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**Redistricting in Arizona**

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Redistricting is a highly political and frequently partisan process. State legislative control over the drawing of district lines often creates districts safe for incumbents or that favor one party over the other. An increase in noncompetitive elections for both the national and state legislatures (Weber, Tucker and Brace 1991) over the past three decades has often been linked to partisan-influenced redistricting efforts (McDonald 2006; Weber, Tucker and Brace 1991, but for contrary evidence see Abramowitz, Alexander, and Gunning 2006; Gelman and King 1994). To counter the frequently partisan, contentious redistricting process, election reformers call for independent commissions to be created to design the new elections maps. Arizona adopted such an independent commission for the 2000 redistricting cycle.

Reformers put forward a number of claims for the benefits of a more nonpartisan redistricting process. Many claim that electoral maps drawn by independent commissions will create more competitive districts and fewer districts that protect

incumbents. More competitive elections, in turn, will lead to higher voter turnout. With more competitive districts, parties will need to field more moderate candidates and candidates with stronger assets in order to win elections. More competitive elections also will increase representation by forcing legislators to be more in tune with their districts, in order to win reelection, and should reduce the level of partisan voting by the legislators. Further, electoral outcomes will be deemed fairer as the partisan divisions in the legislature more closely match statewide party vote totals (Campagna 1991; Leowitz 2006; Oedel, Lunch, Mulholland, Edwards 2009; Stephanopoulos 2007). This paper examines how successful Arizona's independent commission was at establishing competitive elections after the 2000 census and reports on preliminary efforts for 2010.

### **A Short History of Redistricting in Arizona**

Prior to the U.S. Supreme Court ruling in *Reynolds v Sims* (1964), Arizona's upper house membership was based on the counties. Each county elected two representatives to the state senate for a total of 28 members. Representation in Arizona's lower house was based on population, and in 1955 the number of seats was set at 80 (Everett 1977). Each county was allotted one lower house legislative seat with the remaining seats divided across counties based on the number of votes cast in the last gubernatorial election. The actual drawing of district lines within the counties was done by the county Board of Supervisors, and redistricting was done every four years. With the upper house based on counties, rural counties dominated and gave the state senate a Democratic advantage. In the 1950s, Arizona's rural counties still were dominated by "Pinto Democrats," who were ideologically conservative but also supported public works

and New Deal programs. The lower house was typically controlled by the Republican Party, as the large number of new immigrants to the state after World War II came from the Midwest and were looking to create new economic lives in an atmosphere that stressed individualism (Ritt 1996; Mason and Hink 1975).

The post-Reynolds structure of the Arizona state legislature was set by a federal court ruling (*Klahr v Goddard* 1966) as the Democrats and Republicans could not agree on a plan. The court established 30 legislative districts. Each legislative district would elect one senator and two representatives. In the multimember lower house, the top two candidates would win seats. The new plan greatly increased the strength of urban areas, especially Maricopa County (Phoenix). Equally as important, the plan allowed the Republican Party to control both houses of the state legislatures in most years. The Democratic Party opposed the plan for the remaining elections in the 1960s, which had been implemented through a legislative vote. They offered an alternative in a ballot proposition, which lost. An appeal to the federal courts found the redistricting did not adequately address the one person one vote principle but declined to act citing a lack of time to implement a new plan before the next election (Mason and Hink 1975).

Redistricting controversies have occurred in every decade since the 1960s. The 1971 plan was drawn up by the state legislature and passed on a party-line vote. Democrats appealed to the district court, and the judges found the plan diluted the representation of the Navajo tribe by splitting the reservation into three legislative districts. The court imposed an alternative plan placing the Navajo tribe into a single district (Mason and Hink 1975; McClory 2001). The 1981 plan drawn up by the Republican majority in the legislature was vetoed by Democratic Governor Bruce

Babbitt. Those opposed to the plan argued that it diluted the representation of Native Americans, split the city of Tucson across districts and was biased against the Democratic Party. The Republican-controlled legislature, however, was able to override the governor's veto (Hansen and Brown 1987). A federal court ruling vacated the original plan for diluting the voting strength of Native Americans and lacking numerical equality across districts. The plans also had failed to receive Justice Department clearance, a requirement since Arizona fell under the jurisdictions of the Voting Rights Act. The court accepted a modified redistricting plan (*Goddard v. Babbitt* 1982).

In 1992 the state legislature was at an impasse in drawing new districts as the Senate was controlled by Democrats, while Republicans were the majority in the House. Arizonans for Fair Representation filed a lawsuit asking for court intervention. The federal court rejected both the House and Senate versions of the congressional district lines and instead adopted the "Indian Compromise Plan," submitted by various tribes. The court ordered that this map be used in 1992 and through 2000, asserting that a court-ordered plan did not need Justice Department preclearance and disagreed with Democrats that polarized voting in Arizona required further action. The Democratically controlled Arizona Senate appealed this ruling, but when Republicans regained control of the Senate after the 1992 elections, they withdrew the case. The Hispanic Chamber of Commerce filed a suit claiming the court erred in not obtaining preclearance for its congressional map and for erring in concluding that polarized voting was not occurring. The court disagreed with these claims. Another lawsuit asked the court to impose state legislative district lines due to the legislative impasse. However, in February 1992 the legislature did enact a plan and the court delayed any further action until the plan was precleared by

the Justice Department. The Justice Department rejected the legislative plan and a subsequently revised plan (used in the 1992 election) for an insufficient number of majority-minority districts. A third plan was accepted and used in the 1994 elections. All together, the 1992 redistricting experience included sharp partisan divisions delaying the adoption of a legislatively drawn plan, a court imposed plan for congressional districts, rejection of the state legislative district plan by the Department of Justice, plans adopted or imposed during an election year, and a total of five court cases (National Conference on State Legislatures).

