

Texas Elections

Part II



In a society governed passively by free markets and free elections,
organized greed always defeats disorganized democracy.

Matt Taibbi



Regulation of Campaign Finance in Texas

- 1955: new provision for **campaign expenditure reports** reduced the number required to one before and one after an election
- 1973: Texas Campaign Reporting and Disclosure Act passed with primary purpose of publicizing names of large donors, no enforcement provision
- Legislature subsequently refused to make any significant changes in campaign-finance laws ... still **no limits on the amount any individual or political action committee (PAC) may give any candidate** except for someone running for a national office (covered by national law)

National and Texas Campaign Contribution Limits



Donors	US-Presidential and Congressional Elections					Texas-Statewide and Legislative Elections	Texas Judicial Elections
	Recipients				Special Limits	Recipients	
	Candidate Committee	PAC ¹	State, District, and Local Party Committee ²	National Party Committee ³		Candidate Committees, PACs, Party Committees	Candidate Committees
Individual	\$2,000* per election	\$5,000 per year	\$10,000 per year combined limit	\$25,000* per year	Biennial limit of \$95,000* (\$37,500 to all candidates and \$57,500 ⁵ to all PACs and parties)	Unlimited	\$1,000-5,000 per election depending on judicial district population ⁸
State, District and Local Party Committee²	\$5,000 per election combined limit	\$5,000 per year combined limit	Unlimited transfers to other party committees			Unlimited	\$5,000-25,000 per election ⁹
National Party Committee³	\$5,000 per election	\$5,000 per year	Unlimited transfers to other party committees		\$35,000* to Senate candidate per campaign ⁶	Unlimited	
PAC, Multicandidate⁷	\$5,000 per election	\$5,000 per year	\$5,000 per year combined limit	\$15,000 per year		Unlimited	
PAC, not Multicandidate⁷	\$2,000* per election	\$5,000 per year	\$10,000 per year combined limit	\$25,000* per year		Unlimited	



Media in Texas Campaigns

- Television exposure increases name recognition.
- Television increases the costs of campaigning.
- Television is now fundamental for campaigns.
- 2014 TV ad spending in Texas races by **non-candidate organizations** (PACs, super PACs, labor unions, trade associations, social welfare nonprofits, dark money groups not required to disclose donors)
 - governor \$40.4 million
 - lieutenant governor \$19.3 million
 - attorney general \$10.5 million
 - comptroller \$3.1 million
 - state senator \$3.1 million
 - state representative \$1.8 million
 - agriculture commissioner \$586,200
 - supreme court judge \$187,900





Negative Campaigning

- corrosive effect on democracy
- elections affected by inaccurate or irrelevant charges
- limits discussion on public policy
- dissuades candidates: may choose not to run to avoid being a target
- disheartens citizens: may choose not to vote
- contributes to voter apathy and alienation
- but does **increase voter turnout**



Why do Texans vote?

- civic duty ... despite the fact that one vote rarely matters
- elect candidates
- decreases alienation
- affects public policy
- helps prevent corruption





Why don't Texans vote?

- Texas is a poor and minority state.
 - 17.5%+ in poverty
 - poor and less educated tend not to vote
 - Minorities tend to vote at lower rates than Anglos, and Latinos in Texas vote at even lower rates than Latinos elsewhere.
 - Of Texas' 8400 precincts, over 1400 white, wealthy precincts often have turnouts of 80% or more, while over 1000 precincts composed largely of the working class and minorities seldom have 25% turnout.
- low **social capital**: the variety of social ties between individuals, and the differing connections that arise between individuals as a result of participating in various activities





Why don't Texans vote?

- **Texas political culture:** women, the poor and minorities historically have enjoyed only low levels of political participation ... places the responsibility for access on the individual, not on institutions or governmental processes ... political institutions tend to reinforce patterns of political behavior, which in turn reinforce existing habits and ways of thinking about politics ... interprets social change as a threat to established practices and beliefs ... respects traditional authority figures
- Texas has a historically **low level of competition**, leading to a lack of interest in elections. Minimal competition in minority-dominated districts has induced voter apathy.
- lack of **political efficacy**: lack faith that their vote will make a difference in their lives
- **disengaged**: very cynical that the system won't respond to them and won't address their needs





Why don't Texans vote?

- have no faith in the integrity of the process
- **barriers to voting**: voter intimidation, location of polling places coupled with lack of transportation, registration and voting requirements, work-day elections



- **barriers to political influence**: congressional districts are drawn so that Hispanic population is packed into isolated districts or so diluted in other districts that their needs are ignored by representatives ... creates an overall sense of political helplessness even though Hispanics are the majority population in some regions
- Candidates don't talk about the **issues** that matter to minorities. Leads to lack of interest in candidates.



