Districting and Unified Government in the Nineteenth Century

Jack Edelson

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1. Thanks to Erik Engstrom for sharing data on presidential results in congressional districts, and to research assistants Guy Olson and Dakota Osborn for their efforts in extending this dataset.
Note to APW readers: This is very much a first cut at the data, based on as-yet incomplete data collection, and recently discovered errors in the data have forced me to limit the scope of this paper to three of the seven years I intend to include. Therefore, any findings are very preliminary, and I apologize for the brevity of the results section. I hope to have more results to present on Monday. As this is a very early stage of data analysis, suggestions of new paths to explore with the data would be particularly useful, though any comments or criticisms are welcome.

In 2012, Barack Obama won the presidential election with a solid, though not overwhelming, four percentage points over Mitt Romney. The electoral vote margin was more comfortable, with Obama taking 332 of 538 electoral votes (61.7%). While neither of these margins was extraordinarily large, twelve presidential elections have been closer in terms of popular vote.

Furthermore, voters’ congressional ballots tended to follow their choices for president. The ANES showed by far the lowest level of President-House ticket splitting since its inception, with ten percent of voters who supported major-party candidates in both races dividing their ballots (see figure 1). Only 27 districts did not give a plurality to the same party for both president and House.

With a clear victory in the presidential race and few split districts, one might expect that Obama would have easily carried the House with him. The literature on divided government is unanimous in arguing that ticket splitting is a necessary condition for such an institutional arrangement. According to Wattenberg (1991, 39), “Divided government would not be possible without a substantial degree of split-ticket voting.” Mulligan (2011, 506) explains the importance of the study of ticket splitting by noting, “The prevalence of divided government has made its primary cause, split-ticket voting, one of the most often analyzed topics in the study of American political behavior. Burden and Kimball (2002, 4-5) write that “divided voting is important because it leads to divided government . . . If every voter cast a straight
Figure 1: Estimated percent of voters who split their tickets, 1952-2012, based on ANES survey responses. Only those who voted for a major-party ticket in both races are included.

party ballot, never abstained from any contests, and regularly supported the same party, then divided government simply would not occur.”

Of course, 2012 did not lead to unified government. Indeed, the Republicans emerged with a healthy 234-201 majority in the House of Representatives. How could this have occurred in a year with few split districts? Simply, it was because Obama lost a majority of the nation’s congressional districts. If no voters had split their tickets, then, government would have been divided. Put another way, rather than promoting divided government, split tickets were a necessary condition for unified government, assuming voters’ presidential votes are held constant.

The inefficient concentration of Democratic voters in cities ([Chen and Rodden, 2013](#))
and Republican control over redistricting after 2010 created a situation in which divided government could easily occur without ticket splitting. This result suggests a reexamination of another era in American political history, the so-called “party period” from approximately 1838 to 1893 (McCormick, 1986; Silbey, 1991). This era featured high levels of partisan loyalties among the electorate which, along with party-printed ballots, led to extraordinarily high levels of straight-ticket voting. Another characteristic of this period was the rarity of divided government in presidential years: only 1848 and 1888 produced split control over the president and the House.

The rarity of divided government in the party period is rarely, if ever, treated as a puzzle, probably because split-ticket voting, nearly nonexistent in that era, is generally considered a necessary condition for divided government. Yet 2012 shows that, if significant electoral bias exists, i.e., if one party enjoys a more favorable distribution of votes across districts (whether due to gerrymandering or more “natural” factors such as spatial distribution), straight-ticket voting may well divided government. Given the opportunities for nineteenth-century legislatures to draw partisan electoral maps, one might well have expected such bias to be present. If such bias always favored the party that won the presidency, unified government would always be the result. However, there is little reason to expect that that should be the case, especially given the closeness of elections during this period.

In this study, I will examine the years with the closest presidential elections during the party period, namely, 1844, 1848, 1876, 1880, 1884, 1888, and 1892; this version of the paper only covers 1876, 1880, and 1884 due to data incompleteness. These three years provide a variety of outcomes in both the popular and electoral vote. The 1876 election saw a three-point popular majority for Democrat Samuel Tilden, but a disputed one-vote Republican Electoral College victory for Rutherford Hayes. In 1880, Republican James Garfield won the popular vote by less than one twentieth of one percent against Winfield Hancock, but enjoyed a more substantial 214-155 edge in the Electoral College. Finally, in 1884, the Democrats

1. While 1848 was not much closer than 1840, it was chosen because it was one of the two elections that produced divided control over the presidency and the House.
took the presidential election for the first time since 1856, with Grover Cleveland winning the popular vote, 48.9% to 48.3%, and winning 219 electoral votes to Republican James Blaine’s 182. In 1876, Democrats won the House, 157 to 136; Republicans won in 1880 with 151 seats to 131, and Democrats captured 183 seats in 1884 to the Republicans’ 141. Therefore, only 1876 produced divided control between the presidency and House; indeed, this was the only time this occurred in a presidential year between 1848 and 1956.

