

# The Marketplace of Democracy: Normative and Empirical Issues

**Michael P. McDonald and John Samples**

The U.S. government is founded on and derives its legitimacy from the principle of the consent of the governed. Citizens can be satisfied with many forms of government, and the course of American political development might have been radically different if King George III had been responsive to the grievances of the colonies. However, history has demonstrated the long-term dangers of a government based on a short-term benevolent authoritarian regime; inevitably a despot rises to power. To protect against future despotism, the Founding Fathers renewed the ancient Roman method of expressing the consent of the governed: a representative government selected in periodic elections.

Prominent political theorists define representative democracy in terms of meaningful choices presented to voters: Joseph Schumpeter defines representative democracy as “that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote.”<sup>1</sup> Robert Dahl calls it “a system of control by competition.”<sup>2</sup> Adam Przeworski discusses the institution as it

1. Schumpeter (1950, p. 269).

2. Dahl (1984, p. 113).

“defines the scope of government and establishes rules of competition.”<sup>3</sup> The notion of competition as a necessary condition of democracy is so fundamental that it can be found in introductory election textbooks.<sup>4</sup>

Democratic elections are about choice between competing candidates and the issues they intend to follow if elected. Given what little political knowledge voters have, or even care to have, about complex and arcane public policy issues, there is debate over the degree to which representatives need to be delegates responsive to the public or trustees who are elected to implement policy for the public interest, even if the public does not agree. Even among those who champion a trustee view of politics, a representative should be in some measure a delegate. Why hold democratic elections otherwise?

Once elected, will representatives in the trustee role subvert the electoral process to protect themselves? America’s Founding Fathers, such as James Madison, were concerned that in a democracy a majority could tyrannize a minority of the population. While we may commonly think about majority tyranny in the sphere of public policy, Madison astutely recognized that majorities, such as those in state legislatures acting through their authority to regulate elections granted by article 1, section 4 of the Constitution, would act to insulate themselves from electoral pressures that might jeopardize their majority status:

Whenever the State Legislature had a favorite measure to carry, they would take care so to mould their regulations as to favor the candidates they wished to succeed. Besides, the inequality of the Representation in the Legislatures of particular States, would produce a like inequality in their representation in the National Legislature, as it was presumable that the Counties having the power in the former case would secure it to themselves in the latter.<sup>5</sup>

As J. S. Mill would later write, “In every government there is some power stronger than all the rest; and the power which is strongest tends perpetually to become the sole power.”<sup>6</sup> In the course of American political development, the subverting of the electoral process to favor the majority has taken many forms, such as: Jim Crow laws designed to prevent African American representation; malapportioned districts that favor rural representation over urban; the partisan gerrymander devised by Gov. Elbridge Gerry in 1812; the

3. Przeworski (1991, p. 36).

4. Flanigan and Zingale (2002).

5. Quoted in Farrand (1911, pp. 240–41).

6. Mill (1991, p. 315).

adoption of restrictive ballot access laws; and others. The latter—ballot access laws designed to prevent minor-party access to elections—suggests that in certain circumstances the two political parties would form what Samuel Issacharoff terms a “bipartisan cartel” to ensure low levels of electoral competition for incumbent members of both political parties.<sup>7</sup>

At first blush, a concern that competition is lacking in American elections would appear to be unfounded. The presidential elections of 2000 and 2004 were among the closest in history. Republicans narrowly control both houses of Congress, but a change to the Democrats, especially in the Senate, seems possible with every congressional election. These relatively narrow majorities in Congress reflect a national electorate that divides evenly along partisan lines. Any expert would be hard pressed to say that one of the major parties dominates American politics.

A closer look, however, gives reason for concern. Incumbent members of the House of Representatives almost always win reelection. Since 1998 they have been reelected more than 98 percent of the time. As with most statistics, this rate should not be understood in isolation. In the modern political era (the years after 1945) members of Congress have won reelection over 90 percent of the time. In examining election returns in the last quarter of the twentieth century, James Campbell and Steve Jurek found that both the gross number of seats that changed hands and the net partisan gains or losses after 1970 were typically less than half of what they had been before that date.<sup>8</sup> Specifically, in the thirty-eight elections from 1900 to 1974, thirty-three (87 percent) involved seat swings of at least ten seats from one party to another. Of the thirteen elections from 1976 to 2000, only five (38 percent) resulted in double-digit seat shifts.<sup>9</sup> The 2002 House elections were on several dimensions less competitive than the “normal” elections from 1974 to 2000. Decennial reapportionments usually change some districts in ways that foment competition for some incumbents. However, the 2002 elections—the first after the 2000 reapportionment—were less competitive than the elections of 1972, 1982, and 1992.<sup>10</sup> Indeed, House races had fewer seats that might change hands in 2004 than in 1994.<sup>11</sup>

In contrast, senators have not been as consistently successful at being reelected. Since World War II, 78.6 percent of all senators have won reelection.

