THE BROOKINGS INSTITUTION

Brookings Cafeteria Podcast:
Down-ballot races in the 2016 election

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DEWS: welcome to the Brookings Cafeteria, a podcast about ideas and the experts who have them. I'm Fred Dews. A quick program note about a special series of election events here at Brookings. throughout October we're having a series of public events where experts talk about the most important issues facing the country and their ideas for how to address them. The conversations are moderated by journalist Indira Lakshmanan and are being released as special episodes of the Brookings podcast network on this show and on our intersections podcast. Visit iTunes to subscribe to both shows and you won't miss any of these special events. on with the show.

The U.S. presidential election is only weeks away and the majority of attention has been on the single contest at the top of the ballot, but what about all the other elections that will take place on November 8th? There are 435 elections for the House of Representatives, 34 US Senate contests, 12 governor seats are in contention, and over a thousand state legislative races across the country. Here to help us make sense of the U.S. elections below the top of the ticket is Molly Reynolds, a fellow and government studies who studies congress with an emphasis on how Congressional rules and procedure effect domestic policy outcomes. She appeared on the show back in February to discuss what happened in the Iowa caucus and stay tuned in this episode for an update on where the presidential race stands and then hear from a scholar on how we can increase voter participation. I want to acknowledge that this interview with Molly Reynolds occurred in two parts. We first spoke a couple of weeks ago but since that time a lot of events have occurred including the second presidential debate and the release of an audio tape from access Hollywood in which Republican candidate Donald Trump is heard saying disparaging things about women, so some of this conversation

reflects updates based on the new developments. Molly, thank you for joining me once again.

REYNOLDS: Thanks for having me Fred. It seems like February was so long ago.

DEWS: I know and here we are. So we often talk about the coattails that presidential candidates have on the down ballot races and down ballot is kind of a term of art. let's start with this question: does an unpopular candidate at the top of the ticket hurt candidates for lower offices?

REYNOLDS: Sure it's a great question to start with, and as you Mentioned, we do often talk and think about coattails in presidential races, so the idea that a popular presidential candidate will increase the number of his co partisans, of members of his own party who got elected down the ballot, this could be for sort of partisan reasons that voters decide they like the same party for both the Presidential race and congressional races; it could also be because there's some other factor like the economy that drives both their choices at the top and the bottom of the ballot. Another thing that's really important to think about here in the context of how the presidential candidates popularity relate to down ballot races is turnout.

So there's a lot of work on why people turn out to vote both at the presidential level and in other races and one thing that we know is that very few voters are driven to the polls by what's happening down ballot. When, in a presidential year, voters think about whether or not they're going to vote, by and large, they are attracted to the idea of voting by what's happening in the presidential race so if you think that voters might not be terribly excited about the candidates at the very top of the ticket and you might be

worried that they're going to sit out the election because of that then that will have implications for the down ballot races because it's very unlikely that sort of a wave of voter enthusiasm about a Senate race or House race is actually going to motivate voters to go to the polls if they're not feeling very excited about what's happening at the top of the ticket.

DEWS: let's talk about this concept of ticket splitting; it's kind of an archaic concept that goes back to, what, the 19th century when there was literally a ticket that you simply put in the ballot box and all your candidates for that party were on there. what we know today about ticket splitting? is that something that people do anymore?

REYNOLDS: So, in general, ticket splitting in national elections is on the decline. according to data from the American national election study, in 1980, about twenty-seven percent of voters voted for a house candidate of one party and a presidential candidate of the other and about twenty-four percent of voters did the same with the Senate. By 2012, that number was roughly eleven percent. So about eleven percent of voters in 2012 picked a house candidate of one party and a presidential candidate of a different party; same thing for the Senate. and these are the lowest rates of ticket splitting that we saw since the American national elections study started in 1952.

DEWS: So Molly, in 1996 we know that the GOP kind of cut Bob Dole loose as its presidential candidate and it kind of looks like maybe a similar thing is happening in the race right now with Paul Ryan telling his conference that you need to do what's best for you and your district and also somebody saying that Paul Ryan will spend his entire energy making sure the Hillary Clinton does not get a blank check with a democrat-

controlled congress. can you speak to the- what's going on now versus what happened in 96?

