

The Reapportionment Revolution and the Decline of Contested State Legislative Elections: The Case of Rhode Island

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Abstract

State legislative elections in the 21st century U.S. often feature only one major-party candidate, but this was not the case in many non-southern states before the late 1960s. This paper argues that the reapportionment revolution of the early 1960s was a key factor leading to the decline of state legislative contestation during the late 20th century. Through an in-depth case study of Rhode Island (where Republican contestation of legislative seats declined dramatically), the paper points to three important mechanisms explaining this relationship. By altering partisan advantage for control of legislative chambers, facilitating the widespread use of gerrymandering as a political strategy, and removing the responsibility for candidate recruitment from longstanding party organizations, the Supreme Court's "one-person, one-vote" mandate inadvertently paved the way for the decline of legislative contestation in the Ocean State. The paper thus serves as a cautionary note for those favoring judicial interventions into the electoral process.

Introduction

State legislative elections in the U.S. are often compared to congressional elections, but there is at least one way in which they are quite distinctive from their federal analogues. Whereas the vast bulk of congressional elections feature two major-party candidates, a large percentage of state legislative elections routinely feature only one. The high frequency of uncontested state legislative races raises important normative concerns. A vital democratic system requires healthy levels of party competition, and in the many states where the bulk of legislative elections feature unopposed candidates, such competition is notably absent (Squire 2000).

It was not always thus. As I will show in this paper, contestation rates for legislative elections in most states were substantially higher in the early and mid-20th century than they are today. Across much of the Northeast, Midwest, and West, Democratic and Republican parties regularly fielded candidates for nearly all state legislative seats. The one part of the country featuring low levels of party competition in state legislative races in the early 20th century was the South, an unsurprising fact given the lack of two-party politics in the region. During the late 1960s, however, partisan contestation of state legislative elections in the non-South began to decline, marking a trend that continued throughout the late 20th century and into the 21st. Today, uncontested state legislative seats are a common phenomenon nationwide, and the South and non-South appear to be converging in their levels of state legislative contestation.

The causes of the decline of state legislative contestation in the non-South since the late 1960s have not been adequately explored by political scientists. While several studies in the early 1990s initially detected the decline, their historical sweep was not broad enough to fully appreciate its scope and significance. With the benefit of greater data on state legislative elections from both the early 20th and early 21st centuries, it becomes apparent that the crucial

turning point in state legislative contestation in the non-South occurred in the late 1960s. A proper explanation for changing patterns of state legislative competition over the last century must account for why the late 1960s constitutes the veritable “critical juncture” marking the rise of uncontested seats in state legislative elections.

In this paper, I argue that the reapportionment revolution of the early-mid 1960s is a key factor leading to the decline of state legislative contestation in much of the non-South during the late 20th century. While the significance of the Supreme Court’s “one-person, one-vote” decisions in transforming American politics is widely recognized, few political science studies have rigorously examined the long-term effects of these decisions on party competition in the American states.¹ Here, I suggest that the Supreme Court’s requirement in *Reynolds v. Sims* that state legislative districts have roughly equal populations played an important role in bringing about large-scale changes in partisan contestation of legislative seats in much of the non-South. This occurred, I contend, for three reasons. First, the equal-population requirement shifted political power in numerous state legislatures from rural areas to urban and (especially) suburban areas, thereby leading to substantial shifts in partisan advantage. In states where the partisan shifts effectively consigned one political party to long-term minority status in state legislative chambers, the perceived value of running for the statehouse as a nominee of that party declined significantly, thus making it difficult for party leaders to recruit state legislative candidates. Second, through obviating state constitutional provisions mandating the representation of local jurisdictions (i.e., counties, cities, or towns) in state legislative chambers, the equal-population requirement removed a major constraint on gerrymandering (defined here as the drawing of artificial or arbitrary district boundaries for political purposes). In many states, the freedom to gerrymander that state legislators gained in the aftermath of the reapportionment revolution

frequently redounded in the creation of uncompetitive state legislative districts, leading to general elections featuring only one major-party candidate. Lastly (and perhaps most importantly), the equal-population requirement frequently necessitated drawing new legislative districts that crossed the boundaries of local jurisdictions. This meant that longstanding local party organizations, which had always been organized along jurisdictional lines, were ill-equipped to fulfill their traditional responsibilities of recruiting and endorsing candidates for state legislative races. In the absence of significant recruitment efforts by local party organizations, candidate emergence in state legislative races declined across much of the country.