Why don't Texans vote?

- **information disconnect**: aren't informed about the issues, don't know how to register/vote
- voter fatigue
- weak political parties
- dissatisfaction with elected officials
- Voting is a decision with **costs and consequences**, costs that fall most heavily on those in the lowest strata of society.
- **self-fulfilling prophecy**: put little to nothing in low-income minority neighborhoods, get little back in return, and so spend time in more reliably high-turnout communities
- **lack of sustained investment** in voter registration and get out the vote (GOTV) drives
- [Why Does Texas Have Such a Low Voter Turnout?](#)





Inequalities in Electoral Participation

- **racial distortion:** After the Voting Rights Act of 1965, African American turnout increased sharply, and the gaps in registration rates between blacks and whites in the South closed to less than 10 points. Currently, African Americans tend to vote and donate to campaigns at rates just below whites and tend to be more likely to participate in other ways. Latino and Asian-American voters tend to participate at lower rates than black and white citizens ... might be due to language and cultural differences, as well as to lower levels of income and education in those groups.

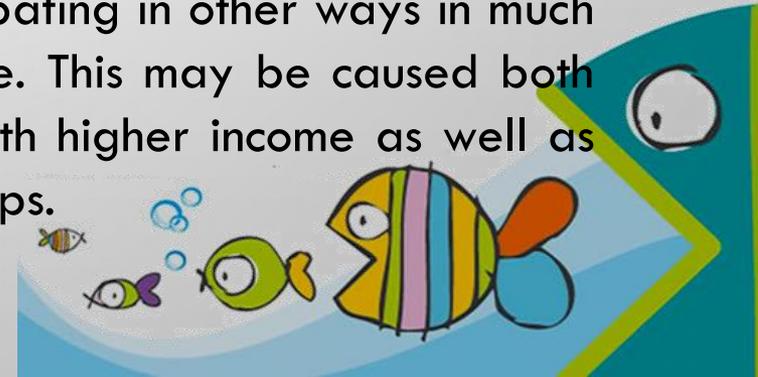


- **age distortion:** Among eligible citizens, historically and currently, younger citizens are much less likely to participate and vote in elections than those in older age groups. This could be because younger citizens move around more and are undergoing transitions in life, such as leaving school or having children.



Inequalities in Electoral Participation

- **gender distortion:** Currently, women vote at a slightly higher rate than men, with unmarried women voting at an even more pronounced rate than unmarried men. However, men are more likely to donate to a campaign, discuss politics with others or run for elected office, which may in part be because of the perception that politics is a man's world. Evidence shows that when women do hold high-profile offices, women as a group become more interested in politics.
- **income distortion:** A large inequality in participation exists between citizens in different income brackets, with those making more money turning out to the polls, donating and participating in other ways in much larger numbers than those with lower income. This may be caused both by the resources at the disposal of those with higher income as well as disparities in education between income groups.