REYNOLDS: Sure. So, yup, Paul Ryan came out and in a conference call with members of the House Republican Party told them that they should feel free to kind of use whatever messaging they need to, put whatever distance they need to between themselves and Donald Trump in order to win their races and do what they need to do to keep the House majority. As you noted, there are some similarities to what Republicans did in 1996 when Republican House and Senate candidates actively distanced themselves from Bob Dole, using this messaging about giving president bill Clinton a blank check in Congress if Democrats retook the majority.

There are a couple of notable differences though between what we are seeing this year and what happened in 1996. so first, it's not that congressional Republicans in 96 objected to Dole on substance; they're happy to continue defending him and his platform, rather the decision to embrace this sort of blank check strategy in 96 was more of a recognition of the fact that Dole wasn't gonna win. Congressional Republicans needed to do something a little different to make sure they held majorities in the House and the Senate whereas this year, the distancing strategy between Republicans, and congressional races, and Donald Trump is much more about sort of politics and principal. Secondly, in 96, the house majority republicans were protecting was a lot smaller; it was 18 seats in the house versus the 30 in this year's race, and then lastly, the sort of blank check strategy in 96 didn’t really come to a head until just before the election.

A prominent ad by the national republican campaign committee, which is the party's Congressional Campaign Arm that actually uses the phrase blank check, didn't begin airing until the week before the election in 96. but here we've seen Ryan sort of open up some distance between congressional Republicans and Trump, where necessary, on substance basically a full month before the election and with a 30-seat majority that people expected to be quite safe though likely to sustain some losses to Democrats.

DEWS: Let's talk about congressional elections, specifically the House, as I said there's 435 seats up for election. first of all, how many of those, if any, are even competitive. we often see ninety-something percent of House members just get reelected every cycle.

REYNOLDS: Sure, so depending on who you ask, there's a sort of small cottage industry here in DC of people who forecast these things and depending on which forecasts you look at you look at, you'll get a number between about 35 and 55 seats in Congress that are at all in play. about a third of these seats are what we call open seats where the incumbent is not running for reelection either because they are retiring, because they've chosen to run for higher office, so on and so forth. So, you know, between 35 and 55 out of 435 isn't that many.

DEWS: It's about ten percent or so.

REYNOLDS: Yeah, exactly and overall about ninety percent of the house- of House members are running for reelection so sort of when we put that math together, the new Congress that returns in January will by and large look like the Congress, I think, that just went home this week.

DEWS: Now those elections are largely local Elections in your own district in the state you live in but some of them are called nationalize; what does nationalized mean and how do you know that an election is nationalized?

REYNOLDS: So when we talk about congressional elections being nationalized, we mean that election outcomes in congressional races are increasingly decided by national forces as opposed to local ones. we can measure this in a number of different ways; one of which is the tendency that we were just talking about voters to vote for presidential candidates and congressional candidates of the same party. An associated measure that comes out of that is the number of districts that choose a congressional candidate of one party. So send a Democrat to Congress but have a majority of their voters voting for the, say, Republican presidential candidate; we call these split districts. so again where our presidential candidate of one party gets the majority of the votes but the district elects a congressional candidate of the other party. This has also been on the decline. So in 2012, only 26 house districts were split this way; that's about six percent of the house.

Another way to measure this increasing nationalization of congressional races is to look at the association between voters' choices in their congressional races and presidential approval, particularly when a sitting president is running for reelection. so we'd say that someone's Congressional vote and presidential approval match if a voter who approves of the President's performance votes for a congressional incumbent of that party or the other way around; if a voter who doesn't like what the president's doing, votes for a congressional incumbent of the opposite party from the president. so according to a political scientist named Gary Jacobson, in the nineteen seventies, fewer

than two-thirds of house votes mashed in this way but by 2012 we were up to ninety-one percent of house votes matching. a third way that we can sort of think about this trend is to look at the degree to which the prospects of congressional candidates move together across districts nationwide.

