focus public attention on alleged Democratic division and irresponsibility. Will it work? No one doubts the resourcefulness and discipline of the Republican team in castigating their opponents as the "cut-and-run" Democrats while at the same time commencing some withdrawal of American military forces before November. Less certain is the toughness and skill of Democrats in framing the election as a judgment of the success or failure of the Bush Administration and the Republican Congress in waging the war in Iraq, managing the economy, and conducting the federal government with competence and integrity.

An Uncompetitive Playing Field

Many serious analysts of American politics believe that even a national tidal wave sufficient to generate a vote swing to the Democrats of five percentage points or more would leave the Republicans in control of the House. They argue that the decline of competitiveness, the relatively small number of open seats, and the extraordinary efforts of the White House and the Republican Party to protect their potentially vulnerable incumbents will limit the number of incumbent defeats, open seat switches, and net partisan losses. Changes in the national vote, therefore, will not translate into changes in seats won by the two parties at anywhere near the rate of past tidal wave midterm elections.

This argument is not without impressive empirical support. The number of competitive House districts and vulnerable incumbents has declined over the past several decades and importantly, since the 1994 Republican landslide. In 1994, the number of districts that were carried by a 1992 presidential candidate with 55 percent or less of the two party vote totaled 169. The comparable number in 2006 – based on the 2004 presidential vote – is 102. More pointedly, going into the 1994 election, 109 House Democrats held districts in which their party's presidential candidate, Bill Clinton, garnered at most 55 percent of the major-party vote; 53 of these House Democrats represented districts carried by George H. W. Bush. By this measure, Republicans are less vulnerable in 2006: 60 House Republicans represent districts in which George W. Bush received 55 percent or less of the two-party vote in 2004; only 18 of them were from districts carried by John Kerry.

The same pattern is evident in congressional vote margins. In 1992, 46 House Democrats won their seats with at most 55 percent of the major-party vote. In 2004, 13 House Republicans had comparable victory margins. If a 5- point swing in 2006 was uniform across congressional districts, Democrats would find it impossible to pick up the 15 seats needed to win a majority, even if they held all of their vulnerable seats.

But swing is far from uniform. The local forces discussed above can and often do make a difference, even in elections in which strong national winds are blowing. For example, vote swing to the Democrats in congressional districts in the 1974 election ranged from minus 19 to plus 36 percentage points. In 1994, Republican performance across congressional districts ranged from minus 28 to plus 38 percentage points. There is much more volatility in House elections than is suggested by notions of uniform swing and objective measures of competitiveness.

More importantly, tidal wave elections generate swing across districts proportional to the prior strength of the party losing ground. A fundamental property of strong national tides is the amplification of swings in districts dominated by the party losing ground, so a national swing of 5 or 6 percentage points can leave its mark well outside the marginal range as it is traditionally defined. The average swing in these supposedly safe districts is double or more the national swing. This is nicely illustrated by the fact that 10 of the 34 House Democratic incumbents defeated in the 1994 elections had won their previous election with more than 60 percent of the vote. The lesson for 2006 is clear: the less competitive terrain in House elections provides the Republicans no guarantee that their majority will survive a strong national tide.

Another consideration is the number of open seats. Because of the advantages of incumbency, open seats change party hands more frequently than incumbent-contested races. At this point in the 2006 cycle, 29 seats are open, 18 of which are now held by Republicans, 11 by Democrats. In 1994, Democrats had to defend 28 open seats, Republicans 20. This again points to a narrowed field of competition and fewer targets for Democrats in 2006.

Yet a closer look at these open-seat races indicates Democrats are in a strong position to pick up at least a third of the seats they need to win a House majority. Cook currently rates 7 Republican open seats as highly or somewhat vulnerable and another 5 as potentially vulnerable. The comparable figures for Democrats are 2 highly or somewhat vulnerable and another 2 potentially vulnerable. A net pickup for the Democrats of 5 to 8 open seats is likely; fueled by a strong national tide, a higher number is possible. In 1994, Republicans garnered a net gain of 18 seats from open contests; they defeated 34 Democratic incumbents without losing one of their own. A comparable division for the Democrats in 2006 between open-seat and incumbent-contested gains could produce a Democratic majority even with the reduced number of open seats.

The final factor cautioning against a Democratic majority is the absence of any element of surprise. Republicans entered this election cycle fully aware that their House majority was in serious jeopardy. Few if any potentially vulnerable Republican incumbents are likely to be without adequate resources, an aggressive campaign strategy, and a less-than-first-rate get-out-the-vote operation. Preparing diligently for a possible electoral debacle may well dilute the adverse effects of a negative referendum on President Bush and his party. But then again, Republican prescience and planning might be neutralized by equally effective foresight and diligence by the national Democratic Party and the sheer magnitude of the public discontent.

The signs of strong national winds blowing against the Republican Party are abundant and have not diminished over the past nine months.

