The Partisan Impact of Congressional Redistricting: The Case of Texas, 2001–2003*

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Objective. In this article we assess the partisan effects of five plans proposed by Republican state legislators during Texas' 2003 congressional redistricting. *Methods.* Using the JudgeIt statistical program developed by Gelman and King (2001), and data provided by the Texas Legislative Council, we assess the bias, responsiveness, and the probability that the Democratic Party wins each district for each plan. *Results.* All five Republican plans, including the one enacted, are strongly biased in favor of the Republican Party. *Conclusions.* Texas' Democratic legislators were wise to use every parliamentary maneuver available to block the enactment of a new congressional map. Beyond affecting the partisan makeup of the Texas delegation, Texas' redistricting has national implications because it adds to the GOP's narrow majority in the U.S. House of Representatives.

The national spotlight and, indeed, at times the international spotlight, shone brightly on Texas in 2003 as Democrats and Republicans squared off in a battle over congressional redistricting. What made the Texas case so newsworthy was the brashness exhibited by the Texas GOP, and U.S. House majority leader Tom DeLay in particular, who demanded a new congressional map to elect more Republicans. Yet beyond being a notable story of partisan feuding, the Texas case is naturally intriguing to scholars of redistricting since the evidence that partisan gerrymanders actually have their intended effect is mixed (Butler and Cain, 1992; Cox and Katz, 2002; Niemi and Abramowitz, 1994; Rush, 1993). In this regard, the Texas episode provides an ideal opportunity to assess the partisan impact of redistricting because Republican lawmakers were able to revisit redistricting with the intention of designing a map that would give their party an electoral advantage.

Using a methodology developed by Gelman and King (1994, 2001), and data provided by the Texas Legislative Council, we present evidence that Texas' 2003 congressional redistricting is an important manifestation of partisan gerrymandering. We show that Republican legislators were highly effective in their efforts to reconfigure congressional boundaries to benefit Republican candidates. Looking at five proposed Republican plans, we find that all are significantly biased in favor of the Republican Party, with the plan enacted for the 2004 elections (Plan 1374C) being the most partisan. This leads us to conclude that Texas' Democratic legislators were wise to use every parliamentary maneuver available to block the enactment of a new congressional map. Given the current Republican trend and the passage of a Republican gerrymander, we expect the GOP to constitute a majority of Texas' congressional delegation for the foreseeable future. Texas' redistricting has national significance because it increased the GOP's U.S. House majority and it exemplifies the "politics by other means" (see Ginsberg and Shefter, 2003) to which both parties increasingly resort in their attempts to gain political advantage.

From Civility to Civil War: 2001–2003 Redistricting

Before the 2002 elections, Republicans held a bare majority in the Texas Senate (16 of 31 seats), while Democrats controlled the Texas House (78 of 150 seats). With the legislature split between the parties, no redistricting plan was passed in 2001, and ultimately the U.S. District Court for the Eastern District of Texas in *Balderas v. Texas* (2001) imposed the final map (Plan 1151C) for the 2002 elections. The plan essentially maintained the electoral status quo by protecting both parties' incumbents. The two new seats (Districts 31 and 32) added through reapportionment were drawn to favor the GOP.[1] The minimal changes to the congressional map resulted in a delegation of 17 Democrats and 15 Republicans after the 2002 elections.

Despite picking up two seats in the 2002 elections, Texas Republican leaders, and U.S. House majority leader Tom DeLay (TX-22) in particular, were not satisfied. Looking beyond Texas, DeLay pushed for another redistricting as a means to protect the GOP's national U.S. House majority. DeLay said frankly, "I'm the majority leader, and we want more seats" (Halbfinger, 2003:1). It appeared that DeLay would get his chance to pass a new map after the 2002 elections because Republicans won majorities in both chambers of the Texas Legislature and retained the governorship.

In the spring of 2003, Republican lawmakers in both chambers attempted to pass a new congressional map during the 78th regular session of the Texas Legislature. On May 6, the House Committee on Redistricting passed Plan

[1]For example, under Plan 1151C, Dole would have received 62.1 percent of the 1996 presidential vote in both the 31st and 32nd Districts.