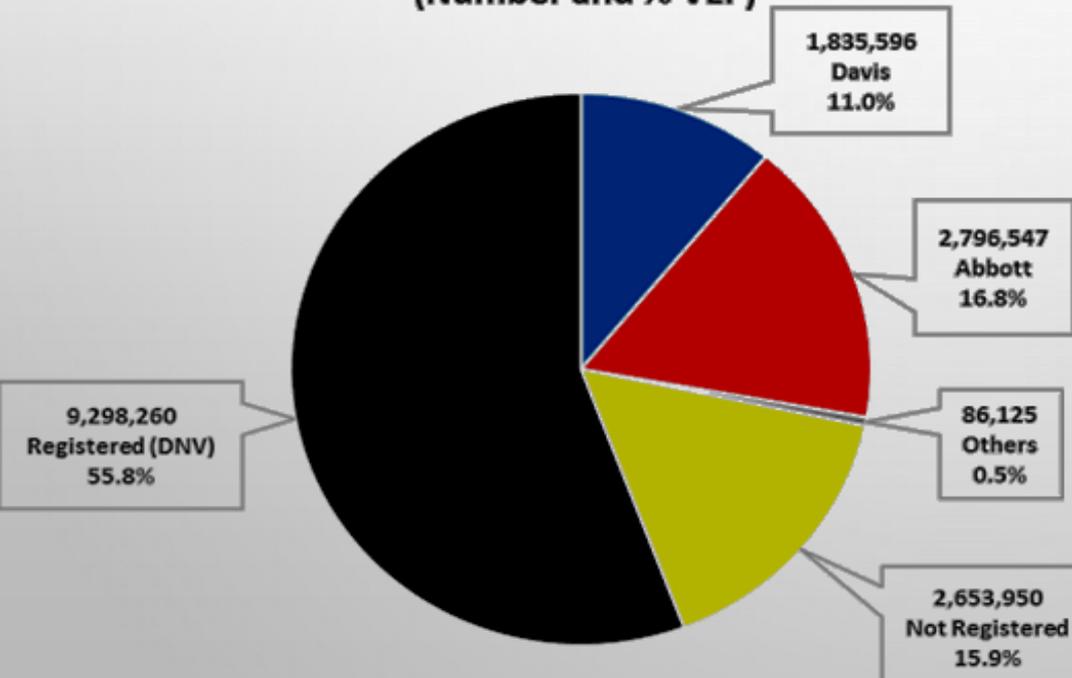
Reasons Given for Not Voting

Category	% of Texas Nonvoters	% of U.S. Nonvoters
Too busy, conflicting work/school schedule	30.2%	22.0%
Illness or disability (own or family's)	13.4	15.6
Not interested, vote wouldn't make a difference	8.4	12.9
Out of town or away from home	9.3	10.8
Other	10.8	10.7
Didn't like candidates or campaign issues	6.4	8.1
Registration problems	5.9	7.2
Forgot to vote (or send in absentee ballot)	4.7	4.2
Inconvenient polling place, hours, or long lines	2.8	2.8
Transportation problems	1.7	2.5
Bad weather	2.4	0.7
Non-voting Citizens	45.9	40.5