The paper proceeds as follows: first, I present descriptive data demonstrating the longitudinal decline in contested state legislative elections and point to the late 1960s as the time when changing patterns of state legislative contestation in most non-southern states commenced. Turning to the task of explaining the contestation decline, I consider the potential effects of two late-20th century trends in state legislative politics that have received significant scholarly attention: state legislative professionalization and increased electoral campaign spending. Finding that these factors do not provide a satisfying account of the observed decline, I advance my alternative explanation centering on the role of the reapportionment revolution through a detailed case study of Rhode Island politics in the 1960s-1970s. As an “extreme case” of early 20th century malapportionment, the Rhode Island case is well-suited for exploring the causal relationships posited in this article.² In the case study, I show how the adoption of the equal-population requirement in both of the state’s legislative chambers triggered a process that led to the steep drop in Republican contestation of its legislative races. I conclude the paper by

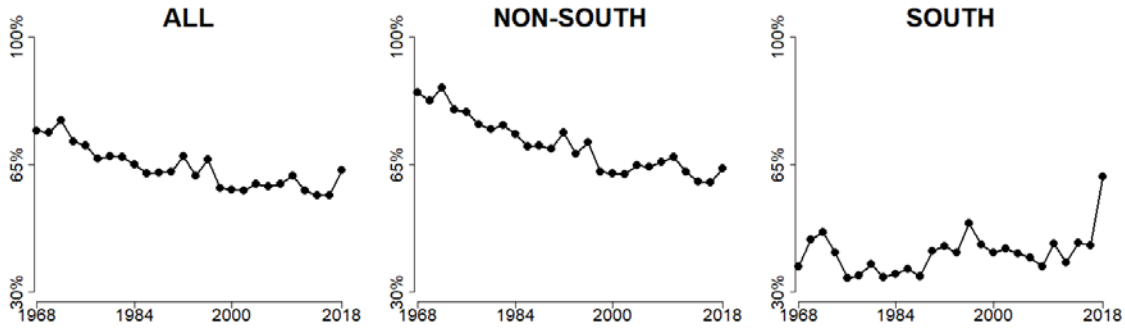
reiterating my findings, discussing the extent to which they may apply to additional states, emphasizing their potential implications, and suggesting directions for future research.

The Decline of Contested State Legislative Elections, 1922-2018

In this section, I describe the decline in contested state legislative elections that began in the late twentieth century. Historical studies of state legislative elections such as this one are hampered by the fact that the one dataset providing comprehensive data on state legislative elections (Klarner et al.'s *State Legislative Election Results*) only goes back to 1968. Thus, I start by presenting descriptive statistics drawn from this dataset for the vast majority of states from 1968 to the present. I then pool together data from a variety of sources to look at trends in state legislative contestation from sixteen non-southern states over the course of a longer time frame (1922 to the present).