1180C. The pro-Republican plan set off a firestorm of protest among Democrats. The plan was scheduled for a vote on Monday, May 12, but more than 50 House Democrats absconded to Ardmore, Oklahoma the night before. By denying a quorum, the absence of the so-called Killer Ds had the effect of ending the redistricting debate for the remainder of the regular legislative session.

Using his constitutional power, Governor Rick Perry eventually called three 30-day special legislative sessions to pass a new map. Before the second special session began, 11 Democratic senators left for New Mexico to prevent a quorum. State Senator John Whitmire's return to his Houston district over the Labor Day weekend ended the stalemate. Still, internal disputes among Texas Republicans during the third special session delayed passage of a final plan. On October 12, 2003, the Texas Legislature enacted Plan 1374C.

Opponents filed numerous lawsuits to overturn the new plan. The GOP map cleared a major hurdle on December 19, 2003 when the Department of Justice precleared the plan. The final obstacle in the path of Plan 1374C was the court case *Session v. Perry* (2004). The lawsuit consolidated several of the leading groups opposed to Plan 1374C. Four claims were put forth as reasons to invalidate the plan.

> (1) Texas may not redistrict mid-decade; (2) the Plan unconstitutionally discriminates on the basis of race; (3) the Plan is an unconstitutional partisan gerrymander; and (4) various districts in Plan 1374C dilute the voting strength of minorities in violation of Section 2 of the Voting Rights Act. (*Session v. Perry*, 2004:1)

On January 6, 2004, the U.S. District Court for the Eastern District of Texas ruled against all four objections brought by the plaintiffs in *Session v. Perry* (2004), upholding Plan 1374C for the 2004 elections.

Data and Methods

Our study of Texas redistricting relies on data made available by the Texas Legislative Council (TLC). The TLC functions as a research arm for the Texas Legislature and one of its tasks is to provide technical assistance to legislators and interested citizens who draft districting plans.

From the beginning of the reapportionment schedule in 2001, there have been scores of maps proposed from many sources both within governmental elite circles and from citizens. However, because Democrats were never in a position to play the role of mapmaker in 2003, our analyses are confined to the five most important and viable plans submitted by Republicans in both chambers of the Texas Legislature.

Table 1 lists the five Republican plans chosen for analysis. As mentioned previously, Plan 1180C, which passed the House Committee on Redistricting

TABLE 1

Five Republican Plans Submitted for the 2004 U.S. House Elections

Plan	Last Stage of Passage	Date
1180C	House Committee on Redistricting	May 6, 2003
1268C*	Texas House of Representatives	July 8, 2003
1327C	Senate Jurisprudence Committee	July 23, 2003
1362C	Texas Senate	September 24, 2003
1374C	Texas Legislature (House and Senate)	October 12, 2003

*The date shown in the table indicates the first time the Texas House passed Plan 1268C during the first special session. Plan 1268C was also passed by the Texas House on July 29, 2003 during the second special session and on September 17, 2003 during the third special session. The Texas House passed Plan 1374C on October 10, 2003 and the Senate followed suit on October 12, 2003. Governor Perry signed the plan into law on October 13, 2003.

during the regular legislative session, triggered the exodus of House Democrats to Oklahoma. Plan 1268C was actually passed by the Texas House on three different occasions, once during each of the three special sessions. During the first special session, on a party-line vote (four Republicans in favor and three Democrats opposed), the Senate Jurisprudence Committee passed Plan 1327C. Plan 1362C was passed by the Texas Senate during the third special session. This plan led to an intra-party dispute over west Texas because it did not provide for separate congressional districts for the cities of Lubbock and Midland. Plan 1374C is the plan effective for the 2004 elections.

We use JudgeIt, a statistical program designed for the purpose of assessing the effects of redistricting (Gelman and King, 1994, 2001), to evaluate the partisan impact of the five plans.[2] The JudgeIt program has been applied in both scholarly analyses (e.g., Gronke and Wilson, 1999; Hill, 1995) and redistricting litigation (e.g., *Voinovich v. Quilter*, 1993).

Our baseline model regresses the 2002 Democratic share of the two-party congressional vote on the following vote determinants: (1) percentage African-American voting-age population, (2) percentage Hispanic voting-age population, (3) a measure of incumbency,[3] and (4) an index of the Democratic two-party vote share for various prior statewide races.[4] Note that these variables are all measured at the district level and parameter estimates

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[2]For technical explanations of the statistical properties of JudgeIt, see Gelman and King (1994, 2001).