So if we think that elections are nationalized, we'd expect to see the change in the share of the vote that one party gets to be similar across all districts and if races aren't nationalized, if they're more localized, we'd expect to see big variations in that vote share so we'd see some Democratic candidates doing just a little better, some doing worse, some doing a lot better, so on and so forth. And in 2014, again according to this work by Gary Jacobson, we saw the most uniform swing. so the change from 2012 to 2014 across congressional districts was the most similar in the entire period since world war two.

DEWS: time for a quick break here for John Hudak's take on the second presidential debate and where the race stands.

HUDAK: This week the presidential campaign trail offered a little bit of everything and most of the narrative and events were driven by the Trump campaign. Normally in a presidential election, the campaign that's able to dominate the conversation is the campaign that's winning; yet, like most of the 2016 campaign, conventional wisdom has to be tossed out the window. The campaign has been dominated by leaked tapes of Donald Trump having a lewd conversation with a television personality using offensive language about women and discussing acts of sexual assault. His campaign went on to offer a weak apology and march toward the second presidential debate. That debate, particularly the first 30 minutes of the debate, talked about sex, scandal, and other

topics focused entirely on the candidates personal issues rather than policy. As the debate transitioned to discussions of policy, Trump settled in.

However, despite calming down from his inflammatory opening few answers, his substantive answers once again showed a candidate with thin knowledge on policy. Clinton, like in the first debate, appeared poised and was unwilling to let Trump get under her skin even as he seated President Clinton's former mistresses in the audience of the hall. She looked and sounded knowledgeable and CNN’s scientific poll after the debate showed Americans believed she overwhelmingly won. in the wake of the leaked audio with Mr. Trump's offensive words and shaky debate performance once again, Republican leaders and some rank-and-file members of the party and congress and even governorships began to openly distance themselves from Trump. For many Republicans, Trump in his candidacy is seen as a contagion and they're trying to vaccinate themselves from his infecting down-ballot races. Such an effort may prove difficult, particularly for Republican elected officials who openly embraced and endorsed Trump previously. this situation creates two unique elements of the current political environment.

First, the Republican Party as an institution is temporarily falling apart as significant segments of the party will be openly running against the party's presidential nominee. As officials, leaders, donors, and even arms of the party itself begin to ignore the presidential race, instead focusing on down ticket races, the Republican Party is effectively conceding the White House to Democrat Hillary Clinton. Second, Clinton and the Democrats are putting in an odd position of having to do little to keep growing a lead. usually October is a hard-fought month in presidential politics with both party

nominees working hard to undercut what each other is doing. This October, Clinton is still campaigning but letting her opponent self-destruct. 2016 has in many ways been the most unprecedented presidential election in American history. The past week has, without a doubt, been the most surprising and shocking of the campaign thus far and there are still four weeks to go. I'm John Hudak and that's what's happening on the campaign trail.

DEWS: Thanks John. For more analysis from John, visit the FixGov blog on our website. and now about to the discussion with Molly Reynolds. Alright, let's look at the Senate now; there's thirty-four contests, as I mentioned at the beginning. can you walk through, especially in light of the recent revelations in current developments, what you see going on in the Senate races?

REYNOLDS: Sure. So, 34 races up and if we're going to talk about specific races, we can sort of divide them into a couple different groups. So there are three states that probably look most likely to flip from Republican to democratic control, right now those are Wisconsin, Illinois, and Indiana. Indiana is a place where Democrats managed to convince former senator Evan Bayh to come out of retirement to run again. That race is shaping up to be quite interesting, in part, because Todd Young who’s the Republican candidate is still sort of standing by Donald Trump. He's a republican senate candidate who hasn't tried to put the kind of distance between himself and Trump that we've seen some other congressional Republicans do in the recent past.

Beyond that we have Pennsylvania and New Hampshire which are two states where Hillary Clinton is out polling Donald Trump. They’re states where Barack Obama did well. They both have incumbent Republican senators, Pat Toomey in Pennsylvania

and Kelly Ayotte in New Hampshire who even before these recent revelations about Donald Trump, had taken a series of steps to put some distance between themselves and Trump. Kelly Ayotte, for example, has said more than once that she would stand up for the interests of New Hampshire voters no matter what party the president was. She was running some ads explicitly acknowledging this. Both have faced a lot of pressure to continue trying to distance themselves from Trump, and Ayotte has actually gone as far as to say that she won't vote for Trump and so these are two races that will be really interesting to watch.