Arizona's redistricting is subject to preclearance by the Justice Department since the state falls under the 1975 amendments to the Voting Rights Act for protection of language minorities, including Latinos and Native Americans. Arizona was included because it had a literacy test requirement, established in 1912, and in the 1972 election turnout was less than 50 percent. Some Arizona counties with large numbers of Native American residents were subject to earlier versions of the Voting Rights Act. The Justice Department found fault with Arizona's redistricting in the 1980s, 1990s and 2000s (Tucker and Espino 2006). The protection of minority group voting rights adds to the redistricting puzzle, and by clustering minorities in specific districts leaves fewer Democratic voters for creating competitive districts (Berman 1998).

### **Creation of Arizona's Independent Redistricting Commission**

Arizona's independent redistricting commission was enacted through the initiative process. On the 2000 ballot, Proposition 106 set out the composition of the proposed commission and the goals for future redistricting. Most attempts at using initiatives to

create independent redistricting commissions fail, though a number of these failures were repeated losses in California. Stephanopoulos (2007) reports failures in eight out of the twelve attempts to use the initiative process to create independent redistricting commissions between 1936 and 2005. In contrast, Arizona's Proposition 106 passed by a healthy margin: 56 to 44.

Helping to pass Arizona's independent redistricting commission initiative was a coalition of interest groups, the Democratic Party, some statewide leaders of the Republican Party and the state's leading newspapers. Interest groups supporting the initiative included the League of Women Voters and Common Cause. The Democratic Party lent its support, as it was the minority party and would have little influence on any redistricting plan drawn up by the state legislature. Republican Party leaders supporting the initiative were mostly from the executive branch or former office holders. Major funding in support of the initiative came from Jim Pedersen a real estate developer who was the state Democratic chair from 2001 to 2005 and the Democratic candidate for U.S. Senate in 2006. Opposing the initiative were Republican state legislators, Arizona's Republican members of Congress and some business groups who claimed the commission would be less representative and less accountable. However, the split in the Republican Party and fewer campaign funds hampered the opposition's efforts (Stephanopoulos 2007).

Proposition 106 created an independent redistricting commission composed of five members. The selection process begins as the Commission on Appellate Court Appointments reviews the list of applicants and selects 25 possible candidates, split three-ways between members of the two major parties and registered independents. The

state legislature's party leaders select the first four commissioners, with the majority and minority party leaders in the senate and the house selecting one commissioner apiece.

The fifth member is a person not registered with either of the two major parties. The fifth member is selected by the already selected four commissioners and serves as the chair of the redistricting commission. Members of the independent redistricting commission can not have held any other public or party office within the prior three years.

The commission begins the redistricting process by establishing a "grid-like pattern across the state" (Proposition 106). Adjustments to this initial map are based on a series of criteria including compliance with United States Voting Rights Act, equal population, compactness and contiguity, respect for communities of interests, and consideration of political boundaries such as town and county boundaries. The final goal is the establishment of competitive districts to the extent that the competitiveness goal "would create no significant detriment to the other goals." Party registration and voting histories are not to be considered in the drawing of the initial draft maps. The commission makes public the draft maps of congressional and state legislative districts and hears comments for 30 days. After which, the commission creates the final district maps.

Redistricting commissions vary in their role and influence across the states. A three-way classification by role describes a redistricting commission by how dominant it is in the process, whether it is the primary agency, a backup process for when the state legislature is stalemated, or as an advisory commissions. Arizona's independent redistricting commission is a primary commission. A more elaborate categorization of commissions includes the degree of nonpartisanship of the redistricting commission.

Under this elaboration, Arizona has the least politicized type: an independent commission with a non-political tie breaker, with the commission having primary and binding authority for constructing district maps. Three other states currently have similar structures: Hawaii, New Jersey and Washington (Oedel, Lynch, Mulholland and Edwards 2009). Thus, Arizona's independent redistricting commission structure is such that it should have the best opportunity for a nonpartisan redistricting outcome.

### **Redistricting by Arizona's Independent Redistricting Commission after the 2000 Census**

Arizona's independent redistricting commission began its work in 2001 by developing the equal-population grid maps for congressional and state legislative districts. The commission released its initial draft maps (version 1) on June 7, 2001. In the summer of 2001, the commissioners held 43 public meetings across the state. Based on concerns expressed in these public meetings, the independent redistricting commission adopted a second version of the draft maps in August, 2001. This second round of maps (version 2) was to accommodate the goal of respecting communities of interest.<sup>1</sup> The second draft maps were available for public comments for 30 days.

The Arizona Secretary of State certified these maps, but the U.S. Department of Justice needed to review the map for conformance to the Voting Rights Act. The Department of Justice accepted the congressional district lines but found fault with the state legislative district lines for insufficiently taking into account the interest of Latino voters. In response, the Independent Redistricting Commission on May 23, 2002 issued

a modified map (version 3) that adjusted three state legislative districts to include more Latino voters. This adjusted map was used for the 2002 elections.

However, the 2002 adjusted map did not satisfy all parties, especially those who found fault with the lack of competitive districts. A lawsuit was filed in Arizona state court and heard in Maricopa County. On January 16, 2004, this court ruled the 2002 maps did not meet the criteria for competitive districts and instructed the number of competitive state legislative districts be increased from four to at least seven. In February 2004 the independent redistricting commission began the process to create a new legislative district map (version 4) to comply with the court ruling. In April, 2004, the new map was approved by the court and submitted to the U.S. Department of Justice. However, delays in clearance from the Justice Department and an appeal of the court's ruling left legislative district lines in doubt. Among the complaints against the fourth map was a protest by Mohave County that it was split between two legislative districts while previously it had been contained in a single district (Davenport 2004a).