[3]The incumbency variable is coded 1 for Democrat, 0 for open seat, and −1 for Republican.

[4]To ameliorate any biases from particular statewide races, such as a Texas governor running for president, we compiled an average of the Democratic share of statewide returns for the following nine elections: 1996 and 2000 president, 1996 and 2002 U.S. Senate, 1998 and 2002 lieutenant governor, 1998 comptroller, 2000 court of criminal appeals, and 2002 governor.

are generated from the plan that was in place during the 2002 congressional elections (Plan 1151C).

When studying hypothetical redistricting plans, two important methodological problems need to be taken into account. First, uncontested races belie incumbents' true electoral strength. Since the presence of an alternative on the ballot takes votes from even the most entrenched incumbent, it is not appropriate to assign 100 percent of the vote to an unopposed officeholder. Hence, for unopposed races we chose a 75 percent ceiling on two-party vote share to conform our data to the fact that uncontested incumbents would receive less than 100 percent if there were an alternative offered to voters (see Gelman and King, 1994).

Second, we must account for incumbency. The nature of studying hypothetical maps presents difficulties in determining where some incumbents would run for reelection. At minimum, candidates' residency could be employed to hazard guesses about where a candidate would run under a given map. However, since residency is not a requirement in Texas' U.S. House elections, we examined each district in each plan and ensured that incumbents would run in districts that were the most logical choice based on the percentage of their old constituency that remained in the new plan, the district's racial and ethnic composition, and its historical voting patterns.[5]

JudgeIt provides various estimates regarding the impact of redistricting plans, such as their degree of *bias* and *responsiveness*. *Bias* refers to a party's seat yield beyond what its aggregate vote share would dictate if there were partisan symmetry. In other words, if the GOP receives 55 percent of the vote and 80 percent of the seats under partisan symmetry, then Democrats would also receive 80 percent of the seats if their party wins 55 percent of the vote. Assuming a Republican bias of 0.05 would mean that if the Democrats win 55 percent of the vote then their party would only receive 75 percent of the seats. *Responsiveness*, for its part, provides an estimate of the percentage change in a party's share of seats given a 1 percent increase in their average district vote across Texas' 32 districts. Finally, JudgeIt produces estimates for the probability that a party wins each district.

Results

Table 2 displays the *bias* and *responsiveness* for each of the five plans under two different scenarios. The first two columns present *bias* and *responsiveness*

[5]We coded Ralph Hall as a Republican incumbent since he switched parties in early January 2004. In all the plans (except for the enacted plan (1374C), in which we coded according to where the candidates actually ran) we assumed no retirements and coded as incumbents all those representatives who were currently serving in the Congress before the 2004 primaries. Democratic Representative Jim Turner did not seek reelection and Democratic Representative Chris Bell was defeated in the Democratic primary for District 9. The coding of incumbents under each plan is available on request.

TABLE 2

Comparing the *Bias* and *Responsiveness* of Texas Redistricting Plans

Plan	Last Stage of Passage	With Incumbency (Short-Term Effect)		Without Incumbency (Long-Term Effect)	
		Bias	Responsiveness	Bias	Responsiveness
1151C	2002 Election	0.002 (0.013)	0.976 (0.210)*	− 0.015 (0.018)	2.598 (0.409)*
1180C	House Committee on Redistricting	− 0.058 (0.019)*	0.911 (0.230)*	− 0.100 (0.019)*	2.071 (0.386)*
1268C	Texas House of Representatives	− 0.061 (0.019)*	0.973 (0.204)*	− 0.076 (0.016)*	1.813 (0.441)*
1327C	Senate Jurisprudence Committee	− 0.061 (0.022)*	1.048 (0.279)*	− 0.088 (0.018)*	2.288 (0.376)*
1362C	Texas Senate	− 0.053 (0.017)*	0.960 (0.231)*	− 0.074 (0.015)*	2.008 (0.417)*
1374C	Texas Legislature (House and Senate)	− 0.098 (0.015)*	0.807 (0.200)*	− 0.093 (0.020)*	2.273 (0.416)*

*$p < 0.01$.