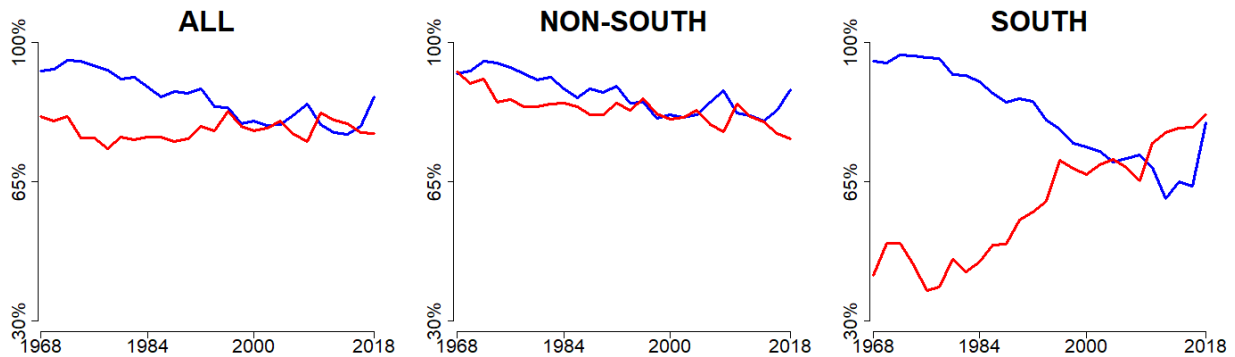
Figure 1 plots the average percentage of contested lower-chamber legislative seats in every midterm and presidential election between 1968 and 2018.³ Three graphs are presented: one for all states, one for non-southern states, and one for southern states.⁴ As can be seen, between 1968 and 2018 the average contestation percentage dropped from 74% to 63.5% among all states in the sample. This decline was entirely due to changing contestation patterns in the non-southern states, where the average contestation rate dropped from 85% to 64%. In the South, average contestation rates experienced a significant overall increase, an obvious byproduct of the emergence of two-party competition in the region over the last several decades. This overall increase was not continuous, however; as the figure shows, southern contestation rates experienced large bumps in the late 1960s, the early 1990s, and the 2010s (particularly in the 2018 elections) and remained stable (over even declined) in intervening periods. As of 2018, the

southern contestation rate was just 2.4% less than that of the non-south, suggesting that longstanding regional differences in state legislative contestation have largely faded away.



Sources: Klarner et al. (2013); Klarner (2019)

Figure 1 Average Percentage of Contested Lower-Chamber State Legislative Seats, 1968-2018



Sources: Klarner et al. (2013); Klarner (2019)