The Arizona Secretary of State's office on May 17, 2004 asked that the lower court ruling be suspended and the 2002 election map (version 3) be used for the 2004 elections. On May 28, the Arizona Court of Appeals set aside the proposed alternative map (version 4) and reinstated the 2002 map (version 3) agreeing that it was too late to switch electoral maps and noting that the Department of Justice had not yet ruled on the alternative map (Davenport 2004b). The ruling by the Arizona Court of Appeals came two weeks before the filing deadline (June 9) for candidates seeking to run in the 2004 state legislative primaries (which would be held on September 7). Because of the uncertainty over which legislative district map would be used in 2004, candidates

wishing to run for the state legislature did not know the lines of their districts and from where to draw the signatures needed for placement on the primary ballot. Many potential candidates, because of the confusion, opted not to run. As a result, a large number of candidates ran unopposed (Betts 2006). Even after 2004, the electoral map remained controversial. The last of the four judicial challenges was not settled until the Arizona Supreme Court ruled on May 19, 2009<sup>2</sup> that the commission acted properly (Duda 2009). Thus, the 2002 map (version 3) was the map used in all Arizona elections from 2002 through 2010, though its status was most in question prior to the 2004 election.

### **The Influence of Independent Redistricting Commission Districts on Electoral Competitiveness**

Prior research on the effects of using redistricting commissions has presented mixed evidence. Among those examining U.S. House elections, Carson and Crespin (2004) report states with redistricting done by commissions or the courts have more competitive U.S. House races. In contrast Stephanopoulos (2007) finds that the four states using independent redistricting commissions in 2004 did not have statistically significant changes in margin of victory, turnout rates, or discrepancies between votes and seats for the U.S. House. Oedel, Lunch, Mulholland and Edwards conclude that after politically independent redistricting, U.S. house members have less partisan voting records. Gelman and King (1994) assert that any type of redistricting increases responsiveness and reduces partisan bias, because no redistricting plan can protect all incumbents, even all incumbents of the party in control of redistricting.

In looking at state legislative races, Forgette, Garner and Winkle (2009) report that independent redistricting commissions did not affect state legislative race competition. They find that principles such as respect for communities of interest or political subdivisions result in increases in uncontested seats and average margin of victory since the 1970s. Requirements for Voting Rights Preclearance also lead to less competitive elections. Finally, Campagna (1991) notes that seat-vote matchups are not consistently affected by redistricting by commissions.

The above mixed results arise, in part, from differences in research design. A number of studies use a pre-post design, comparing some measure of competitiveness in a single election (or an average over a period of elections) prior to redistricting to an election (or elections) after redistricting (e.g., Forgette, Garner and Winkle 2009; Lesowitz 2006; Oedel, Lynch, Mulholland and Edwards 2009). The details of Arizona's 2002 redistricting controversies show how this type of design can be misleading, since the redistricting map remained in legal limbo until two weeks before candidacy petitions were due in 2004. With the election district map in question, fewer candidates ran, reducing the number of competitive elections. A comparison of 2002 or 2004, or even an average of these two years in with several other elections, would present a distorted indicator of any change in post-redistricting competitiveness. A second research design compares the competitiveness of races in states using commissions for redistricting to those using other methods (e.g., Stephanopoulos 2007). A problem with this type of design is that the small number of states using independent redistricting commission makes statistical significance difficult to achieve.

Because individual elections are influenced by a number of factors and the redistricting process can play out over a series of elections, we present evidence on the influence of Arizona's independent redistricting commission by presenting extended timelines of the competitiveness of elections for the U.S. House, and Arizona's upper and lower state legislative houses. Our data cover the period of 1974 through 2010.<sup>3</sup> The number of U.S. House districts over this time period increased from four in the 1970s, to five in the 1980s, to six in the 1990s and to eight in 2002. Given the small but increasing number of U.S. House seats, percentages, such as percentage of unopposed seats, could fluctuate widely without any real change in underlying competitiveness.

Arizona's state legislature presents the problem of using multimember districts for the lower house. The multimember district elections for the Arizona state house are classified as "free-for-all" districts that use plurality voting rules; whichever two candidates receive the most votes are elected. A full slate would have two Republicans contesting a district against two Democratic candidates. Yet, this is not always the case, as one party frequently has only one candidate or no candidates contesting a district. In addition, the two winners of the multimember districts are frequently from the same party. The multimember district elections in Arizona could have some inherent implications for electoral competitive, though a study of multimember districts by Niemi, Hill and Grofman (1985) finds no evidence that the majority party in a state benefits from multimember districts. Yet, Weber, Tucker and Brace (1991) report less competition for state legislative seats in states using multimember districts. However, since Arizona's legislative structure and number of districts has not changed over the period of this study, any inherent effects of multimember districts or number of districts is controlled.

A variety of dependent variables have been used to measure electoral competitiveness. The first measure is simply whether the race is contested by at least two candidates (Forgette, Garner, and Winkle 2009; Jewell and Breaux 1991). ). A second measure looks at the average margin of victory (Forgette, Garner, and Winkle 2009). A third measure is to set a threshold for a competitive election, with typical numbers having the winner candidate capturing less than 55 or 60 percent of the vote (Weber, Tucker, and Brace 1991. A fourth measure compares the match between percent of seats won by a party and the percent of the vote garnered by that party (Campagna 1991). Plurality based electoral systems in general inflate the number of seats held by the majority party compared to its vote totals (Grofman 1983).

First, in our study we will designate as uncontested races for U.S. House and Arizona senate seats those cases where only one major party candidate contested the race. Minor parties, especially the Libertarian Party, frequently have candidates on the Arizona ballot, but we do not count these toward the criteria for a contested race since third-party candidates garner far fewer votes and none won a seat in the Arizona state legislature during the time of our study. For the multimember Arizona house seats, a fully contested election would have four candidates, two Democrats and two Republicans. However, a partially contested Arizona house election would have at least one candidate from each of the major parties. Thus, we will include two measures of uncontested seats for Arizona's lower house. For all of the measures of competitiveness, we present yearly averages for U.S. House, Arizona state senate and the Arizona state house.