NOTE: Negative biases denote bias toward Republican outcomes. Standard errors are in parentheses. In counterfactual analyses (i.e., without incumbency) all seats are open.

estimates when accounting for incumbency. The second two columns present the same two estimates, but with the counterfactual condition of all open-seat contests. Considering incumbency gives an assessment of redistricting's short-term impact—the next election. The open-seat scenario, however, provides a long-term look at the electoral prospects for both parties.

All five plans show a Republican bias for both the short- and long-term scenarios, that is, *with* and *without* the incumbency effect, respectively. In the short term, the enacted plan (1374C) is the most favorable to the Republicans, delivering to the GOP nearly 10 percent more seats. In the long term, the enacted plan, along with Plan 1180C, are the two most biased, with the potential to deliver 9 to 10 percent more Republican seats.

With incumbency accounted for, there is little variation in responsiveness across the five plans. Except for Plan 1374C, a 1 percent increase in average vote share translates into about a 1 percent increase in the number of seats won. However, responsiveness should increase when the effect of incumbency is lifted, a result we observe in the last column of Table 2 where a 1 percent increase in average vote share translates into about a 2 percent increase in the number of seats won.

TABLE 3

Predicted Electoral Outcomes by District for Texas' 2004 Congressional Elections
(*With* and *Without* Incumbency)

District	1151C (2002)	1180C	1268C	1327C	1362C	1374C
With Incumbency						
# Democrat wins	17	13	13	14	14	13
# Republican wins	15	19	19	18	18	19
# Safe Dem (>0.6)	16	13	11	13	12	12
# Competitive (0.4 ∼ 0.6)	1	2	4	2	3	1
# Safe GOP (<0.4)	15	17	17	17	17	19
Without Incumbency						
# Democrat wins	15	10	12	10	12	10
# Republican wins	17	22	20	22	20	22
# Safe Dem (>0.6)	13	10	12	10	12	10
# Competitive (0.4 ∼ 0.6)	3	0	0	0	0	0
# Safe GOP (<0.4)	16	22	20	22	20	22

NOTE: Probabilities are in parentheses. The 2003 plans use the 2002 election results from the 2002 plan (1151C) as an estimation baseline. Plan 1151C uses the 2000 election results from the 2000 plan (1000C) as an estimation baseline. Texas has 32 congressional districts.

Table 3 presents the electoral outcomes at the district level for the re-districting plans *with* and *without* incumbency, respectively.[6] Although Democrats enjoyed a majority after the 2002 elections, none of the Republican plans in Table 3 award Democrats more than 14 of the 32 seats. Table 3 makes it evident that incumbency benefits Democrats by about three to four seats. The number of competitive districts also drops to zero without incumbents, giving those otherwise close races largely to Republicans.

Table 4 provides the predicted Democratic probability of winning in each district accounting for incumbency under the enacted plan (1374C). With incumbency, the prevailing plan predicts 19 Republican and 13 Democratic seats for the 2004 elections. Note, however, that under the open-seat counterfactual, Districts 1, 2, and 17 are predicted Republican. If these districts were open-seat races, the Democratic probabilities are 0.036, 0.058, and 0.098, respectively.

In hindsight, our model failed to predict the outcome in two contests: District 1 and District 2, where both Democratic incumbents lost. The JudgeIt program is not designed to account for the change in the percentage of a constituency retained by incumbents after a redistricting occurs. This is an important shortcoming of our model because it is evident that these incumbents lost a much greater share of the two-party vote among new voters—voters who were in different districts before the 2003 redistricting.

[6]We should note (as shown in the section with incumbency in Table 3) that the model estimated for the 2002 plan (1151C) correctly predicted the partisan outcome of all 32 Texas U.S. House districts in the 2002 elections.

TABLE 4

Predicted Outcomes for Texas' 2004 U.S. House Elections Under the Enacted Plan (1374C) with Incumbency