In Nevada, we have a Senate race that features the only Senate seat currently held by a Democrat that folks think might flip to a Republican help seat. The Republican candidate Joe Heck is polling quite well in a state that Obama's won twice. the demographics in this race will be very interesting to watch to see sort of where turnout is. Can Democrats really build up turnout in parts of the state, largely in the south where they have some demographic advantages or will Jack heck be able to pick up that seat for republicans. And there are two more senate seats that folks are talking a lot about that are a little bit more of a stretch for Democrats but will still be interesting to watch.

So on is in North Carolina where incumbent Senator Richard Burr has thought to be- not be campaigning very aggressively. North Carolina is a state where the environment for Republicans is pretty bad this election cycle. It’s a state where the Republican Governor Pat McCrory is quite unpopular and so that's thought to be kind of poisoning the well a little bit for Republican candidates all across the ballot. And then the last race that I've been paying attention to because it's had some very interesting moments is in Missouri where Jason Kander is one of the Democrats strongest

candidate recruits this cycle. He's up against incumbent senator Roy Blunt. This race has featured a very well-known ad where Jason Kander assembles a rifle blindfolded. It’s sort of a little more of a stretch for Democrats but it will be another state that'll be interesting to watch that wasn't necessarily thought to be terribly close or competitive at the beginning of the cycle.

DEWS: Well the Senate math is fascinating but the other equation In Senate math is 60, right?

REYNOLDS: Yes.

DEWS: That’s the number of Senators it takes to stop a filibuster. Can you just quickly speak to that aspect of the math?

REYNOLDS: Sure. So to end debate in the Senate, requires sixty votes for a cloture motion. Neither party thinks that it's likely that they would come out of this fall's election with a 60-vote majority, I mean, if you think back over sort of recent Congresses, there was a period of time in 2009 and early 2010 when the Democrats did have 60 votes in the Senate, but that was sort of a fleeting moment for them so I think that sort of thinking ahead after the elections and into the new Congress next year, our expectations should be that we will have a closely divided Senate regardless of which party it is that does actually have the majority.

DEWS: Back on the house real quick; you said earlier that even before the revelations that we heard in the Access Hollywood tapes that maybe between 35 and 55 seats in the house were even going to be in play and a third of those are open seats anyway. So how do you see, especially after what we've learned over the last few days, how do you see the House shaping up? Reynolds; Sure. So, the math in the House is

really in favor of the Republicans and not in favor of the Democrats and that's more or less still true. Basically to have any shot at retaking the majority, house democrats would basically need to run the table in all of the races where they're even remotely competitive. people who track congressional races often think about the overall advantage on the so-called generic ballot; so, you know, do voters prefer Democrats in Congress or Republicans in Congress; what is the overall generic ballot advantage that Democrats would need to retake control of the house look like. I've seen estimates of how well Democrats would have to, do kind of across-the-board to retake the house, that between 10 percentage points and 13 percentage points. Right now the average that they're polling is about five percentage points. So, I think it's still quite likely that Republicans will hold their majority in the House but that we'll see some pickups by Democrats.

DEWS: So, people want to always think about what are the chances that this outcome will happen or that outcome will happen; how do you as a political scientist kind of approach the question: what is the chance that the Senate will flip to democratic control, what are the chances the house will flip to the Democratic side?