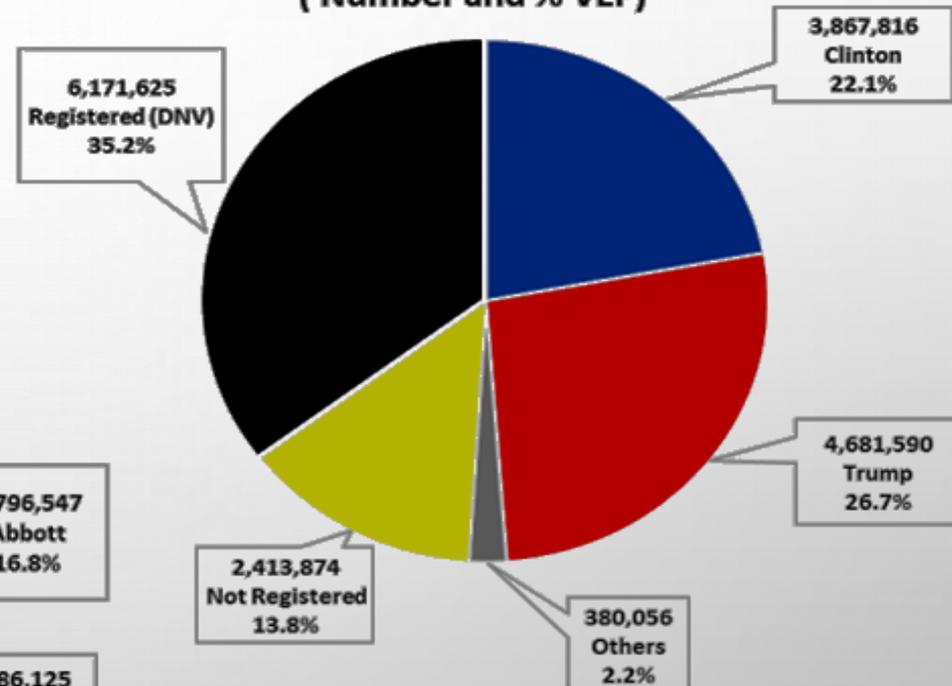


How Texans Did (or Did Not) Vote, 2014 and 2016

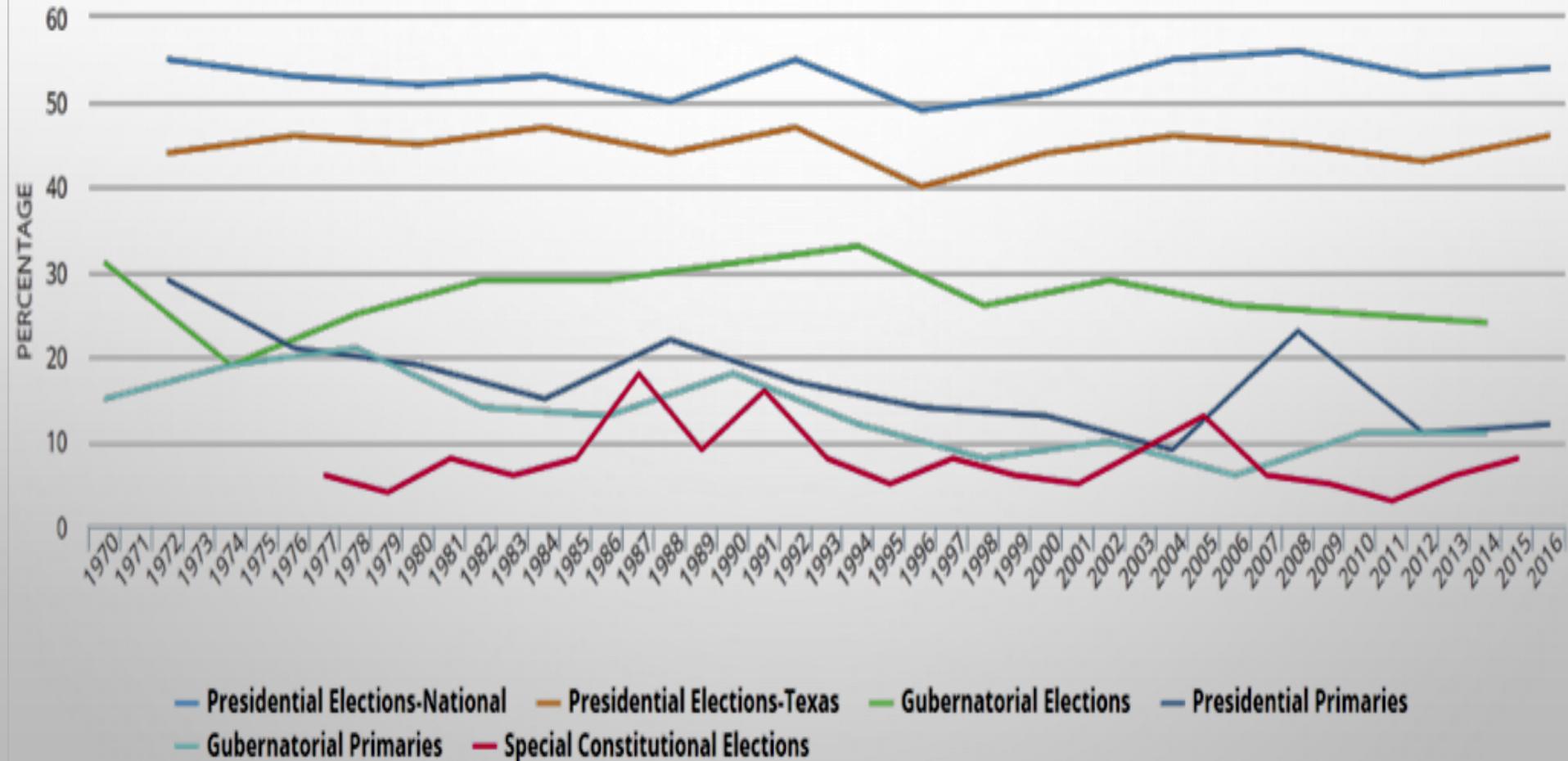
How Texans Did (or Did Not) Vote in 2014 (Number and % VEP)



How Texans Did (or Did Not) Vote in 2016 (Number and % VEP)



Turnout as a Percentage of Voting Age Population in Texas and Nationally, 1970-2016





The Consequences of Nonvoting in Texas

- White elites tend to determine
 - election results
 - policy
 - Because minority citizens tend to be more liberal than Anglos, their low voter turnout rates contribute to the conservative character of public policy in Texas.
- Winners don't have a positive mandate for their policies.
- The power structure assumes citizens are satisfied.
- no weapon against corruption



The Consequences of Nonvoting in Texas

- affects the level of vitriol in the political debate
- Primaries have become increasingly **activist-driven**, reducing the influence of moderates.
 - more ideologically rigid candidates elected
 - allows for greater influence by moneyed outside groups
 - greater influence by smaller groups
- Disparities in ethnic voter turnout rates compel a modification in the portrait of the state so that partisanship of population is not reflected in government.
 - Republicans will continue to dominate Texas as long as its minority citizens continue to stay away from the voting booth.