7. Issacharoff (2002).

8. Campbell and Jurek (2003, p. 20).

9. Campbell and Jurek (2003, p. 10).

10. Issacharoff, Neuborne, and Pildes (n.d., p. 16).

11. Irwin (2004, p. 11).

More recently, however, they have lost more often than their counterparts in the House: in 1980, for example, only 55 percent of the incumbent Senate candidates won reelection. Nonetheless, the incumbency advantage for senators has been rising and by 1992 was about the same as that of a House incumbent.<sup>12</sup> Those already in office also dominate state elections for legislative and executive branch offices. Competition in the United States bears a troubling resemblance to that in nations where candidates run unopposed or with token opposition, nations that American leaders condemn as lacking truly democratic or legitimate elections.

Should we be concerned about the lack of competition between incumbent officials and challengers in U.S. elections? To answer that question we need to understand why citizens of a liberal democracy such as the United States should value electoral competition. Electoral competition is not an end in itself; it is rather a means of achieving important political goals in a democracy. With those normative goals in place, we can then inquire whether the current system serves those goals as well as possible, all things considered.

## **Normative Arguments Favoring Electoral Competition**

The literal Greek translation of “democracy” is “rule by the people.” The people may rule directly by making laws through direct voting by the assembled citizens, a species of government favored by “theoretic politicians” that James Madison found that history had shown was likely to lead to instability, injustice, and confusion in government.<sup>13</sup> The solution to the “superior force of an interested and overbearing majority” among the people was, Madison argued, to be found in the deliberative setting of representative legislatures so “that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose.”<sup>14</sup>

### *Competition and Accountability*

Yet representation also offers dangers for democracy. In ruling indirectly the people may not rule; their agents in the legislature may betray their trust and make laws that benefit themselves or particular groups rather than a majority or the people as a whole.<sup>15</sup> In the language of political economy, the

12. Jacobson (2004, pp. 25, 28).

13. Madison (1960, pp. 61, 56).

14. Madison (1960, p. 62).

15. Parisi (2004, pp. 216–17).

agents (the representatives) shirk their responsibilities to their principals (the people who elect them). Elections, along with vigorous competition among candidates and parties, ensure that public officials serve the interests of those who elected them. In short, democratic theorists value electoral competition as a way to ensure that representatives are accountable to voters. As political scientist G. Bingham Powell said, “The citizens’ ability to throw the rascals out seems fundamental to modern representative democracy because it is the ultimate guarantee of a connection between citizens and policymakers. It enables the citizens to hold the policymakers accountable for their performance. Such accountability is a keystone of majoritarian democratic theory.”<sup>16</sup>

Accountability and electoral competition concern the political process. But most political struggle concerns substantive differences over policies, interests, and ideals. Conservatives have emphasized individual freedom and rights as a means to limit government. The Progressive tradition has argued that equality should counterbalance or replace liberty on the scales of public policy.<sup>17</sup> Naturally, both sides would want a political process that favors their substantive ideals and would fear electoral competition if accountability to voters meant realizing the ideals of their opponents. But neither side can reasonably expect the other to agree to a process that guarantees the victory of their opponents. We might, however, come to value a process for itself and not for its substantive outcomes. Substantive differences notwithstanding, both conservatives and Progressives have good normative reasons to value accountability in the political process.

### *Liberty and Accountability*

James Madison identified the political problem of classical liberalism: “In framing a government which is to be administered by men over men, the

16. G. Bingham Powell Jr., quoted in Issacharoff (2002, p. 624). Robert Dahl wrote some time ago that “continuing responsiveness of the government to the preferences of its citizens [is] a key characteristic of democracy” (Dahl 1971, p. 1). J. M. Bessette notes, “Political accountability is the principle that governmental decision-makers in a democracy ought to be answerable to the people for their actions. The modern doctrine owes its origins to the development of institutions of representative democracy in the eighteenth century. Popular election of public officials and relatively short terms of office were intended to give the electorate the opportunity to hold their representatives to account for their behavior in office. Those whose behavior was found wanting could be punished by their constituents at the next election. Thus, the concept of accountability implies more than merely the tacit consent of the governed. It implies both mechanisms for the active monitoring of public officials and the means for enforcing public expectations.” See Bessette (2001, pp. 38–39).

17. For an example of balancing the two values, see Rawls (1971). For an example of the priority of equality, see Dworkin (1978, p. 266ff.).

great difficulty lies in this: You must first enable the government to control the governed; and in the second place, oblige it to control itself." Madison then immediately adds: "a dependence on the people is no doubt that primary control on government" even if history had shown the necessity of checks and balances in constitutional arrangements.<sup>18</sup> More generally, the classical liberal believes government possesses a monopoly on violence that is both necessary and a threat to its citizens. Economists expect that, all things being equal, a monopolist will charge higher prices to consumers than would exist under perfect or imperfect competition. Similarly, economically minded citizens should expect that those who hold a monopoly on the legitimate use of violence will use it to further their own interests at some cost to the interests of others. In the absence of some effective constraint on government, the ruled should expect to be exploited by their rulers. Hence, in studying politics, public choice scholars have sought a set of institutions that constrain the actions of government officials in light of the wants of citizens.<sup>19</sup> Elections and electoral competition are means to control that monopoly on violence and restrain its abuse. The classically liberal part of the American vision of politics thus values electoral competition as a way to control and limit government and thus preserve individual liberty.