The Bottom Line

Sorting out these conflicting strands of argument and evidence to produce a forecast of the November elections is no easy, automatic task. Public unhappiness with the Bush administration and Congress might diminish over the next several months in response to favorable developments in Iraq and with the economy. Republicans may succeed to some extent in shifting public focus from past performance to a choice about future directions and policy. Targeted efforts to rally and turn out the Republican base may compensate for the Democratic intensity advantage in 2006. Extraordinary efforts to protect potentially vulnerable Republican incumbents may pay substantial dividends. The limited number of Republican seats at risk, especially after the meager Republican gains in 2004 (more than accounted for by Tom DeLay's mid-decade Texas gerrymandering) may prove an insurmountable obstacle for Democrats.

My own (albeit subjective) reading is that the odds favor a Democratic takeover of the House. The number of seats needed for a bare majority is only 15, well below the range of out-party gains in past tidal wave elections. The signs of strong national winds blowing against the Republican Party are abundant and have not diminished over the past nine months. Achieving credible progress on the ground in Iraq before November is implausible. The public's harsh evaluation of the President's performance on the economy is unlikely to be reversed by Election Day. Prospects for electorally useful legislative achievements in the remaining months of this Congress are remote. Enough seats are in play to allow Democrats to ride a national tide to majority status.

A Note on the Senate Elections

While most analysts are genuinely uncertain about which party will be in the majority after the House elections, few are hesitant about declaring as far-fetched prospects for a Democratic Senate. With only a third of its members facing expiring terms every two years, the Senate has demonstrated a much less consistent pattern than the House of a midterm loss by the president's party. The number and nature of the seats at risk for each party makes a tremendous difference. How many seats each party has to defend determines the basic shape of the election, but the partisan complexion of those states and the number of open seats is equally important. Moreover, the baseline for Senate elections is not, like the House, the previous presidential election but instead the election six years earlier. These factors make it essential to examine the individual races.

As party attachments in the electorate have hardened, Senate elections have become less competitive, mirroring the pattern in presidential and congressional elections. Compared with a few decades ago, there are today fewer split-party Senate delegations and fewer states won by a president of one party and a senator of the other. So the number of Senate seats in play is oftentimes quite small.

In 2006, Democrats are defending 18 Senate seats, Republicans 15. Democrats have

Governance Studies
The Brookings Institution
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Washington, DC 20036
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Production & Layout
Gladys L. Arrisueño

two open seats – one, Maryland, a strong Democratic state, the other, Minnesota, a highly competitive state. Democrats must defend one seat, that of Nebraska's Ben Nelson, in strong Republican territory. But Nelson is very popular in the state, more so than its other senator, Republican Chuck Hagel, and is not seriously threatened. Democrats have several other potentially vulnerable incumbents, including newly appointed Robert Menendez of New Jersey, Maria Cantwell of Washington, and 88-year-old Robert Byrd of West Virginia. A number of other races that might have been competitive (Florida, Michigan, North Dakota, New Mexico and Vermont) have proven not to be. The other Democratic seats up in 2006 were never in play.

Republicans have only one open seat, that of retiring Senate Majority Leader Bill Frist of Tennessee, which has a distinctive Republican tilt. They have one seriously endangered incumbent, Rick Santorum of Pennsylvania, an ideological and partisan mismatch with his constituency, and four others (scandal-tainted Conrad Burns of Montana, Mike DeWine of the GOP scandal-ridden state of Ohio, Lincoln Chafee of Rhode Island, the most liberal Democratic state in the Union, and Jim Talent of the bellwether state of Missouri) who are being pressed hard for reelection. Two additional potentially competitive seats are held by John Kyl of Arizona and George Allen of Virginia. The rest appear to be home free.

Democrats face the daunting challenge of picking up six seats on this restricted playing field if they are to reclaim the majority. That probably requires them to hold all of their seats, defeat the five most vulnerable Republican incumbents (Santorum, Chafee, Burns, DeWine and Talent) and win one of the three remaining contested seats (Tennessee, Arizona or Virginia). No wonder analysts are dismissive of Democratic prospects.

The wild card in this scenario is the magnitude of the national swing. There is precedent in the history of Senate elections for tidal waves to tip all or virtually all contested races in the same partisan direction. It happened in 1958, 1980 and 1994. (In 1986, Democrats enjoyed a similar sweep of close races, but it reflected more the receding of the 1980 tide than the presence of strong national forces in 1986.) The odds of this happening again are certainly less than even money but substantially greater than zero. I do not expect the Democrats to win a majority in the Senate, but that prospect is neither impossible nor implausible. If it happens, we should be surprised but not shocked.

Conclusion

The decline of competition in congressional elections has weakened but by no means eliminated the capacity of voters to change majority control of the House and Senate. Angry and energized voters retain the capacity to hold their government accountable and throw the rascals out. I think the chances are good that they will avail themselves of the opportunity this November in one or both houses of Congress.