Texas Voters Decide

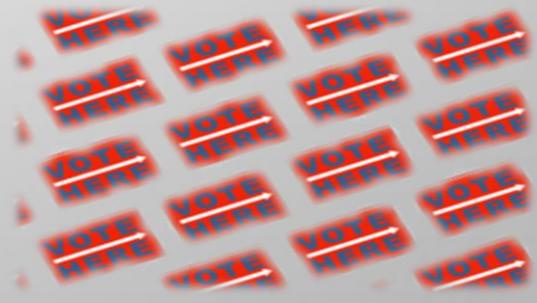
- Political scientists identify a number of factors influencing voter choice.
- **Incumbents** (current officeholders) enjoy a distinct advantage over challengers due to greater name recognition.
- voting choice focuses on: party ID, issues, candidate characteristics
- **Political party identification** is closely related to voter choice. Party ID makes how people vote more predictable.
- **party in the electorate**: voters affiliated with the party
- **declining partisanship**: There are more independent voters and voters with no party ID. (Partisanship appears to be stabilizing recently.)
- **Issues** continue to remain important for influencing voter choice.





Texas Voters Decide

- Voter perceptions of the personal images of candidates influence candidate choice.
- The choices for voters are defined by the type of campaigns developed.
- Citizens make voting decisions based on their evaluations of the past and expectations for the future.
- **retrospective voting**: concept that voters choose candidates based on perceptions of an incumbent's past performance in office or the past performance of the incumbent party
- **prospective voting**: concept that voters evaluate the incumbent officeholder and the incumbent's party based on expectations of future developments
- National factors can effect decisions in Texas.





Texas Voting Patterns, 2016

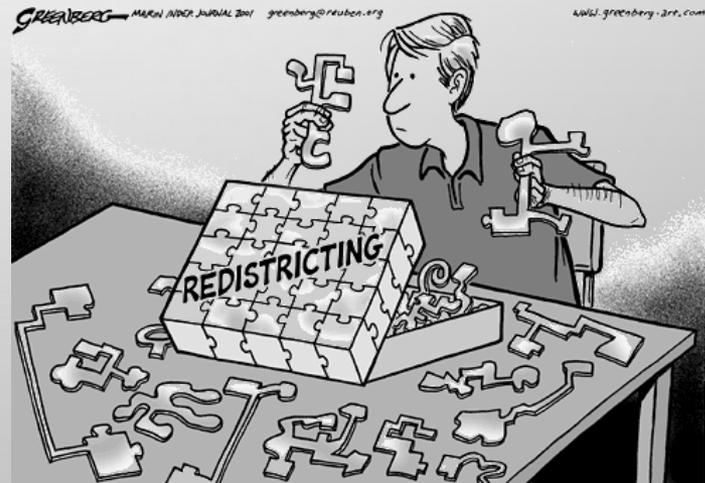
Race/Ethnicity	Davis	Abbott
Anglo (66%)	25%	72%
African American (12%)	92%	7%
Hispanic (17%)	55%	44%
Party Identification	Davis	Abbott
Democrat (27%)	92%	7%
Independent (35%)	33%	62%
Republican (38%)	3%	96%
Ideology	Davis	Abbott
Liberal (18%)	84%	17%
Moderate (38%)	48%	49%
Conservative (44%)	11%	87%
Education	Davis	Abbott
HS Graduate (12%)	45%	54%
Some College (29%)	40%	58%
College Graduate (38%)	34%	64%
Postgraduate (19%)	40%	58%
Gender	Davis	Abbott
Male (49%)	32%	66%
Female (51%)	45%	54%
Age	Davis	Abbott
18-24 (6%)	N/A	N/A
25-29 (8%)	43%	52%
30-39 (17%)	54%	45%
40-49 (19%)	40%	57%
50-64 (32%)	31%	68%
65+ (19%)	29%	69%
Income	Davis	Abbott
< \$30,000 (14%)	51%	47%
\$30,000 - \$50,000 (18%)	48%	51%
\$50 - \$100,000 (39%)	39%	60%
\$100 - \$200,000 (28%)	34%	63%
\$200,000 + (9%)	27%	70%