### *Equality and Accountability*

What of the egalitarian side of American liberalism? Electoral democracy begins with equality as embodied in "one person, one vote." In shirking their responsibilities, elected officials acquire unaccountable power, an inequality that undermines the basic principle of democracy. Moreover, Progressives believe that representatives who are unaccountable to their voters are likely to be responsive to the political agenda of the economically powerful. Shirking by representatives thus leads to the inequalities in the private market economy being transferred to the public sphere, contrary to the demands of democratic equality and even social justice. For this reason the Progressive might be inclined to favor more electoral competition to preclude shirking that fosters political and economic inequality.

### *The Community as a Whole*

Beyond left and right, the commitment to representative democracy requires a commitment to a government that reflects the preferences of its peo-

18. Madison (1960b, p. 349).

19. Brennan and Hamlin (2000, pp. 101–02).

ple. If those preferences are distributed normally on a single issue, everyone is fully informed, a single representative is selected from a district, and majority rule determines outcomes, lawmakers will ultimately take policy stands that appeal to the median voter of their district.<sup>20</sup> Electoral competition between two viable candidates is essential to this outcome.

Yet the median voter's policy preference may not be the realized outcome. Candidates are responsive to their activists during nominations in primaries and caucuses, and activists are among the core suppliers of campaign money and volunteer time. These activists are closer to the extremes of the political spectrum than to the median voter. Candidates are not a blank slate and possess personal policy preferences too. In the general election, a candidate who wishes to gain a majority of votes must move toward the median voter of his or her district, and the winner will thus ultimately represent the greater part of the overall distribution of voters. Of course, the median of a district may differ from the national median, but if competition is lacking, a nominee need not position him- or herself separately from the party's activist base, and many voters around the middle of a district's electorate or perhaps "the community as a whole" may ultimately go without representation.<sup>21</sup>

Competition has other benefits to the general community besides representation. Electoral competition provides a partial solution to the problem of lack of voter information. Competition is related to more free campaign coverage by the media and more campaign expenditures aimed at informing and mobilizing voters. Competitive elections interest voters and draw them to the polls. Competition thereby fosters other indicators of a healthy democracy, such as higher levels of participation by voters and activists and stronger political parties that must evolve or perish in Darwinian political conflict.<sup>22</sup>

### *Constitutional Considerations*

The Constitution of the United States does not specifically require electoral competition, and many Supreme Court decisions related to elections depend on the equal protection clause of the Fourteenth Amendment, which

20. Downs (1957).

21. Issacharoff (2002, pp. 628–29).

22. It is universal practice in scholarly work on voter turnout to include a measure for competition in voting analyses. These analyses uniformly find that higher turnout is related to greater levels of competition. One of the early works that ties competition and turnout together with party money allocation can be found in Cox and Munger (1989, pp. 217–31). The relationship between party strength and competition is articulated by Rosenthal (1998, p. 195).

has no obvious relevance to questions of incumbency advantage. However, three legal scholars have argued that the current dearth of electoral competition violates article 1 and the First Amendment of the Constitution.

According to the Founders, the U.S. Constitution grants enumerated powers from the people to their government. Powers that are not granted to the state or national governments are retained by the people. Article 1, section 4 of the U.S. Constitution states that the “Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.” This grant of power does not include “the power to regulate congressional elections with the aim and effect of artificially insulating members of Congress from electoral competition through state creation of overwhelmingly ‘safe,’ non-competitive congressional election districts.”<sup>23</sup> Yet the evidence indicates that state legislatures have exercised just such a power, contrary to the constraints of the Constitution.

Article 1, section 2 of the Constitution states that “The House of Representatives shall be composed of Members chosen every second Year by the People of the several States.” This language recognizes the sovereignty of the people and their affirmative right to elect the House. Insofar as incumbent officials manipulate the electoral system to reduce electoral competition, they might be said to abridge the ultimate power of citizens.<sup>24</sup> The First Amendment to the Constitution also bears on this issue. The First Amendment seeks to secure the conditions of liberal democracy, not the least of which is “the free flow of information needed to permit genuine electoral choice.”<sup>25</sup> When incumbents create safe electoral districts, they preclude such choice and thereby contravene the fundamental purpose of the First Amendment.

## **Normative Criticisms of Electoral Competition**

The Founding Fathers were divided on the efficacy of mass democracy. While the founding documents clearly appealed to virtues of equality and self-determination, some did not believe the masses had the capacity and temperament to make wise voting decisions. In the formative years of American political history, a debate raged over whether voting was a right or a privilege. If one were to take the Declaration of Independence to its logical conclusion, then voting was a right to be enjoyed by all. However, all of the colonies—and

23. Issacharoff (n.d., p. 9).

24. Issacharoff (n.d., p. 14ff.).

25. Issacharoff (n.d., p. 20).

later states—restricted the franchise to a certain few, most notably those with property, on the premise that only those with property were competent enough and free of others' influences to make wise voting decisions.<sup>26</sup>

### *Responsibility*

The authors of *The Federalist Papers* wrote of responsibility rather than accountability. Responsible officials were to use discretion and judgment to promote the long-term well-being of the country, even though voters might not recognize their efforts for some time, if ever. Officials would be called upon to resist popular desires when the people push for prejudiced, irresponsible, or unjust measures; responsibility, not accountability, they said, is needed in such cases until reason can return to the people.<sup>27</sup>

Officials should thus sometimes ignore the wishes of their constituents in favor of the longer-term good of those same voters. The quintessential advocate of this position, English political philosopher and Member of Parliament Edmund Burke, stated:

Parliament is not a congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not a member of Bristol, but he is a member of parliament . . . our representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.<sup>28</sup>

Yet such cases of defensible shirking are surely exceptions to the rule of electoral accountability. If not, representatives would be free to enact their notions of the public good with few constraints, a liberty that would contravene the idea of popular government. Indeed, Burke discovered democratic accountability when he was later forced to resign from his constituency in 1780.