I find that, at least from 1876 to 1884, unified government was not merely the result of strong presidential coattails. Indeed, in 1880, Republicans won control over the presidency and House despite losing the majority of congressional districts, meaning that unified ballots would have produced divided government. Democrats appear to have enjoyed a small structural advantage through this period. I argue that we need to reexamine claims that strong party loyalties made the party period a time in which divided government was an aberration.

Redistricting and Divided Government in the Nineteenth Century

Despite frequent complaints that gerrymandering has made a mockery of the idea of fair partisan competition, most work has suggested that the effects of redistricting in the current era are limited. Both parties have control over the redistricting politics in some states, meaning that the efforts of each sides largely cancel each other out. Even within states, parties are hampered by rules requiring population equality, contiguity, and compactness. The goal of incumbency protection may also conflict with that of seat maximization. Partisan redistricting may not achieve its intended consequences: Efficient gerrymanders that are intended to ensure small pluralities in a large number of districts can backfire if the party’s vote share drops, as was the case for Democrats in the South in 1994. To the degree that Democrats are unable to achieve seat shares that match their vote shares, the extreme concentration of their partisans in urban areas, rather than partisan redistricting, may be
more to blame (Chen and Rodden, 2013).

Nineteenth century political mapmakers had a much freer hand to draw districts as they wished, and they took full advantage. The guideline of population equality was often flouted, with some districts several times the size of others. Mid-decade redistrictings were the rule, not the exception, when partisan control changed; the most extreme example was Ohio, which redistricted before seven out of eight congressional elections from 1878 to 1892. On the other end of the spectrum, states would often decline to redraw their districts after the Census if the current district suited the party in power; Connecticut redistricted for the 1842 elections, next did so for the 1912 elections, then waited until the 1964 elections to redraw district boundaries again (Martis, 1982, 8-9). States that gained additional representation (as Connecticut did during this period) would often leave their districts intact and elect the new representative(s) at large, which favored the majority party in the state; states that lost districts and failed to draw new ones in time sometimes elected their entire congressional delegation on a general ticket. Courts were reluctant to intrude on redistricting, which was considered a political question; when they did overturn a districting plan, the replacements were often just as blatantly partisan, and the courts soon gave up on trying to rein in the practice of gerrymandering (Argersinger, 2012).

It is no surprise, then, that the politics of redistricting were very contentious; Argersinger (2012) argues that this was the central political issue in the Midwest in the late nineteenth century. Interest in district boundaries went well beyond the legislature, with partisan newspapers publishing statistical analyses of redistricting plans. Parties made much of the redistricting issues in campaigns, suggesting that the general public was receptive to such appeals. Passions ran high: In Indiana, partisan fighting over redistricting helped create a political climate in which the governor’s secretary was badly beaten by legislators as he attempted to deliver veto messages on other matters, with the legislature erupting into a general riot (Argersinger, 2012).

In recent years, several political scientists have examined the effects of nineteenth-century
redistricting politics on political outcomes. Engstrom and Kernell (2005), for example, do not resort to explaining unified results during this period as being simply due to a lack of ticket splitting. They suggest that the lack of divided outcomes between the presidency and House resulted from high responsiveness. Legislatures crafted highly efficient gerrymanders, meaning that marginal changes in vote shares would lead to large seat changes. Thus, if parties won the presidency even by a small margin, highly responsive House elections should go to the same party. However, while Engstrom and Kernell (2005) frame their article as explaining unified government in the period they study, and they show that elections in the late nineteenth century were unusually responsive, the connection between responsiveness and unified government is assumed, not demonstrated. But there is little reason to think that responsiveness will necessarily generate unified results when the presidential election is marginal. Firstly, it is not clear whether responsiveness should produce unified or divided government when a presidential candidate wins the popular vote but not the electoral vote, as occurred in 1876 and 1888. More importantly for our purposes, responsiveness is only one of the two variables that affect the translation of votes into seats; the other is bias. In an unbiased and highly responsive system, one might expect small presidential popular vote victories and a lack of ticket splitting. For responsiveness to be a convincing explanation of unified results, then, aggregate bias must be small. Another possibility is that the bias itself was the reason for parallel presidential and congressional results: the aggregate bias in congressional elections just happened to favor the Republicans in 1880 and 1888 and Democrats in 1884 and 1892.