Figure 1 reveals the trend lines for uncontested seats in Arizona's elections. In 12 of the last 19 (63 percent) election years, all of Arizona's U.S. House seats were

contested. In six years, one U.S. House election was uncontested and in 1984, two house seats were uncontested. No obvious trend exists and results appeared to be mostly idiosyncratic. The larger number of Arizona state senate seats should be able to provide a clearer trend, but these data too do not show any consistent pattern. On average, 43 percent of Arizona's state senate elections are uncontested. The most competitive election years (1980, 1982, 1988, 1990, and 2006) saw only 27 percent of seats uncontested, and the least competitive election year was 1994 when 70 percent of the seats had only one major party candidate vying for them.

As for the Arizona state house, the measure of uncompetitiveness requiring a full slate reveals a large percentage of under contested elections, with an average of 64 percent of the districts lacking a full slate across the years. The trend appears to be one of increasingly less competitive Arizona House elections since the 1970s, with the percentage of uncompetitive districts the highest in 1994. Using the more lenient definition of requiring at least one candidate from each major party reveals a lower percentage of uncompetitive districts, with an overall average of 22 percent. The trend shows the largest percentages of unopposed districts from the mid-1980s to 2004, with a lower percentage of such districts in the last three elections.

Whether Arizona's elections became more competitive after the introduction of the independent redistricting commission is difficult to say. The first two elections, where the electoral map was under contention, had high rates of uncontested seats for the state legislative seats. Once the major judicial appeals were over, the percentage of uncontested Arizona senate elections fell from an average of 57 percent (in 2002 and 2004) to 31 percent (in 2006, 2008 and 2010). Similarly, the percentage of uncontested

Arizona state house seats fell from 32 percent (based on the definition of at least one candidate from each major party) to 16 percent. Yet, a better comparison would be to compare the last three elections of each redistricting cycle. At this point, judicial appeals have been resolved and any partisan advantage of redistricting tends to fade over time (Erikson 1972; Squire 1985). Comparing percentages from the last three elections per redistricting cycles reveal that the percent of uncontested Arizona state senate seats in the 2000s averaged 31 percent, in the 1990s the average was 50 percent but in the 1980s the average was 36 percent. For the Arizona state house elections, the 2000 average was 16 percent, the 1990s averaged at 31 percent and the 1980s average was 25 percent. The independent redistricting commission may have made more competitive districts in the 2000s than in the legislatively drawn districts in the 1990s but the values are similar to those of the 1980s.

\*\*\* Figure 1 about here \*\*\*

The second measure of electoral competitiveness is the average margin of victory for the winning candidate. However, values for this figure are greatly influenced by the presence of uncontested seats. When a candidate has no opposition, the margin of victory is 100 percent and if a candidate faces only a minor party candidate, the margin of victory is often at 90 percent or greater. Thus, we will present evidence using average margin of victory for winning candidates only when they competed against a candidate from the other major party. For the Arizona state lower house with multimember districts, a number of potential measures could be used. One methodology to handle multimember districts is to create pseudo-single member races (Niemi, Jackman and Winsky 1991). We use a slightly more streamlined procedure by comparing the percentage vote for the

second-place candidate (who wins a seat in the legislature) and the third-place candidate (who fails to win a seat) in one pseudo-single member district race. To avoid creating a smaller than merited margin of victory by using the votes for all candidates in the denominator, the margin difference is calculated over only the votes totals for the second and third-place candidates. Since there was no changes in the structure of the Arizona house races in the time period of the study, any inherent biases in this pseudo single-member district measure is controlled. Once again, since the absence of a third-place majority party candidate can greatly inflate average margins of victory, we will use only partially contested races in this measure.

The average margin of victory for winning candidates in contests with at least two major party candidates is depicted in Figure 2. Most winning candidates in Arizona win by large margins. On average, U.S. House candidates win by a margin of 26 percentage points, Arizona state senate candidates win by a margin of 23 percentage points, and the difference between the second and third-place finishers in Arizona state house races is 15 percentage points. The lower value for the Arizona state house reflects that the measure is between the second and third-place candidates. Still, no particular trend appears in the data. Values fluctuate up and down, and some of the smallest winning margins again occur in years just prior to redistricting (e.g., 1990, 2000). Comparing results for the last three elections in each redistricting cycle shows that for Arizona state senate elections the averages were 21 percent in the 2000s, 24 percent in the 1990s and 25 percent in the 1980s; all fairly similar numbers. For the Arizona state house seats the winning margin averages were 14 percent in the 2000s, 13 percent in the 1990s and 17 percent in the 1980s. Again, not much difference exists between these averages.

\*\*\* Figure 2 about here \*\*\*

A third measure of electoral competitiveness is the percentage of elections won by a margin of 10 percentage points or less. This is a threshold model comparable to the winning candidate garnering 60 percent of the vote. Since the absence of a major party opponent would not affect the number of contests where a candidate won by 10 or fewer percentage points, this measure is for all contests in each election year. Once again, for Arizona state house multimember districts, this margin of victory is based solely on the differences between the second and third-place candidate over the total number of votes received by these two candidates.

In Figure 3, higher values indicate a larger percentage of close elections. For U.S. House elections, three years stand out: 1974, 1976 and 2010. In 2010, Representative Gabriel Giffords won reelection by 1.5 percentage points, narrowly surviving the strong Republican trend in that year. Representative Raul Grijalva, normally a safe candidate in a majority Latino district, faced voter anger by his initial call for a boycott of Arizona after passage of Senate Bill 1070, which proposed using local police powers to counter illegal immigration. Democratic incumbent Ann Kirkpatrick lost in congressional district one, a seat she won in an open race in 2008 after the sitting Republican incumbent opted not to seek reelection due to a financial scandal. Also losing in 2010 was Democratic incumbent Harry Mitchell in District 5, which he had originally won in 2006 when incumbent Republican J.D. Hayworth was linked to the Jack Abramoff scandal. The strong anti-Democratic national tide in 2010 helps to explain the losses by two Democrats in traditionally Republican districts and the narrower victories by the other two.