District	Probability of Democratic Win	Winning Party	Winning Candidate
1	**0.562**	**D**	**Sandlin (I)***
2	**0.646**	**D**	**Lampson (I)**
3	0.000	R	Johnson, S. (I)
4	0.002	R	Hall (I)
5	0.000	R	Hensarling (I)
6	0.000	R	Barton (I)
7	0.000	R	Culberson (I)
8	0.000	R	Brady (I)
9	1.000	D	Green, A.
10	0.074	R	McCaul
11	0.015	R	Conaway
12	0.003	R	Granger (I)
13	0.000	R	Thornberry (I)
14	0.002	R	Paul (I)
15	1.000	D	Hinojosa (I)
16	1.000	D	Reyes (I)
17	**0.743**	**D**	**Edwards (I)**
18	1.000	D	Jackson-Lee (I)
19	0.000	R	Neugebauer (I)
20	1.000	D	Gonzalez (I)
21	0.001	R	Smith (I)
22	0.000	R	DeLay (I)
23	0.008	R	Bonilla (I)
24	0.010	R	Marchant
25	1.000	D	Doggett (I)
26	0.001	R	Burgess (I)
27	1.000	D	Ortiz (I)
28	1.000	D	Cuellar
29	1.000	D	Green, G. (I)
30	1.000	D	Johnson, E. B. (I)
31	0.000	R	Carter (I)
32	0.000	R	Sessions (I)

NOTE: Districts in bold are projected to go Republican under the open-seat counterfactual. (I) = Incumbent.

The advantage of incumbency for garnering votes does not materialize among new voters because these voters are not familiar with their new incumbent (see Desposato and Petrocik, 2003; Petrocik and Desposato, 1998). In District 1, Democrat Max Sandlin lost the two-party vote among both his old (43 percent) and new voters (35 percent). In District 2, Democrat Nick Lampson won 61 percent of the two-party vote among his old voters, but he was doomed by the mere 29 percent of the vote he won among new voters, who accounted for 52 percent of the district population.

The Republican strategy under Plan 1374C was to fragment districts represented by Anglo Democrats (McKee and Shaw, 2005). Republicans expected new voters to disproportionately depress the vote shares of these Democratic incumbents. Based on the 2004 election results, the Republican strategy was generally a success, with Democrat Chet Edwards constituting the lone survivor among the five Anglo Democrats targeted for defeat.[7]

Conclusion

Redistricting has played a vital role in contemporary Texas politics. After the 1990 Census, Texas Democrats were in charge of congressional redistricting and they implemented a well-known and highly effective gerrymander (Barone and Ujifusa, 1993). After the 2002 elections, Texas Republicans took control of the Texas House for the first time since Reconstruction. Along with a majority in the Texas Senate and control of the governorship, the Texas GOP was finally in a position to pursue another congressional redistricting.

As shown in this article, the map Texas Republicans passed for the 2004 U.S. House elections, and four other plans introduced by them in 2003, were highly effective partisan gerrymanders. By revisiting redistricting at mid-decade, Republican legislators sought partisan advantage and political retribution in Plan 1374C. Democrats were prudent to opt for drastic measures, such as leaving the state on two separate occasions in order to deny a quorum, and thus block the passage of a new map. Nonetheless, due to the Republicans' majority status in the Texas Legislature and their refusal to relent, a new map was eventually passed. Republicans should comprise a majority of the Texas U.S. House delegation through at least the next decennial census.

Beyond the confines of the Lone Star State, the consequences of Texas' redistricting are far-reaching. After the 2002 elections there were 229 Republicans, 205 Democrats, and one independent in the U.S. House. Republicans increased their share of seats to 232 after the 2004 elections and thus the Texas map led to a net gain in the number of Republicans in the U.S. House. Faced with the presence of a divided nation whose elected officials and voting public are becoming more polarized along partisan lines (Jacobson, 2003; Stonecash, Brewer, and Mariani, 2003), "politics by other

[7]Old voters returned Edwards to office. Edwards won reelection with 52 percent of the two-party vote. He won 63 percent of the two-party vote among old voters (35 percent of the district population) and 46 percent among new voters (65 percent of the district population). The five Anglo Democrats targeted for defeat were Max Sandlin (District 1), Nick Lampson (District 2), Chet Edwards (District 17), Charles Stenholm (District 19), and Martin Frost (District 32). Stenholm and Frost both lost to Republican incumbents in districts where the percentage of old voters retained by their Republican opponents greatly exceeded their own portions of old voters (Republican Randy Neugebauer had 58 percent of his old constituents vs. 31 percent for Stenholm; Republican Pete Sessions had 52 percent of his old constituents vs. 20 percent for Frost).

means'' (Ginsberg and Shefter, 2003; Riddlesperger, 2004), such as the California recall and mid-decade redistrictings in Colorado (attempted), Georgia, and Texas, has become the mechanism that party elites increasingly resort to in an effort to secure political advantage.

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