Along this vein, a lack of electoral competition could be interpreted as a sign of healthy representation. An exceptional representative who successfully balances the interests of the constituency and the nation, who is a masterful

26. Keyssar (2000).

27. Bessette (2001).

28. Burke (1999, p. 25).

campaigner, who runs an office that assiduously provides high-quality constituency service, and is thus loved by the voters, is a representative who engenders little competition.<sup>29</sup> Incumbents who are not challenged or who soundly drub their competition might not be products of a flawed electoral system, but rather indicators of effective representation.

### *Deliberation*

Others reject the implicit link between electoral and market competition. They argue that elections, unlike markets, should concern ideals and principles rather than preferences and interests.<sup>30</sup> Such criticisms grow out of the theory of deliberative democracy, which demands that “people collectively shape their own politics through persuasive argument” instead of by asserting their wills or fighting for their predetermined interests.<sup>31</sup> Deliberative democracy thus seems to be more about arguments among citizens than about competition among candidates for votes. Much evidence in public opinion research suggests such engagement in politics contravenes the inclinations and capacities of most individuals.<sup>32</sup> Yet these theorists sometimes say that “ongoing accountability, not direct political participation, is the key to deliberative democracy.” Accountability matters because it is said to foster deliberation, the giving of reasons, about public issues.<sup>33</sup> If so, and if electoral competition serves the end of accountability, competition fosters a deliberation suited for a society much larger than ancient Greece. In any case, it hardly seems likely that a lack of electoral competition will foster deliberation about public issues.

### *Representation*

Many electoral systems and government institutions around the world are designed to center deliberation at the elite level.<sup>34</sup> Switzerland, in the extreme, has a national governing council with guaranteed representation for all major parties and super-majority voting rules, which forces bargaining among elites. In the electoral systems of these countries, competition is

29. Zaller (1998, pp. 125–85).

30. See Thompson (2004, p. 176). Thompson also argues that an emphasis on electoral competition detracts from other worthy goals like “making electoral reform more cooperative” and “tending to the business of government.”

31. Gutmann (1993, p. 417).

32. Zaller (1992).

33. Gutmann (1993, p. 418).

34. Lijphart (1999).

secondary to representation derived through forms of proportional representation that provide for what J. S. Mill called “full representation” of all interests in a society.

Electoral competition in these countries arises in contests for votes that translate into the proportions of representation awarded to the various political parties. The U.S. government is not among these consociational democracies. Its electoral system of single-member, plurality-win districts is designed to provide rule for the majority of the electorate. Indeed, single-member districting systems tend to amplify the seats awarded to the party that wins the most votes, thereby strengthening the hand of the largest party, which sometimes may not receive a majority of the vote. Deliberation in the United States is, by design, to be conducted among the masses, not the elites.

Still, there are exceptions in the U.S. electoral system designed to guarantee representation to protected classes of citizens. The Voting Rights Act explicitly requires drawing special districts with a majority of minority populations within their borders in order to provide minorities with the opportunity to elect a candidate of their choice. Elections in these districts are not competitive, and indeed, competitive elections might erode minority representation. There are states where supporters of one party are so concentrated that it is impossible to devise district boundaries that facilitate competition; and there are regions within more competitive states where doing so would result in extremely spaghetti-like districts that combine dissimilar and removed communities. Indeed, voters prefer to have a representative who shares their culture and ideology.<sup>35</sup>

### *Summary*

The case for electoral competition appears strong in the abstract. Such competition militates against shirking, fosters accountability, and informs voters. These effects notwithstanding, few people would argue that electoral competition should be maximized whatever the cost to other values. To determine the values and trade-offs at stake here, we need to answer three questions. Is the decline in electoral competition widespread and significant? If so, what has caused this decline? Finally, what if anything should be done to foster more electoral competition? By moving from abstract moral arguments to concrete analysis and policymaking, we have more hope of determining the value of electoral competition.

35. Brunell (2006, p. 80).

## Empirical Issues

Liberals, conservatives, and voters in general have good reasons to value electoral competition and the political accountability that comes with it. However, electoral competition is an ideal more loved in theory than in practice. Many people would find their interests harmed by an increase in electoral competition. Those who already hold office would be more likely to face defeat at the polls more often than if electoral competition remained the same. Moreover, incumbents might well wish to be free in some degree of the wishes of their constituents, a freedom that would be fostered by less rather than more electoral competition.<sup>36</sup> The party that holds a majority in a legislature (and to some extent, the elected officials who belong to that party) might also find themselves out of power if a sufficient number of seats changed hands. The opposition to more competition goes beyond those who hold power. Activists who support an incumbent official or the dominant party might also have second thoughts about the practical implications of more electoral competition.