Race/Ethnicity	Clinton	Trump
Anglo (57%)	26%	69%
African American (11%)	85%	11%
Hispanic (24%)	61%	36%
Asian American (5%)	73%	27%
Party Identification	Clinton	Trump
Democrat (29%)	93%	5%
Independent (33%)	39%	53%
Republican (38%)	9%	88%
Ideology	Clinton	Trump
Liberal (20%)	81%	12%
Moderate (36%)	55%	39%
Conservative (44%)	15%	82%
Education	Clinton	Trump
HS or Less (17%)	49%	49%
Some College (32%)	41%	55%
College Graduate (34%)	41%	53%
Postgraduate (17%)	48%	48%
Gender	Clinton	Trump
Male (46%)	37%	58%
Female (54%)	49%	48%
Age	Clinton	Trump
18-24 (10%)	58%	32%
25-29 (8%)	51%	41%
30-39 (19%)	46%	47%
40-49 (20%)	41%	55%
50-64 (28%)	39%	59%
65 and Older (15%)	36%	64%
Income	Clinton	Trump
< \$30,000 (13%)	58%	35%
\$30,000 - \$50,000 (17%)	45%	52%
\$50K - \$100,000 (31%)	46%	50%
\$100K - \$200,000 (26%)	45%	49%
\$200,000 + (13%)	N/A	N/A



Redistricting in Texas

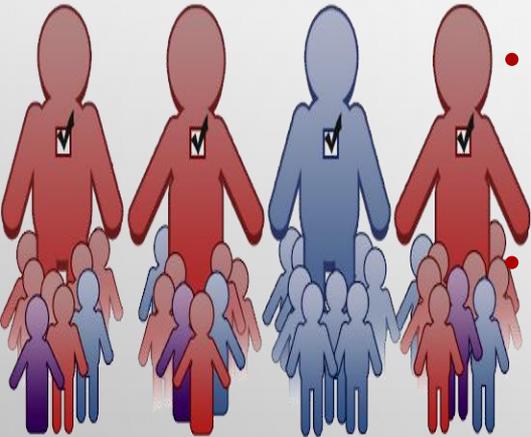
- Every ten years, after the national census, election districts must be redrawn to adjust for changes in population distribution.
- **redistricting**: process of redrawing the boundaries of political districts ... applies to Texas house and senate districts, US congressional districts in Texas, state board of education districts and the districts of local governing bodies (county commissioners, JPs, etc)
- Michael Li runs [an excellent blog](#) about Texas redistricting and election law if you're interested in the issue.





Redistricting in Texas: Doctrine of One Person, One Vote

- The failure of legislatures in a number of states, including Texas, to redistrict despite dramatic population shifts, led the US Supreme Court to address the issue in a series of cases in which the court established the **doctrine of one person, one vote**.



- ...judicial ruling that the equal protection clause of the 14th amendment requires that legislative districts be apportioned on the basis of population
- had a significant impact on policymaking in Texas ... caused urban areas to gain in representation and rural areas to lose representation
- *Davis v. Bandemer* (1986): Supreme Court held that **partisan redistricting** violated the equal protection clause, but the court could not agree on the appropriate constitutional standard against which legal claims of partisan redistricting should be evaluated



Redistricting in Texas: Voting Rights Act (VRA)

- ...national law designed to protect the voting rights of racial and ethnic minorities
- makes it illegal for state and local governments to enact and enforce election rules and procedures that diminish African American and Latino voting power
- **pre-clearance provision of the VRA:** Requires state and local governments in areas with a history of voting discrimination to submit redistricting plans to the US Department of Justice for approval before they can go into effect.
- ***Shaw v. Reno* (Shaw I) (1993):** relying on race in redistricting "reinforces racial stereotypes and threatens to undermine our system of representative democracy by signaling to elected officials that they represent a particular racial group rather than their constituency as a whole"



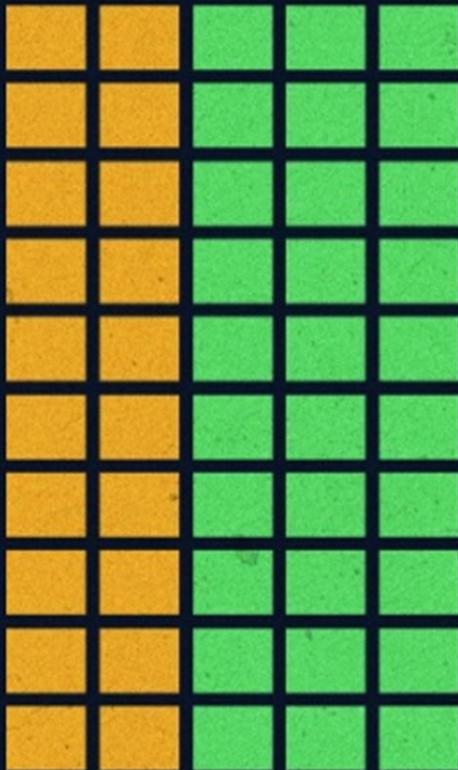
The Politics of Redistricting in Texas

- Redistricting is a highly political process.
- **gerrymandering**: drawing legislative districts to give advantage to one political party, one candidate, one ethnic/racial group, etc
- Gerrymandering frequently affects election outcomes.
- On the average, a political party with complete control of the redistricting process can gerrymander legislative districts to allow that party's candidates to win 54% of legislative districts while capturing 50% of the total vote.
- [Partisan Gerrymandering: The Efficiency Gap](#)