REYNOLDS: So, I think the thing that's important to remember is that I, like everyone else, place a fair amount of stock in the polls and some polls are better than others. One thing that's been a really, sort of, helpful development in the age of the Internet is the ability to aggregate lots of polls together so that we can look at sort of trends over time and have more information and not just sort of put all of our faith in the one latest new poll and so I think that that's helpful to me as a political scientist looking forward. Like I said, in terms of this particular election, I think the chances of the Senate

flipping control are still up in the air, I mean, I think it's a- it's a possibility but we've seen over the course of the year some seats where Democrats at one point thought they had a better chance slip away a little bit; you'll notice that when I was talking about races to watch, I did not mention the race in Ohio where Rob Portman has really run a very strong campaign against Ted Strickland and where I think the consensus is growing that Portman will hold onto his seat, which is not something that was a kind of a broadly held opinion early in the year. In terms of the house, in part because as we were talking about before, there just aren't that many competitive house races and if Democrats were to retake the house, they would need to pick up net 30 seats; to sort of put that in context, that's about the number of Republican held seats that are thought to be in play it all so sort of the math there's just not in Democrats favor.

DEWS: Since you mentioned polls, I want to call listeners' attention to a series of videos that are on our website called elections 101 video series. EJ Dionne did one about polls; you have done one about the topic we're talking about now.

REYNOLDS: I have. The one with EJ about polls is great; I recommend it to everyone.

DEWS: There's others on the ground game from, say, John Hudak and other Brookings experts on various aspects. Those are elections 101 videos are on our website. Alright so, we've talked about the House, we talked about the Senate, what about the governors races and maybe even the state legislative races. What kinds of things are you looking for in there as you mentioned North Carolina, for example.

REYNOLDS: Sure, so I'll start there. The North Carolina governor's race has been quite interesting. The incumbent Governor Pat McCrory is quite unpopular, in part,

though not exclusively, because of the recent controversial so-called bathroom bill that was passed in North Carolina. North Carolina has seen a lot of pushback from the business community for that choice. The NCAA, for example, announced that they were pulling a series of planned national collegiate sports championships out of the state, that sort of thing. And so McCrory is, like I said, in some danger in that race.

Roy Cooper is his Democratic challenger and one thing that's interesting about that race is that in North Carolina, that race is helping to set the tone in a state where, given the amount of attention it's getting in the presidential race, we might think that that would be what was kind of sucking up all the oxygen in the room but people are really paying attention to what's happening in that governor's race as well. Missouri, we talked about the Missouri Senate race before, there's also a governor's race in Missouri that's quite interesting. It is thought that if the Republican candidate wins in Missouri, it would be quite likely that Missouri would become a right-to-work state so there are a lot of union issues that are at stake in that election.

The Democratic candidate in that race used to be a Republican and has been endorsed by the NRA and so that's, again, sort of atypical in our era of very polarized parties and then there are series of governors races that are open seats. There's one in New Hampshire because Maggie Hassan, the current governor, is running for Senate. There's one in Indiana because current Indiana Governor Mike Pence is on the Republican Presidential ticket and then there's an open seat in West Virginia and an open seat in Vermont where there's been some interesting stories about the absence of Bernie Sanders from that campaign.

DEWS: So Molly, looking ahead to after election day, I mean no matter what happens in terms of governance, Congress is still in session.

REYNOLDS: Yes. DEWS: Definitely a lame duck session. Do you expect Congress to have anything on its agenda in the final months of Obama's presidency?

REYNOLDS: So there's at least one big thing that Congress will have on its agenda when it comes back for a lame duck session after the election and that is how to fund the government for the rest of the fiscal year. So before Congress went home for the elections this week, they passed a short-term spending bill that runs through December 9th and so in the lame duck session, they will need to address funding bills for most of discretionary federal programs for the rest of the fiscal year, which runs through next September.

There's some emerging debate on exactly how they'll do this. in the past several years, several times that they've confronted this kind of challenge, they have gone with what's called an omnibus spending bill, which is one big bill where they take everything, all the spending bills they haven't done, put them all together and just have one vote on everything. there's some pressure from some congressional Republicans to not take that approach because they feel like when Congress does that, they have to give away too much and so there's, sort of, an emerging possible alternative that both Speaker of the House Paul Ryan and Senate Majority Leader Mitch McConnell have talked about, which is a so-called minibus strategy to kind of push the transportation metaphor here where what they would do is instead of doing one big bill they'd do a series of bills and put, say, the transportation funding bill in with the energy funding bill and do that and then sort of do two other ones together, so on and so forth. so they'll need to do that in

the lame duck to avoid a partial government shutdown at some point in December. That's sort of the biggest thing and then there are some other things that they may or may not get to. Leaders in both houses have indicated an interest in working on a biomedical innovation bill called 21st century cures.

