

## THE POLITICS OF CONGRESSIONAL ELECTIONS

### Class Notes

#### I. The Processes of Reapportionment and Redistricting

- A. Each state has two Senators; but since the House of Representatives is based on population, these processes only occur in the House
- B. *Reapportionment*
  - 1. The U.S. Constitution requires a national census be taken every year on the decade (last census was 2010)
  - 2. After national census (on the decade), *reapportionment* is the reassigning of number of House Seats for each state.
  - 3. Process of Reapportionment done by Congress
  - 4. States may gain, lose, or stay the same
    - 2010 US Population = 308,745,538
    - 10 States Loose Representatives: New York and Ohio loose 2; 8 including Pennsylvania, New Jersey, and Michigan lose 1
    - 8 States Gain Representatives: Texas (+4) and Florida (+2)
- C. *Redistricting*
  - 1. *Redistricting* – the redrawing of each state’s congressional district lines
  - 2. Congress gives state legislatures control over drawing their respective Congressional districts
  - 3. The majority party in control of the state legislature traditionally draws the lines to enhance its own political fortunes = *gerrymandering*
- D. *Reapportionment Act of 1929* - Set House membership at 435 representatives

#### II. The Trouble with Redistricting = Gerrymandering

- A. *Gerrymandering*
  - 1. The drawing of district lines to favor one party to ensure victory in congressional elections
  - 2. State Legislatures took advantage of their power to draw district lines
  - 3. Lines drawn to split vote of party or group and favor majority party in that State Legislature (“cracking”)
  - 4. *“In gerrymandered election districts, the voters don’t choose their politicians - the politicians choose their voters!”*
- B. *Malapportionment* or *Racial Gerrymandering* - deliberately creating disparity in number of people in each district. EX: Southern states drew congressional district lines to minimize/dilute the black vote
- C. *Majority-minority District* – congressional districts designed to make it easier for citizens of a racial or ethnic minority to elect representatives; remedy for past racial discrimination

#### III. Landmark Reapportionment-Redistricting U.S. Supreme Court Decisions

- A. *Baker v. Carr* (1962) - Chief Justice Earl Warren
  - 1. In this landmark case, the Supreme Court retreated from its “political question doctrine”
  - 2. Ruled for the first time that the court CAN intervene in reapportionment cases
  - 3. Beginning with *Baker*, the Supreme Court issued a series of rulings that required the adherence to the “one man, one vote” principle
- B. *Wesberry v. Sanders* (1964) – Chief Justice Earl Warren
  - 1. Established the principle of “one person, one vote” > each legislative district within a state had to have approximately the same number of people
  - 2. The Equal Protection Clause of the 14th Amendment applies to fair representation of congressional districts

C. *Shelby County v. Holder* (2013) – Chief Justice John Roberts

1. Supreme Court struck down key a part of the Voting Rights Act of 1965 which requires states like VA with a history of voting rights discrimination to get preclearance from the US DOJ before implementing changes in voting laws and practices
2. Court ruled preclearance by the Department of Justice no longer necessary
3. Consequence: Strict new voter ID laws go forward in the South to address “voter fraud,” but intended in part to suppress Hispanic and African-American voting

### III. The Incumbency Advantage in Congressional Elections

A. Membership in Congress is now a career: low turnover

1. **90%+ incumbents win reelection**
2. Marginal or competitive districts are decreasing, especially in the House >>> for 2014 midterm elections projected that **only 35 congressional districts are competitive out of 435**
3. Safe districts now the norm where often no one runs to challenge the incumbent

B. Reasons why incumbents win:

1. Easier to raise campaign money
2. District may be drawn in their party's favor
3. Name recognition
4. Emphasis on constituency services (a.k.a. Casework)
5. Take credit for federal programs allocated to their region
6. Franking privileges
7. Greater access to the media
8. Experienced campaigners

### IV. Who is in Congress?

A. Demographics of the Current Congress

1. House has become less male and less white,
2. Senate has been slower to change.
3. Though more women and other minorities serve in Congress today, the typical member of Congress is still a white male, middle aged, lawyer

B. IMPORTANT: see statistics in the “Demographic Profile of the 113<sup>th</sup> Congress” handout