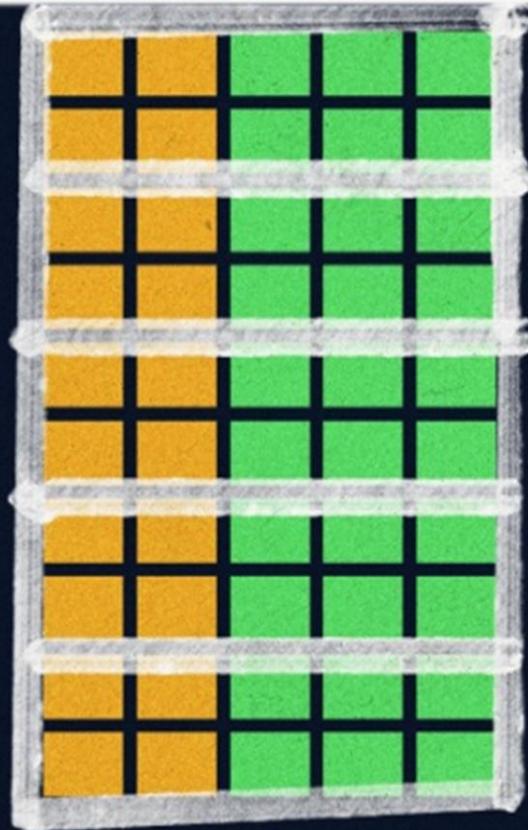




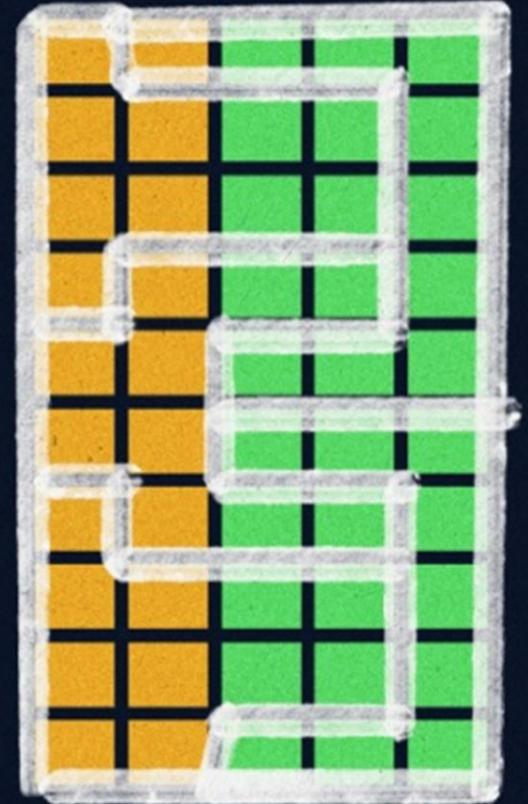
How to Gerrymander 5 Districts



30 GREEN PRECINCTS
20 ORANGE PRECINCTS
BUT DON'T MAKE IT 3 VS 2!



IF YOU ARE GREEN,
DO THIS AND YOU
WIN THEM ALL!



OR IF YOU ARE ORANGE,
DO THIS AND YOU WIN
THE MAJORITY!



The Politics of Redistricting in Texas

- After the 2000 census, the political landscape was considerably different than ten years earlier, and neither party enjoyed clear control of the redistricting process.
- Redistricting in Texas, thereafter, became a highly charged and contentious political process.
- The 2001 session of the Texas legislature ended without passage of redistricting plans for either of the two houses of the state legislature or for Congress.



- The failure of the legislature and governor to adopt a redistricting plan placed the responsibility for drawing new district lines on the **Legislative Redistricting Board (LRB)**, an agency composed of the speaker, lieutenant governor, comptroller, land commissioner and attorney general.