A low level of aggregate bias in congressional elections could come about in two ways. One is that there was little electoral bias in most states. This possibility can be easily dismissed. Redistricting during this period was frequent and partisan, and often made little pretense of following laws regulating the practice. Redistricting issues, especially for state legislatures, sometimes occupied the vast majority of the time legislatures met and were the main issue discussed by the press during contentious battles. Districting battles were
fought in legislatures, news papers, and courts, with the latter involving themselves in areas previously considered to be nonjusticiable political questions. Resorting to parliamentary abuses, such as failing to recognize opposition members, declaring a quorum when none was present, or ruling that a bill passed by voice vote even when it plainly did not, were common. One would not expect parties to engage in such tactics if they did not bring results, and indeed gerrymanders were often spectacularly successful, with bare pluralities in vote shares bringing about dominance, or even complete control, of a states congressional delegation (Engstrom and Kernell 2005; Engstrom, 2006; Argersinger, 2012).

Another possibility is that bias was substantial, but party advantages canceled each other out. This, too, seems unlikely. One would suspect that the parties were not equally good at arranging electoral results in their favor. While parties devoted immense resources to redistricting, the assumption that they were perfectly rational actors who always achieved ideal partisan gerrymanders is a serious oversimplification. Local and factional disputes, as well as third parties, sometimes intruded on the process, and such pressures may not have been equally distributed across parties. Even if parties were equal in execution, they may not have been equal in opportunity. There was some heterogeneity across states in the permissiveness of redistricting laws and policies, and even as legislators ignored population equality and other guidelines for redistricting laid out in state laws and constitutions, they nonetheless faced some constraints (Argersinger, 2012). As parties were not evenly distributed across states, regions, or urbanity, it seems unlikely that each party was able to extract the same amount of benefit from redistricting.

Engstrom (2006) claims that gerrymandering helped create the Republican majority – and thus unified control over the presidency and House – in 1888. While this article provides one of the strongest claims as to the impact of nineteenth-century redistricting, it also implies that the small aggregate bias hypothesis may have some support. A figure plotting the actual results against a hypothetical scenario with no gerrymandering shows few switches in House control and small seat changes in presidential years (Engstrom, 2006 425). The figure was
calculated by subtracting the intended gains from gerrymandering (i.e., what the party would have achieved under the new district lines had they been in place during the previous election) from the number actually won by the party. I argue that one cannot simply use these results to claim that bias is small. There is much more to bias than gerrymandering; even a perfectly fair districting system may produce bias (Chen and Rodden, 2013). Furthermore, the analysis of the effects of gerrymandering is problematic for a number of reasons. Firstly, it assumes that the intended seat gains from gerrymandering were precisely equal to the actual seat gains. According to Engstrom (2006), the intended and actual seat gains were highly related between 1870 and 1900, obviating the need to look at actual changes, but a close relationship does not imply equivalence, especially when seat gains were highly sensitive to variations in the vote (Engstrom and Kernell, 2005). Also, that a strong relationship found over the period does not mean that it was equally strong in every year. Finally, the intended effects of gerrymandering are measured based on their expected gain relative to the status quo point. Yet this does not appear appropriate. For one thing, replacing one gerrymander with another equally effective gerrymander would lead to an expected seat gain of zero under this measure. Therefore, the claim that in 1888, and 1888 only, gerrymandering brought about a unified president-House result must be taken with caution.

Yet if it seems unlikely for electoral bias to have been consistently small, it would be equally surprising for bias in House elections to have always favored parties in years that they won the presidency. For this to have happened, the out-party would have had to have taken over many states in midterms and then redistricted in time for the next presidential election, with the process repeating every cycle. But while this could sometimes be the case for legislative redistricting, congressional redistricting was somewhat less frequent (Argersinger, 2012). Still, given that mid-decade redistricting did occur, and midterm gains by out-parties are common, this is plausible. In this case, Engstrom and Kernell (2005) would have been right that redistricting promoted unified outcomes in the late nineteenth century; the cause

2. It should be noted that Engstrom (2006) does not do so; the article is not intended as a formal test of electoral bias in the nineteenth century.
would have been not responsiveness, but bias. With split tickets being rare, it would have been nearly impossible to win the House without electoral bias being favorable or small.

Data

This study is based largely on presidential and congressional vote totals in congressional districts. Unfortunately, presidential results are not generally available at the district level in the nineteenth century. However, county-level results do exist and counties were rarely divided across districts. For districts that are composed of entire counties, one can obtain the presidential vote totals simply by adding the votes of the various counties. When a district contains only part of a county, one must determine the vote totals in the part of the county included in that district. Fortunately, counties were generally split across districts by ward (in urban districts) or town, and local newspapers frequently published results in these units. One can then assign the votes from these units to their respective districts. Data from several state-years comes from Erik Engstrom; the author and two research assistants compiled the rest. This effort is not yet complete; for split counties for which no sub-county election data has been collected, I have divided the county’s votes evenly among the districts of which it is a part.

During this period, only one state elected a representative at large in addition to their district-based representatives; this was Pennsylvania in 1884. The statewide vote is used in this case. 293 representatives were elected in 1876 and 1880; 325 were elected in 1884. The data used in this paper contain 291 cases in the first two elections and 322 in the third. I am not sure what the missing districts are.