Such real and potential opposition implies, of course, that challengers, the minority party, and supporters of both have, for the time being, an interest in more electoral competition. However, the nature of political struggles works against this interest. Those who hold power are able in overt and subtle ways to restrict those who would remove them from office and from power. At the heart of electoral competition is a conflict of interest between insiders and outsiders. Most of the people most of the time should hope for enough electoral competition to limit government or to ensure the accountability of representatives to their principals.

Those same representatives who direct that same government have an interest in less electoral competition and have ways to act on that interest that are not easily detected by most people most of the time. Public policy may reduce electoral competition in several ways. Rules governing access to the ballot can limit the choices before voters by restricting the number of candidates who appear. Gerrymanders can arrange for an electorate that is likely to reelect incumbent officials. Campaign finance regulations can restrict and

36. "In politics, incumbents can create direct benefits by acting, not on behalf of constituents, but on behalf of themselves. By manipulating the rules of the game, incumbents can frustrate challengers directly. Through reducing the prospect of challenge, elected officials act as monopolists who create significant entry barriers and then exact monopoly rents. The more secure their hold on power, the more existing officeholders are free to pursue their own interests rather than interests of their constituents." Issacharoff and Pildes (1998, p. 709).

complicate the fundraising needed to compete for public office.<sup>37</sup> Do representatives act on that interest and impede electoral competition in these and other ways?

### *Declining Electoral Competition*

Much electoral competition scholarship focuses on the advantages of incumbents in elections to the House of Representatives. In one of the first scholarly articles on incumbency as a problem for electoral competition, Robert Erickson noted that “it is commonly assumed that being an incumbent offers a considerable advantage to the congressional candidate. The incumbent candidate can use his office to do favors for individual constituents, increase his visibility among the general public, and generate additional financial support for future campaigns.” He concluded that incumbency alone added about 2 percent to the vote share of sitting members of the House of Representatives.<sup>38</sup> In 1974, David Mayhew noted that the number of “marginal seats” in the House of Representatives—seats that might pass to the other party in the next election—had declined by half since 1956 and wondered why “it seems a lot easier now than it used to be for a sitting Congressman to win three-fifths of the November vote.”<sup>39</sup> Time did not change these findings much. Gary King and Andrew Gelman constructed a better measure that indicated incumbency advantage had increased to more than 10 percent of the vote by 1990.<sup>40</sup> The number of marginal House seats also decreased significantly in the 1990s after rising in the late 1980s.<sup>41</sup>

It is possible that the House of Representatives is an anomaly in American politics, an island of incumbency success in a sea of vigorous competition. For this project we asked several scholars to examine electoral competition within *and* beyond the Beltway. Gary Jacobson examines the competitiveness of elections in the United States. Richard Niemi and Thomas Carsey look at competitiveness in state elections. Stephen Ansolabehere, John Mark Hansen, Shigeo Hirano, and James Snyder Jr. offer a long-range look at the competitiveness of party primaries.

The U.S. electoral system has many moving parts. Figure 1-1 presents the major causal pathways that translate the general mood of the nation into the election results. The mood of the country is filtered through the

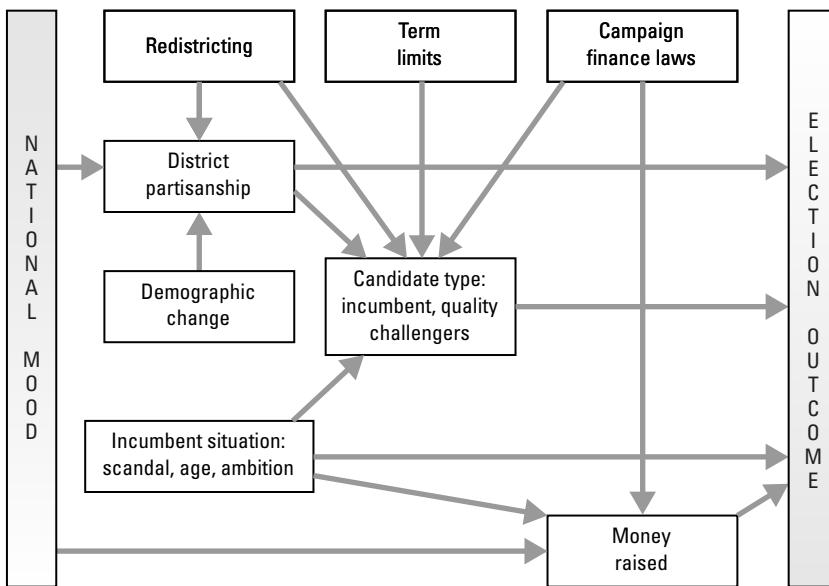
37. Issacharoff (2000, p. 95).