The Politics of Redistricting in Texas

- A new redistricting plan, approved by the LRB, was officially adopted with some modifications imposed by a federal court for the election of members to the Texas House and Senate in 2002.
- After the November elections of 2002, the Republicans captured a majority of the seats in the Texas House for the first time in more than a century and kept a majority of the seats in the Texas Senate.
- Republicans, however, failed to capture a majority in the state's congressional delegation, prompting a revisiting of the issue of redistricting.





The Politics of Redistricting in Texas

- Republican Governor Rick Perry called the legislature into a 30-day special session to consider redistricting.
 - The first special session failed.
 - 11 senate Democrats left the state (for Albuquerque, New Mexico) to block a quorum and passage of the redistricting bill in the second session.
 - Eventually the Senate Democrats returned and the legislature passed a redistricting bill in a third session.
- The battle over congressional redistricting was intense because the shape of legislative districts determines the outcomes of elections, which in turn affect public policy.
 - It illustrates the importance of election rules and procedures.





The Politics of Redistricting in Texas

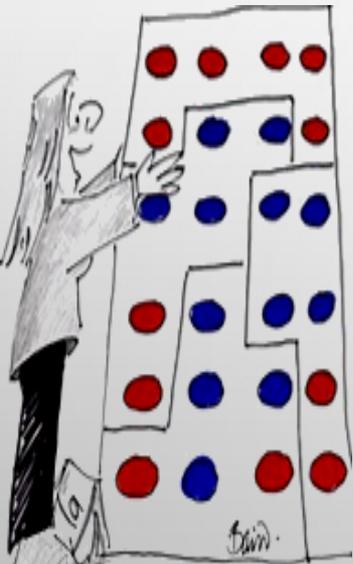
- The plan proved highly successful for the GOP in Texas. After the 2004 elections, Republicans gained six seats in the state's congressional delegation, which included 21 Republicans and 11 Democrats.
- In late 2005, the US Supreme Court agreed to hear a legal challenge to the Texas mid-cycle redistricting. The case presented to the court several intriguing legal issues: violation of VRA, constitutionality of mid-cycle redistricting, violation of the one person one vote doctrine, unconstitutional gerrymandering.
 - In June of 2006, the Supreme Court upheld the basic Republican Congressional redistricting plan, but ruled that the Texas legislature violated the VRA in redrawing Congressional District #23, requiring the boundaries of that district to be redrawn.





Reforming the Redistricting Process

- Critics believe that the modern redistricting process undermines the quality of democracy in the US.



- They contend that the redistricting process typically produces legislative districts that are safe for one party or the other, **depriving voters of the opportunity to participate in competitive elections** for Congress or state legislatures.
- Critics also believe that it produces legislators who represent the extremes of the political spectrum.
- Reformers want to change the redistricting process to make it less political.

- [The 2017 Texas gerrymandering trial could change all of America.](#)



Elections and Policymaking in Texas

- Elections, particularly those in which only a small number of the voting age population participates, as well as who gets elected, have a significant impact on the policymaking process.
- **agenda building**: typically includes only those issues of importance to a small group of elites, ignoring issues of importance to the larger population and reinforcing the larger population's perception that the government doesn't care about them
- **policy formulation and adoption**: policies of importance to the larger population are ignored and policies harmful to the larger population are often adopted
- **policy implementation and evaluation**: implementation often occurs in such a way as to benefit elite groups ... evaluation seldom occurs at all

YOUR VOTE
IS
YOUR VOICE



Partisan Differences in Ranking Voting Issues

AMONG REGISTERED VOTERS: Of the issues you said would be extremely important to your vote for Congress in November, which one would you say will be MOST important?

RANK	DEMOCRAT RV	INDEPENDENT RV	REPUBLICAN RV
1	Economy/Jobs (20%)	Economy/Jobs (16%)	Dissatisfaction with government (15%)
2	Education (14%)	Dissatisfaction with government (15%)	Economy/Jobs (14%)
3	Dissatisfaction with government (8%)	Situation in Iraq and Syria (9%)	Situation in Iraq and Syria (12%)
4	2010 health care law (7%)	Education (9%)*	2010 health care law (11%)
5	Situation in Iraq and Syria (6%)	2010 health care law (7%)	Immigration (9%)
6	Immigration (4%)	Federal budget deficit (6%)	Federal budget deficit (5%)
7	Climate change (3%)	Immigration (4%)	Education (5%)*
8	Taxes (2%)	Climate change (2%)	Taxes (4%)
9	Federal budget deficit (2%)*	Taxes (2%)*	Climate Change (<1%)

NOTE: *indicates tie with issue above

SOURCE: Kaiser Family Foundation Health Tracking Poll (conducted October 8-October 14, 2014)

The End

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