On average, only 14 percent of Arizona senate seats are won by 10 percentage points or less. The percentages fluctuate across the years from only 3 percent (2004) to 30 percent 1974. Again, no apparent trend exists, and the last three elections are about average for Arizona (17, 17 and 13 percent). In Arizona state house elections, the average percent of districts where the margin between the second and third-place candidate is less than 10 percent is 32 percent across all years. The largest percentage of close elections occurred in 1974 (50 percent) and 2000 (47) and the fewest were found in 1986 (17 percent). Comparing results from the last three years of each redistricting cycle reveals little distinctiveness from the independent redistricting commission's maps. The percentage of close elections in the Arizona senate in the 2000s averaged 16 percent, the same as in the 1980 cycle but more than the 1990s cycle which had only 9 percent highly competitive contest. As for the Arizona state house elections, the end-of-recycling era figures are almost identical for 2000s (35 percent) and the 1990s (34 percent) with fewer of these contests in the 1980s (24 percent).

\*\*\* Figure 3 about here \*\*\*

The final measure of competitiveness is the match between the percent of seats won by the majority party and the percent of the vote won by that party. In a plurality-based electoral system, the majority party often receives a bonus in the number of seats won. To calculate this bias, we subtracted the percentage of vote won by the majority party from the percentage of seats won by the majority party. With the number of U.S. House seats in Arizona varying from four to eight, a larger discrepancy can arise simply because of the mathematical properties of using a small number of seats in calculating percentages. Indeed, the average discrepancy between votes and seats is much higher for

the U.S. House seats in Arizona, with the average being 12.8 percentage points. In contrast, for the 30-seat Arizona senate, the average discrepancy is a mere 2.1 percent.

Figure 4 shows the trends in the seat-vote discrepancy. The U.S. House values vary widely with no specific trend. These results are influenced most by the small number of Arizona seats in the U.S. House. The majority vote bias in the Arizona state legislature are generally quite low, with an average of 2 percentage point advantage in seats for the majority party in the state senate and 3 percent in the lower chamber. The values for the Arizona state senate vary from -9 in 1998 to 12 in 2010. Negative values in five years indicate that the plurality bonus did not exist in Arizona state senate elections in these years. In an exception to the generally low values for the seat-vote bias, in 2010, the Republican Party increased its hold on the Arizona state senate to 70 percent of the seats, which it won with 58 percent of the vote.

In the Arizona state house the numbers vary from -4 (1988, 1990) to 13 (1978), with negative values in six years. The biggest discrepancies between votes and seats won for the Arizona state house were back in the 1970s. The last three election cycles have shown a higher than average discrepancy between seats and votes for the Arizona senate (average of 8 percentage points) while the value for the Arizona state house was 2 percentage points. These values were lower in the last three elections of the 1980s and 1990s redistricting periods: -4 in 1996-2000 for the senate, 5 for the senate in 1986-1990, .3 for the house in 1996-2000 and -3 for the house in 1986-1990. Thus, there may have been a slight increase in the plurality bias with the independent redistricting commission's maps. This trend is opposite of what the political reforms had hoped would occur.

\*\*\* Figure 4 about here \*\*\*

In general, we found little evidence that Arizona's elections became more competitive after the 2002 redistricting undertaken by the Independent Redistricting Commission. No consistent trends exist for percent of seats unopposed, average margin of victory, percent of wins by a margin of 10 percentage points or less, and the plurality bias between seats won and vote totals. Rather than any consistent trends, the competitiveness of Arizona elections tends to vacillate over time. More importantly, on three of the four measures Arizona's elections appear to be highly uncompetitive. A major factor in the uncompetitiveness of Arizona's elections is a lack of candidates. In 43 percent of state senate elections the winning candidate is unopposed by a candidate from the other major political party. In Arizona's two-member districts in the state house, 64 percent of the election contests lack a full slate of two Democrats versus two Republicans. A more lenient standard of at least one candidate from each of the two major parties still finds 22 percent failing to meet this criterion. Even when at least two major party candidates run, the margin of victory is quite substantial. The average Arizona senate candidate wins by a margin of 23 percentage points and the difference in votes between the second and third-place candidates in the house multimember district averages 15 percentage points. Using a standard of classifying races as competitive if the winning margin is at 10 percentage points or fewer, our study finds only 14 percent of Arizona senate races as competitive, while 32 percent of Arizona state house races are competitive between the second and third candidate. The indicator on which Arizona's elections perform the best is the plurality bias between percent of seats won versus percent of vote. The average value for the Arizona state senate is 2 percent and that for

the Arizona state house is 3 percent. Although, Thomas Brunell (2008) contends that partisan gerrymandering can produce proportional representation results. The Republicans have their safe districts and the Democrats have their safe districts and each wins in its own areas and gains a proportional number of seats.

### **The Politics of Picking an Independent Redistricting Commission: 2010-2011**

Arizona was set to select its second independent redistricting commission after the 2010 census. Seventy-seven applicants submitted their names, and on November 16, 2010, the Commission on Appellate Court Appointments decided to interview 40 candidates. From this group of 40, the commission would forward the 25 required names including 10 Democrats, 10 Republicans, and 5 independents (*Arizona Daily Star*, November 17, 2010). However, three of the Republican candidates chosen were challenged on the basis that they held other political offices. On January 19, 2011, the Arizona Supreme Court ruled two of these individuals ineligible because they sat on irrigation district boards. The third candidate's name was allowed to remain on the list, with the court concluding that part-time service as a tribal judge did not constitute holding public office (Fischer, January 20, 2011). Two substitute names were added to the list of 25 candidates.