38. Erickson (1971, pp. 395, 404).

39. Mayhew (1974, p. 304).

40. Gelman and King (1990, p. 1158).

41. Irwin (2004, p. 11).

**Figure 1-1.** The United States Election Process

sieve of districts, which often are composed of an electorate much different than the national average. Candidates have abilities, resources, and circumstances that factor into election outcomes within their districts, and that are somewhat independent of the fate of the national parties. Incumbents are able to use the resources of their office and their knowledge of politics to raise large sums of campaign money. Most serious challengers bide their time, waiting for favorable circumstances to run, such as an incumbent retirement or a scandal. In recent elections, knowing the partisanship of a district and the party of the incumbent has been sufficient to predict the outcome with a high degree of certainty. It is this situation that motivates this project.

Each one of the causal arrows in figure 1-1 has been the study and speculation of many election scholars and political observers. Good government advocates have tended to focus their reform efforts on one of three factors: redistricting, term limits, and campaign finance reform. Redistricting reform seeks to level the playing field between candidates, term limits seek to pit equal opponents against one another by removing incumbents after a fixed number of terms in office, and campaign finance reform seeks to make sure candidates play with the same monetary resources. Often these reform efforts

are strongly advocated as “the solution” at the exclusion of other possible reforms. What should be clear from figure 1-1 is that the effect of any reform cannot be understood in isolation from the others. For example, redistricting, term limits, and campaign financing all affect candidate emergence: quality challengers may strategically delay taking on an incumbent until he or she is temporarily vulnerable after a redistricting rearranges a district’s constituency; similarly, a candidate may delay contesting an election until an incumbent is term-limited out of his or her seat; and campaign finance reform alters the calculus of a candidate’s decision to enter a race because it may provide more (or fewer) resources to challengers relative to incumbents. In addition, under certain circumstances reforms might not have the desired effect and may even be counterproductive to electoral competition. Understanding how the reforms operate in isolation and in concert is important to understanding how reform might bring about a desired goal.

### *The National Mood*

Walter Dean Burnham, observing historical elections, posited that the American national mood is akin to geology’s plate tectonics.<sup>42</sup> There are stable periods of one-party dominance in elections that last for about thirty-two years; then a major event or issue arises that causes an earthquake affecting the two major parties’ electoral coalitions. The parties take new positions on issues, and new party coalitions emerge that persist until the next political earthquake. During the intervening period, an election in which the dominant party wins Burnham calls a “maintaining election.” But even between earthquakes, the out-party may temporarily rise to power on a change in national mood caused by a fleeting issue or a strong presidential candidate. Burnham labels these “deviating elections.”

The theory of realigning elections works up to a point. The last realigning election was supposed to have occurred in the 1960s, but because of Vietnam, the civil rights movement, or Watergate—no one is sure exactly why—a violent restructuring of the party coalitions did not materialize as Burnham predicted. Instead the United States entered a protracted period of “dealignment”: the party coalitions weakened as an increasing number of voters identified with neither political party. There are some indications that voter loyalty to parties may be on the rise again, but political observers would be hard-pressed to label the current political climate of intense competition at the presidential level and the narrowly balanced Congress as a period of

42. Burnham (1970).

Republican electoral dominance. The current national mood describing the maintaining elections is one of narrow competition at the national level, with the deviation around an issue or bundle of issues giving temporary advantage to one of the parties.

### *Inc incumbency as a Cue*

Voters do not possess a great deal of information about politics in general or about candidates for office in particular. Research suggests many voters use shortcuts or cues to manage the cognitive challenge of casting a ballot.<sup>43</sup> In the past, partisan identification was the most important cue guiding voters, although incumbency certainly mattered. With partisan cues weakening in the wake of party dealignment since the 1960s, many voters are left to choose among candidates, one of whom, the incumbent, is almost always better known than the others.<sup>44</sup> Voters might also equate experience with candidate quality, thus utilizing the incumbency cue to make their choice. Indeed, a recent study finds that candidate quality as measured by electoral experience yielded increasing returns at the polls and can explain most of the increase in incumbency advantage, at least until 1980.<sup>45</sup> Inc incumbency advantage and diminished electoral competition thus both arise from the decline of partisanship, a development beyond the control of political players.

### *Inc incumbency Advantage and Personal Vote*

Members of Congress have many resources to help them become well known to their constituents. They make frequent trips to their districts, procure federal subsidies and programs for their districts, do casework for constituents having difficulties with the federal bureaucracy, and in other ways help those who will vote on election day. In securing this “personal vote,” incumbents essentially exchange services and attention for votes. A recent study indicates the personal vote accounts for perhaps 4 percent of incumbency advantage.<sup>46</sup> Some scholars who have studied the personal vote argue that it allows elected officials to be relatively unresponsive to their constituents and nonetheless achieve high rates of reelection. Others argue that the services associated with the personal vote compensate voters who are unhappy with the partisan positions of a member of Congress. Between par-

43. Popkin (1991).

44. Mayhew (1974, p. 313).

45. Cox and Katz (1996, pp. 478–97).

46. Ansolabehere, Snyder, and Stewart (2000, p. 30).

tisanship and the personal vote, members end up offering good representation to much of their district.<sup>47</sup>

### *The Money Advantage of Incumbents*

Candidates spend money to publicize their achievements, ideas, and character in order to attract votes. Some of that money will come from the public, as the personal vote argument indicates: the staff, trips, spending on benefits, and publicity of an incumbent are generally supplied by the taxpayer. But American campaigns also involve private financing derived from campaign contributors. Incumbents on average raise much more money than challengers, thereby making contributions a plausible part of the incumbency advantage story. Incumbents also sometimes retain unspent campaign funds—so-called war chests—that might scare off challengers, leading to uncontested races or contests between incumbents and inexperienced (that is, low-quality) challengers. In short, the fundraising and spending gap between incumbents and challengers might correspond to the win-loss record of the two groups.