State and national vote totals, used for swing calculations, are taken from Leip’s Election Atlas. In all cases, I use the two-party vote share, as the question of which major party was

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3. These are available in ICPSR file 8611. Unfortunately, this file only gives vote percentages to one decimal places, along with the total number of votes cast. I estimated vote totals by multiplying the vote shares by the total votes, and rounding the result. The results may thus be very slightly inaccurate; it is extremely unlikely that this affects any conclusions drawn in this paper.

4. A list of sources is available on request.
advantaged by redistricting is unaffected by the performance of minor parties, except in the rare cases in which one performed strongly enough to have a chance at winning.

**Results**

I first examine whether divided control over the presidency and House would have occurred if all voters cast ballots for the congressional candidate of the same party as the president. This is equivalent to asking if the winning presidential candidate won the majority of congressional districts. In 1876, Tilden won 148 of the districts in the data to Hayes’s 143 (recall that two districts are missing). In 1880, Hancock carried 149 districts to Garfield’s 142. And in 1884, Cleveland carried the majority of congressional districts in his victory, 168 to 154.

The frequent argument that unified government was the natural state of affairs in the party period is difficult to accept when every presidential election from 1876 to 1892 was closely contested and could easily have changed with only a few more votes in one state. The claim that straight-ticket voting was responsible for unified government does not hold up much better. The unified result 1880 was not the result of strong presidential coattails; if all districts had followed the presidential election, divided government would have resulted. As in 2012, same-party control over the Senate and the House could not have occurred if all voters chose the same party’s candidates in both presidential and House races. The same was the case in 1876, though it must be admitted that had the Electoral Commission had a Democratic majority rather than a Republican one, control over the House and presidency would have been unified. Such knife-edge results, quite typical of this period, do not lend themselves well to broad pronouncements about the characters of political eras, yet these claims are often made.

That Democrats won the majority of districts in all three elections, despite winning the presidency in only two of them and a popular majority in only one, implies that the Democrats had a small structural advantage in congressional elections during the period.
However, more precise tests are possible. One common method for assessing bias in legislative elections is to examine how well each party would do given a particular share of the vote, assuming uniform swing (that if a party’s vote share increases by 1%, this increase is uniformly distributed across all districts). The most commonly used benchmark is that of equal vote shares, which allows one to assess which party would have an advantage if they were of equal strength. Had both parties achieved equal shares of the presidential vote in 1876, Hayes would have won 155 districts to Tilden’s 136. This Republican advantage would have been reversed in 1880, with Hancock winning 150 districts to Garfield’s 141. 1884 would have seen a continuation of the previous pattern, with Cleveland winning 167 districts to Blaine’s 155.

Therefore, it seems that the great freedom that legislatures had to draw partisan maps in the nineteenth century did not produce substantial bias, nor was one party more consistently favored than the other. This is consistent with Engstrom’s evidence that redistricting rarely changed control over Congress. In the future, I will examine why this was the case.

Next Steps

The results presented above represent only the first cut at the data. Beyond adding more years, I plan several more analyses. I list several of them below.

Firstly, I will perform analyses on the state level to examine why there was so little bias in congressional elections. That little bias existed in the aggregate does not mean that parties never enjoyed substantial structural advantages in individual states.

Secondly, I will examine the effects of party control of districting in the nineteenth century. While some previous work has done so (e.g., Engstrom 2006), the use of comparisons to the previous plan makes this approach insufficient as a test of electoral bias. By using presidential results and standard measures of electoral bias, rather than simply comparing to the results

5. Though I have not performed calculations, it appears that all three elections showed lower levels of electoral bias than did 2012.
under the previous redistricting plan, I can more accurately assess the degree to which parties were advantaged in states in which they controlled the redistricting process.

Thirdly, I will expand the analysis of electoral bias. Brookes (1959) presented a method to decompose bias into its component sources: distribution (votes wasted on candidates who did not win, or votes beyond what was necessary for victory) and size (malapportionment, turnout, votes cast for minor parties). Such analyses have not, to my knowledge, been performed on nineteenth-century congressional elections.

Finally, the variation in election dates may have also shaped election outcomes. Before 1848, popular balloting for president was not on the same date in every state, though they rarely varied by more than a few days. Congressional election dates showed far more variation, occurring several months before and after the presidential election, and this persisted throughout the period examined here. There is strong evidence that staggered election dates changed the results of at least one midterm election: Carson et al. (2001) find that Republicans struggled in elections held earlier in the 1862-3 election season, when the Civil War was going poorly, but did better after Union victories. Even if no events take place that affect the course of the elections, separate election dates mean different electorates, a factor capable of affecting outcomes of close elections.
References