Four of the five commissioners were selected by the state legislature's majority party (Republican) leaders and two by the minority party (Democrat) leaders. State Senate President Russell Pearce chose Richard Stertz, while Senate Minority leader David Schapira selected Linda McNulty. Speaker of the House Kirk Adams picked Scott Freeman and House Minority Leader Chad Campbell picked Jose Herrera. Together, the

four partisan commission members selected Colleen Mathis as the independent member and the commission's chairwoman.

Selection rules for the commission require that no more than two of the four partisan members can come from the same county. However the 2011 appointments were divided between Maricopa (e.g., Phoenix) and Pima (e.g., Tucson) counties. Republican Freeman and Democrat Herrera are from Maricopa County, and Democrat McNulty and Republican Stertz are from Pima County. Independent member Mathis also hails from Pima County. This leaves Arizona's 12 rural counties with no direct representation. Two members (McNulty and Freeman) are attorneys, Stertz runs a faith-based community organization, Herrera is an accountant, and Mathis is a health care administrator.

These five commissioners will be tasked with creating nine congressional districts (an addition of one new district) and redistributing the 30 state legislative districts. Uneven population growth will influence the drawing of these new district lines. Maricopa County, which comprises the Phoenix metropolitan area, and Pinal County, just to the south of Phoenix, had the greatest increases in population. Already 19 of the 30 state legislative districts lie within those two counties. Pima County, which includes Tucson, could lose a state legislative seat as its 21 percent growth rate fell behind the state average of 28 percent (Fischer 2010).

A variety of groups have lined up to attempt to influence the redistricting process. Various "communities of interest" seek to attain favorable outcomes for Latinos and Indian tribes. Cities and counties who were upset with 2002 map vow to pay closer attention to the creation of the 2012 map. For example, Flagstaff officials were

displeased that the 2002 plan placed it in a congressional district separate from the rest of the towns in Yavapai County (Grado 2011). Two coalitions have formed to seek more competitive districts: the Arizona Minority Coalition for Fair Redistricting, which challenged the 2002 maps, and the Arizona Competitive Districts Coalition, which includes the League of Women Voters and Fair Vote.

Balancing all five goals in any one redistricting map remains a daunting task. The chairman of the 2002 commission, Steve Lynn, contends that creation of more competitive districts would not have met the requirements of Voting Rights Act (Duda 2009). Other redistricting criteria also remain subjective, especially the goals to respect communities of interest and political boundaries (Duda 2009). Competing and vague criteria leave the redistricting process a political and potentially contentious effort despite the presence of an independent redistricting commission.

### **Conclusions**

Little evidence, so far, exists that Arizona's independent redistricting commission can create an electoral map that would produce more competitive elections. The last three election cycles of the 2002 redistricting are slightly more competitive than average, but it is hard to isolate a long term trend from a more cyclical pattern or specific-year factors. Further, even the numbers for the last three election cycles depict mostly uncompetitive elections in terms of margin of victory. In Arizona's elections for the upper state house from 2006 to 2010, nearly one-third of the contests featured only one major party candidate, even in races with two major party candidates the average margin of victory was 21 percent, and only 16 percent of the races were won by 10 percentage

points or less. However, when considering the match between a party's vote and seats won, the Arizona state legislature elections appear to be more competitive, though not as much in the last two elections of 2008 and 2010.

The independent redistricting process did not lead to more competitive elections because other goals and requirements conflicted with the competitiveness goal. The Voting Rights Act requires that Arizona have districts that allow Arizona's Latino and Native American voters to be fully represented. This requirement leaves fewer Democratic voters to make other districts more competitive. Accounting for the interests of cities, towns and counties also decreases the ability of the commission to stress competitive districts. As long as partisanship is related to geography, some areas of the state will be consistently Republican while other areas will be consistently Democratic. District lines drawn on the bases of such geographic concentrations will produce uncompetitive districts.

The independent redistricting commission is not the only electoral reform instituted by Arizona in recent years that could have influenced the competitiveness of recent elections. In 1998 Arizona voters passed the Clean Elections Act which provides for public funding of candidates who raise a specific amount of money. The eligibility requirements are quite low: 200 \$5-dollar contributions for state legislative candidates nets a candidate \$10,000 in public money for the primary election and \$15,000 for the general election campaign. In 2010, 49 percent of general election candidates for legislative and statewide offices used the Clean Election system, down from the 66 percent in 2008 election (Citizen Clean Election Commission 2010). Still, many of Arizona's state legislative elections lack a full slate of major party candidates. Strategic

politicians appear to be unwilling to run in districts with a majority of voters from the opposition party.

Another 1998 ballot proposition changed Arizona's primary law from closed primaries to semi-closed primaries, allowing independent voters to cast their ballots in either the Democratic or Republican primaries. If changes in primary laws could alter the nature of candidates winning the nominations, this too should have increased the competitive nature of Arizona elections. Arizona voters also enacted term limits for the state legislature in 1992 with the first year of impact being 2000. Legislators are limited to eight years (four terms) of consecutive service in one of the two houses, though an individual could switch to the other house and restart the term limit clock. To date, none of these reform efforts have produced more competitive elections in Arizona. While electoral reformers have great hopes for the influence of their proposals, actual results are more difficult to achieve.