### *Redistricting and Geographic Distribution of Partisans*

Members of Congress represent districts whose population often changes, as measured by the decennial census. House members and state representatives thus represent a variable constituency, the nature of which is determined through a process known as redistricting, which is controlled by state officials who may be political allies of the representative or state legislators themselves. For partisan reasons, the officials who draw the district lines will be tempted to create an electorate that is likely to reelect an incumbent or secure election for a generic party candidate. If elected officials choose their voters (rather than the other way around), electoral competition and accountability might be diminished, all other things being equal. This argument appeared early in the scholarly literature.<sup>48</sup> More recently, scholars have proposed that redistricting enhances the advantages of incumbency in more subtle ways. The decline of parties, together with extensive redistricting beginning in the 1960s, rewarded candidates who could build their own campaign organizations in sharply redrawn districts. Overnight the value of experienced candidate who had already won office increased; that increase in value might also

47. Ansolabehere, Snyder, and Stewart (2000, p. 31).

48. Mayhew (1974, pp. 306–10).

scare off challenges from the other party. For these reasons, redistricting has remained a likely suspect in the search for illegitimate sources of incumbency advantage. In this volume, Gary Jacobson and Michael McDonald examine the effects of redistricting on electoral competition.

Redistricting is constrained in some important ways by the geographic distribution of partisans. Congressional districts are apportioned to the states on the basis of their population. Some states are so overwhelmingly Democratic or Republican that any district drawn within their state lines will inevitably reflect the partisanship of the state. Even in heterogeneous states, partisans may be concentrated in communities in ways that make it impossible to draw competitive districts without violating the traditional redistricting principle of compactness. In this volume, Jacobson looks closely at the results of elections immediately after a census, when the effects of redistricting would be most evident. Michael McDonald offers an in-depth examination of redistricting and incumbency.

### *Two-Party Duopoly*

Almost all members of Congress belong to one of the two major political parties. At the state level, independents and members of minor parties hold only a handful of elected offices. The 2004 election results suggest the difficulties third parties face in competing for office. In that year third parties ran sixty-six candidates for the U.S. Senate, 319 candidates for the U.S. House, and fourteen for the office of state governor. The Libertarian Party fielded about half the third-party candidates for the House, and two of them received over 20 percent of the vote (in Florida and Arizona). However, the median Libertarian candidate for a House seat received 1.6 percent of the vote, and those who fared well did so without the presence of a strong Republican candidate. In the Senate races, the most successful third-party candidate, running under the Constitution Party banner, received almost 4 percent of the vote in Pennsylvania. Among the elections for governor, the best showing by a third party was in Washington, where the Libertarian candidate received 2.3 percent of the total vote.<sup>49</sup> These results suggest that third parties face formidable barriers to seriously entering the electoral fray. Scholars have cited several reasons for the weakness of third parties. Paul Herrnson's analysis brings us up to date on the realities and possibilities of minor parties in the American system.

49. Congressional Quarterly (2005).

### *The Best Politicians Win*

John Zaller offers a different and perhaps more optimistic interpretation of what seems to be diminishing electoral competition. He asks, “Couldn’t the biggest part of what is commonly called ‘inc incumbency advantage’ be that incumbents are simply better politicians than most of their opponents and beat them primarily for that reason?” He argues that it is not what candidates do, or even the resources they have to do it with, but rather how well they do what they do. What successful incumbents have is political skill, which means doing well at “finding out what voters want and convincing them that you have given it to them.”<sup>50</sup> Insofar as political accountability is valuable because it means voters get what they want, and insofar as voters are the best judges of whether they are getting what they want, Zaller’s argument indicates the decline in electoral competition may be a sign the American political system is working well.

### *Shirking Not Evident*

Skeptics might ask whether electoral competition is essential to political accountability. One could accept that electoral competition has diminished and yet wonder whether representatives have shirked their responsibilities to those who elected them. For some time scholars have studied whether public opinion influences policymaking. This research has found mixed results. Early research found that members of Congress were responsive to (or ideologically inclined to agree with) voters in their districts. Later research looked at shifts in policy in response to shifts in aggregate public opinion. These studies found that government responded rapidly to general shifts in public opinion.<sup>51</sup>

Yet this research is not conclusive, and one can easily find examples of representatives who have ignored policies that have strong public support. For example, Congress turned down Medicare legislation for many years in the 1960s and refused to pass national health insurance in the 1980s and 1990s, even though both programs had strong public support.<sup>52</sup> Congress also disregarded the majorities that have appeared from time to time to support more stringent gun control laws. Other studies have found a disconnection, especially in foreign policy matters, between public opinion and policy at various

50. Zaller (1998, p. 170).

51. See Stimson, Mackuen, and Erikson (1995, pp. 543–65) and Stokes (1999, p. 261).

52. Jacobs (1993).

times.<sup>53</sup> A reform discussed later, term limits, also has enjoyed wide support for many years without becoming law except through the initiative and referendum process in individual states.