There's a water projects bill that is unfinished that will be interesting to watch because a big part of the deal that Congress worked out in order to get themselves out of town this week and back to their states and districts involved putting money in that water projects bill to address the water crisis in Flint Michigan involving lead and so we'll have to watch that water project's bill to see exactly how that- how that comes out. and then the last thing that I'll be watching to see is we've heard a number of conversations recently about whether Congress will revisit this bill on which they overrode President Obama's veto so a bill that would allow Americans to sue foreign governments, it has been mainly targeted around giving the families of September 11th victims the opportunity to sue Saudi Arabia for possible support of those attacks. Congress overrode President Obama's veto of that bill, which is a rare event.

DEWS: The first of Obama's presidency.

REYNOLDS: Exactly; it had not happened to Obama. The last time before now that we had seen a successful veto override in Congress was in 2008 so Congress did this and then the very next day started talking about how, oh wait, maybe we didn't want to do this; there are implications, foreign policy implications for having done this, maybe we should revisit it so that's another thing that I'll be sort of paying attention to a little bit in December to see if that's blown over at all or whether they do try to try to make a change to that.

DEWS: Molly, I want to thank you for lending your time and expertise to helping us understand elections below the presidential level and what's going on in Congress.

REYNOLDS: It's my pleasure; thanks for having me.

DEWS: Finally today, another piece from our elections 101 video series. Today, Bill Galston on how to increase voter participation and make voting easier.

GALSTON: Why don't we make voting easier? I think we should and there are a number of ways of doing that. you could have automatic voter registration, you could have same-day voter registration, you could have voting on the weekend, or you could declare Election Day a national holiday. So, there are a number of different devices that would reduce the barriers to voting and the costs of voting and I favor most of them. There are a lot of reasons why we don't make voting easier but we have to focus on the question of, who's the “we”. States differ widely and a lot of those differences reflect state and local politics. Some states are more comfortable with an enlarged pool of voters than others. Some political parties and sometimes a conspiracy between the two political parties will be more comfortable with a controlled pool of electorate- of voters made up of known quantities or familiar groups; a lot of lot of politicians are afraid of expanding the electorate because they don't know who will enter.

I'm actually in a small minority of political scientists who believe that we ought to make voting compulsory. I base my conclusion on the experience of Australia, which instituted compulsory voting almost century ago and raised voting participation in the space of a single election from fifty-nine percent to ninety-one percent; it's been above ninety percent ever since and the legislation is backed by a fine the equivalent then and now of a minor traffic ticket. I think elections where nearly everyone participates are

more fully representative and democratic. We should declare Election Day a national holiday. If people are afraid of the economic consequences of yet another day away from work, election day could be on a weekend. There's no compelling reason not to put it on a weekend. I suppose there's a handful of people who, for religious reasons, would object to either a Saturday or Sunday and special arrangements can be made to accommodate them but one way or another, an entire day should be set aside from work for elections.

There are a few scattered instances of voter fraud but the evidence that I've studied suggests that it is a very minor, almost trivial problem. It's not something we should be worried about and it's not something against which we should pass special laws, which have the effect of making voting more difficult, particularly for poor and elderly voters. I don't think it's worth it, I don't think there's any evidence to suggest that we should. I believe that both voter ID laws and the failure to set aside a full day away from work for national elections do tend to reduce voter participation for no good reason and for that reason I am opposed to voter ID laws and in favor of a National Election Day holiday.

DEWS: All of the elections 101 videos, which include topics like swing states, the ground game, and polling are on our website. Hey listeners, want to ask an expert a question? You can by sending an email to me at bcp@Brookings.edu. If you attach an audio file, I'll play it on the air. Then I'll not get an expert to answer and include it in an upcoming episode. And that does it for this edition of the Brookings Cafeteria brought to you by the Brookings Podcast Network. My thanks to audio engineer and producer Gaston Reboredo, with assistance from Mark Hoelscher, Vanessa Sauter is the

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