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Figure 1: Percent of Candidates Unopposed

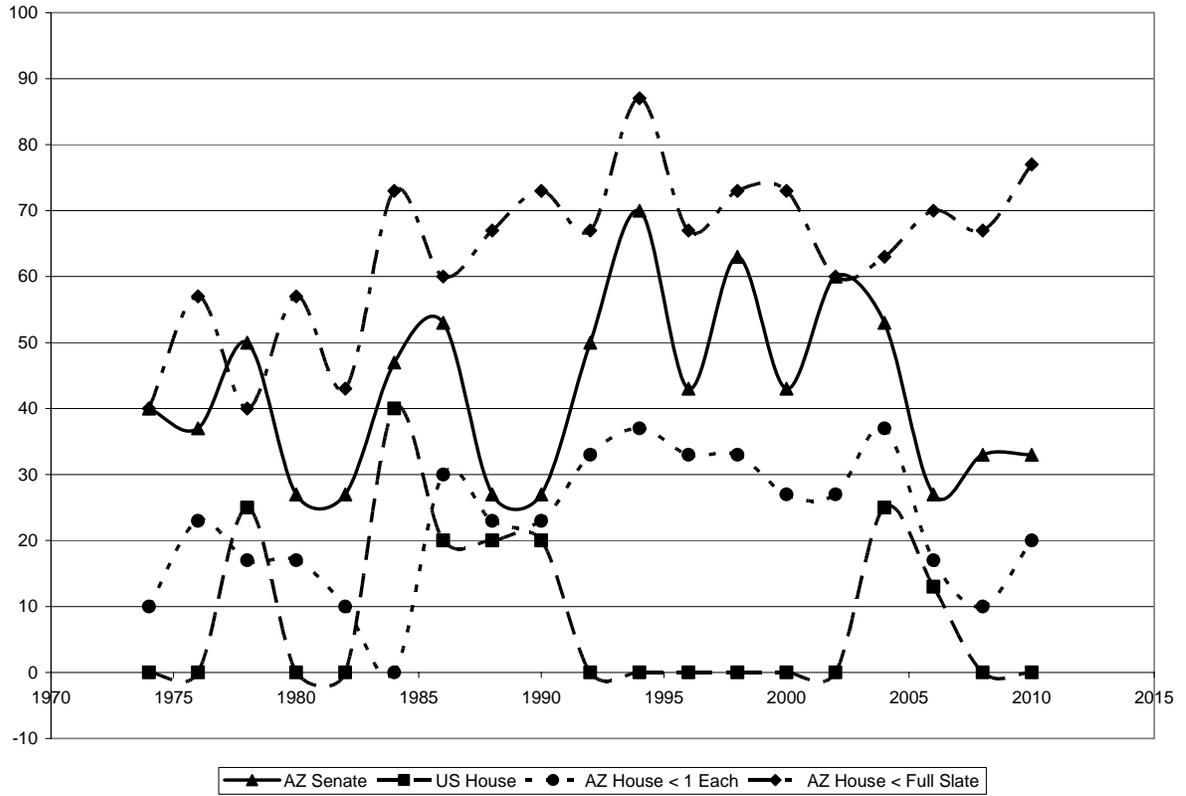


Figure 2: Winning Margin if Two Major-Party Candidates

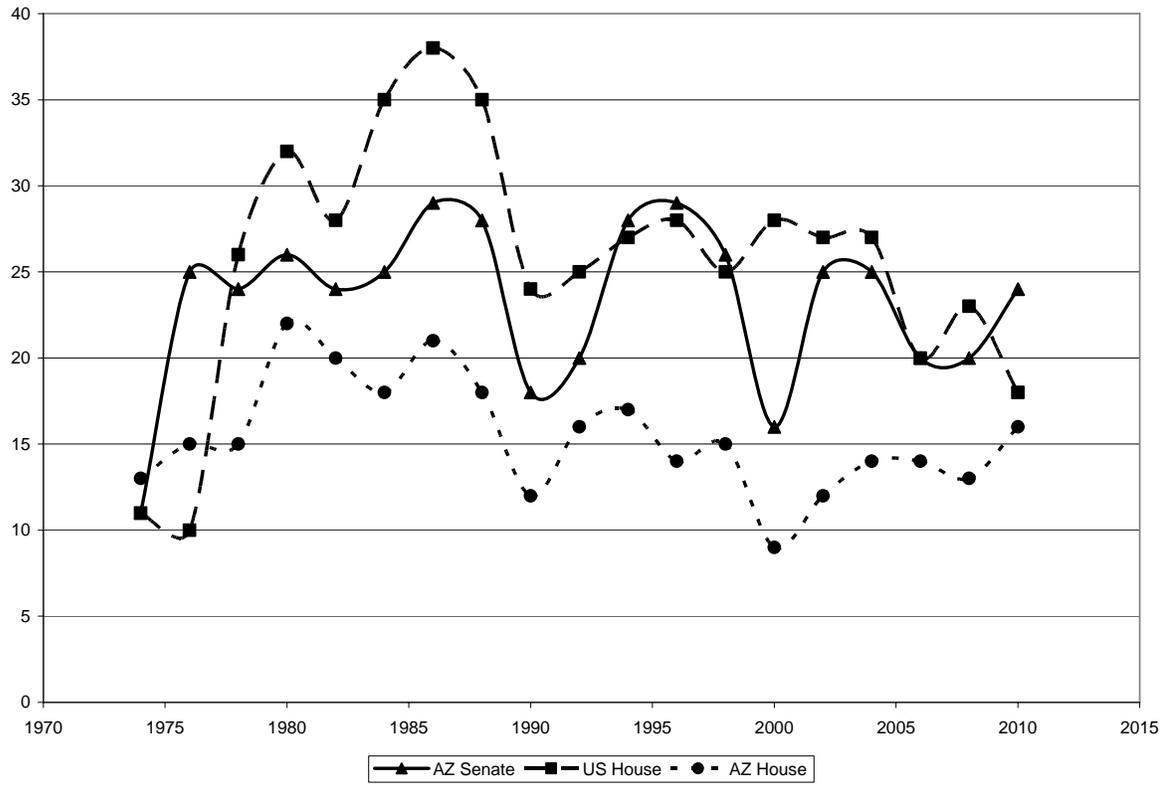


Figure 3: Percent with Winning Margin of 10 Percentage Points or Less

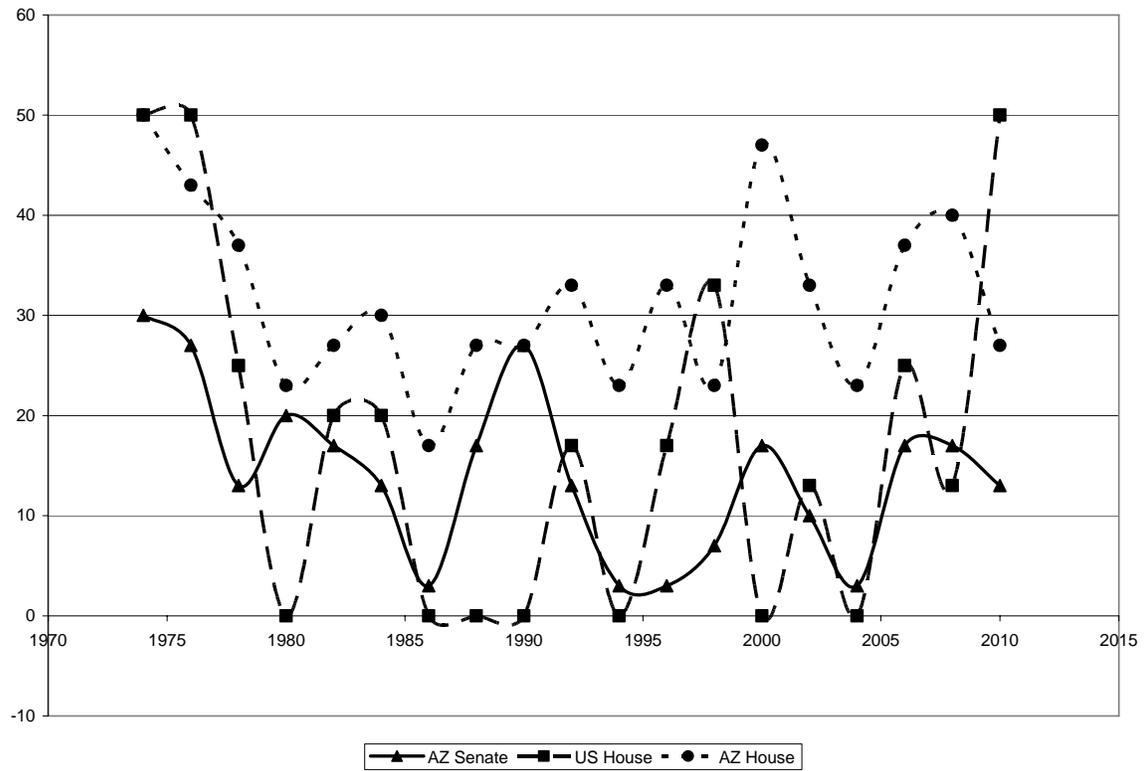
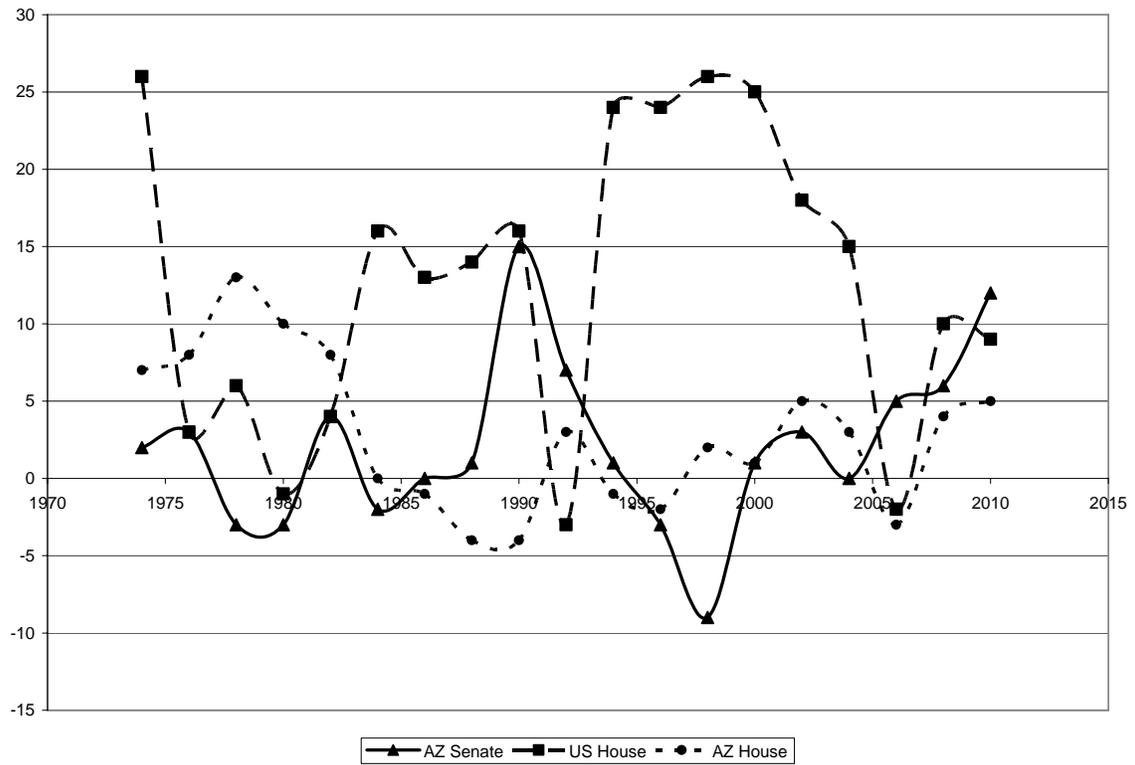


Figure 4: Majority Party Vote-Seat Bias



## Endnotes

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<sup>1</sup> Information comes from the Arizona Independent Redistricting Commission website,

<http://www.azredistricting.org>, accessed November 21, 2010.

<sup>2</sup> *Arizona Minority Coalition vs. Arizona Independent Redistricting Commission*, CV-08-0161-PR.

<sup>3</sup> These are the data as posted on the Arizona Secretary of State webpages,

<http://www.azsos.gov/election/PreviousYears.htm>, accessed February 23, 2011.