Earlier research by a contributor to this volume, John Matsusaka, suggested that legislatures in states with the initiative had strayed from the wishes of the median voter to some extent and that the initiative had been used to correct that departure from the democratic mean.<sup>54</sup> Matsusaka has also documented a long downward trend in public satisfaction with legislatures and with government in general. Fewer and fewer people over time have said they feel they have a say in what government does, a trend consistent with the belief that elected representatives are not responsive to their constituents.<sup>55</sup>

## Policy Changes

If incumbents benefit from the status quo, they are hardly likely to enact reforms that increase electoral competition. Of course, if voters wanted more competition, incumbents might respond if their short-term electoral concerns outweighed their larger interest in less competition. Yet voters know little about politics and policy and have few incentives to know a lot. They might assume that competition has value with the experience of markets in mind; but understanding how incumbents diminish competition and what measures might enhance their choices is difficult for experts, and voters have other matters demanding their attention. The question of competition will be raised by challengers who either have too few resources to make the issue stick or to win the election, in which case they would become incumbents with interests contrary to electoral competition (the behavior of the House Republicans and term limits comes to mind here). Samuel Issacharoff thus predicts that reforms favoring competition will not come about “without a destabilizing shock to the status quo. The difficulty comes in choosing the source of this shock. It cannot come from within. The normal workings of the political process cannot be trusted to undertake this effort any more than the normal operations of competition can be relied on to overcome monopoly power in commercial markets.”<sup>56</sup> Can policies be changed to increase elec-

53. On both gun control and foreign policy, see Oskamp and Schultz (2005, p. 289).

54. Matsusaka (1995, pp. 587–623).

55. Matsusaka (2005, pp. 157–77).

56. Issacharoff (2000, p. 96).

toral competition? If so, which policies make the most sense in light of the analysis presented in the scholarly literature and this volume?

### *Venues*

The shortcomings of internal reform raise the question of who or what might increase electoral competitiveness if the insiders cannot be expected to do so. One answer might be the Supreme Court.<sup>57</sup> The job of applying the law sometimes requires the judiciary to limit the actions of the other branches. Of course, restricting the power of the other branches can be difficult for the Supreme Court, whose members are not elected. Moreover, current constitutional doctrine examines political issues as a balancing of individual rights and state interests. Electoral competitiveness and political accountability are not values the Supreme Court can apply without a change in doctrine.<sup>58</sup> In this volume Nathaniel Persily examines the prospects for judicial intervention to enhance electoral competitiveness.

Another way to circumvent the political status quo has been the initiative and the referendum. As noted earlier, scholarly studies have found that these direct democracy devices can impose the preferences of the median voter on reluctant legislatures. In particular, the movement to limit the terms of legislators in the states succeeded only where the initiative was available. John Matsusaka, a leading analyst of the initiative and referendum, takes a look in these pages at the prospects and problems of direct democracy in increasing electoral competition. Bruce Cain and Thad Kousser take up the specific reform of term limits, which have been in effect in some states for well over a decade. Term limits are a direct attempt to increase electoral competition by limiting the careers of incumbents. How well they have achieved that goal should tell us something about the difficulty and possibilities of future efforts.

As early as 1938 the Gallup organization polled Americans about their views on publicly financed election campaigns. If private financing does not give enough challengers enough money to compete with incumbents, some experts have concluded that the public treasury might do a better job and foment more competition while perhaps reducing corruption in the bargain. At the same time, public financing has not been popular with Congress (which has never passed a serious bill to provide public campaign financing)

57. Issacharoff (2000, p. 98).

58. Issacharoff (n.d.) makes the case for recognizing competitiveness as a constitutional requirement.

or the public (who have shown little support for such measures in surveys). The federal presidential funding system has been in place for three decades, but there is little evidence that it has increased competition in primaries or general elections.<sup>59</sup>

Several contributions touch on questions of money and competition. Gary Jacobson looks at the relationship between financial advantage and incumbent success in recent national elections, a topic informed by much of his earlier work on congressional elections. Some argue that incumbents will not face serious competition from challengers until taxpayers, rather than private contributors, finance campaigns. Kenneth Mayer, Timothy Werner, and Amanda Williams, as well as David Primo and Jeff Milyo, look at the electoral effects of public financing in the states. James Gimpel and Frances Lee examine the geography of campaign finance and its implications for congressional elections.

## Conclusion

The contributions in this volume provide a comprehensive examination of the state of electoral competition in the United States. We selected the scholars to participate in this examination on the basis of their reputation and current research interests. As we hoped, the volume is filled with data and analysis as well as theories and conjectures. It is not, however, an expression of one point of view or political position on the origins of and solutions to the problem of declining electoral competition in this nation. In the final chapter we trace the implications of these studies for a nation dedicated to rule by the people.

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59. Samples (2006).

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