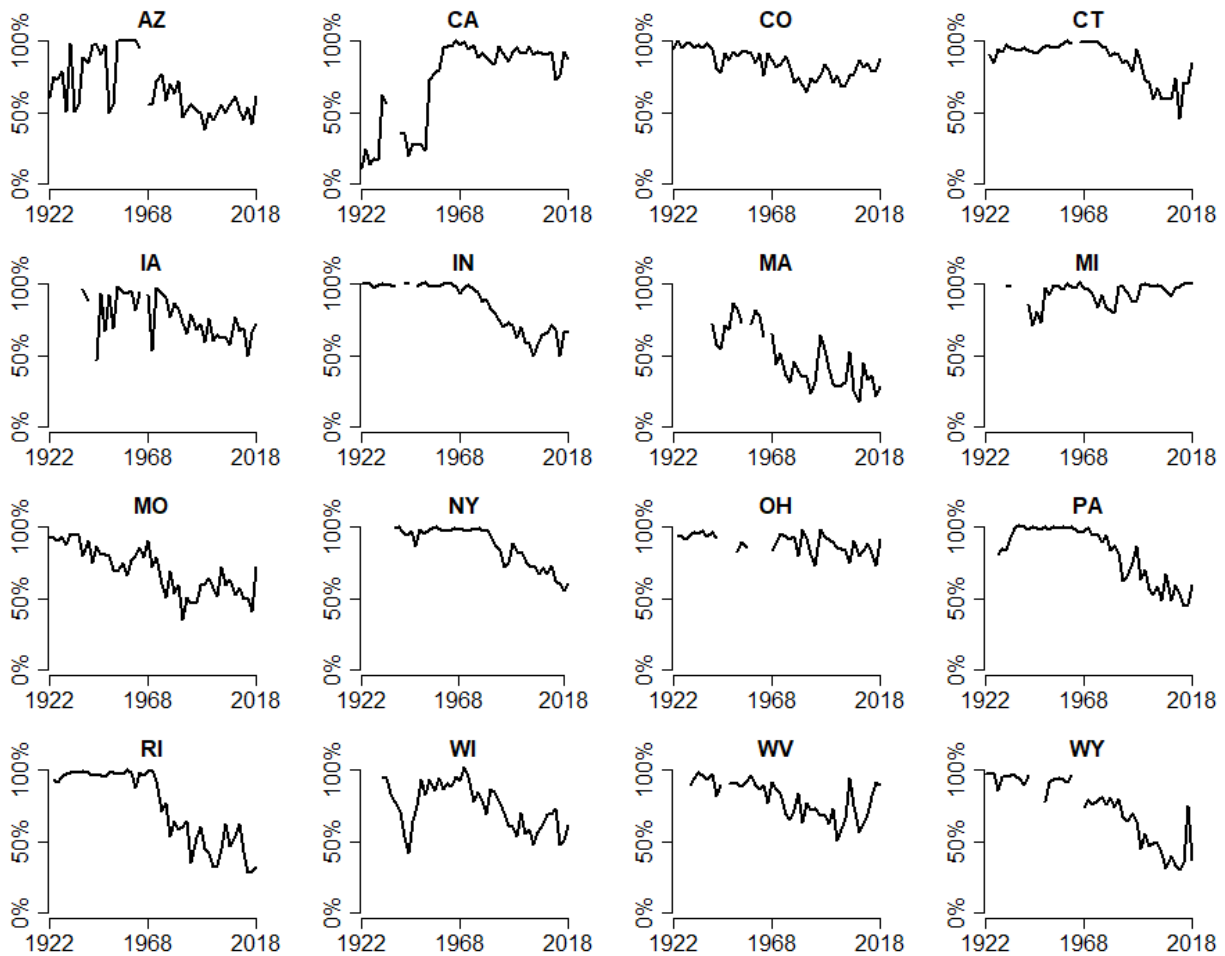
Figure 2: Average Percentage of Lower-Chamber Seats Featuring Democratic (Blue) and Republican (Red) Candidates, 1968-2018

Figure 2 sheds light on the partisan dynamics underpinning the trends seen in Figure 1 by plotting the average percentage of races featuring Democratic and Republican candidates among all states, non-southern states, and southern states. As the figure reveals, the decline in state legislative contestation across all states seen in Figure 1 can be attributed primarily to a decline in Democratic candidates; the average percentage of races featuring Republican candidates

across all states is quite steady between 1968 and 2018. This overall trend, however, masks massive differences between southern and non-southern states. In the southern states, the average percentage of state legislative seats featuring Republican candidates surged while the average percentage of state legislative seats featuring Democratic candidates plummeted over the 1968-2018 period.⁵ In the non-South, on the other hand, the decline in state legislative contestation seen in Figure 1 is revealed in Figure 2 to be a result of a relatively continuous decline in the tendency of *both* political parties to field candidates for state legislative races.⁶

The next question to answer is whether the decline in state legislative contestation over the past half-century has brought overall contestation rates to historically low levels, or whether the low contestation rates of the early 21st century are on par with previous eras (thus making the mid-20th century anomalous in terms of the high rates of partisan state legislative contestation it exhibited, at least in the non-south). As indicated previously, there is no comprehensive dataset of state legislative election results for years prior to 1968, making this question difficult to answer conclusively. Ansolabehere, Ban and Snyder (2017) have compiled a dataset of state legislative elections prior to 1970 that, while incomplete, nonetheless marks a significant step forward. Here, I combine data from the aforementioned datasets with additional data I have gathered on historical state legislative election returns to look at trends in state legislative contestation in sixteen non-southern states over a broader historical time frame.

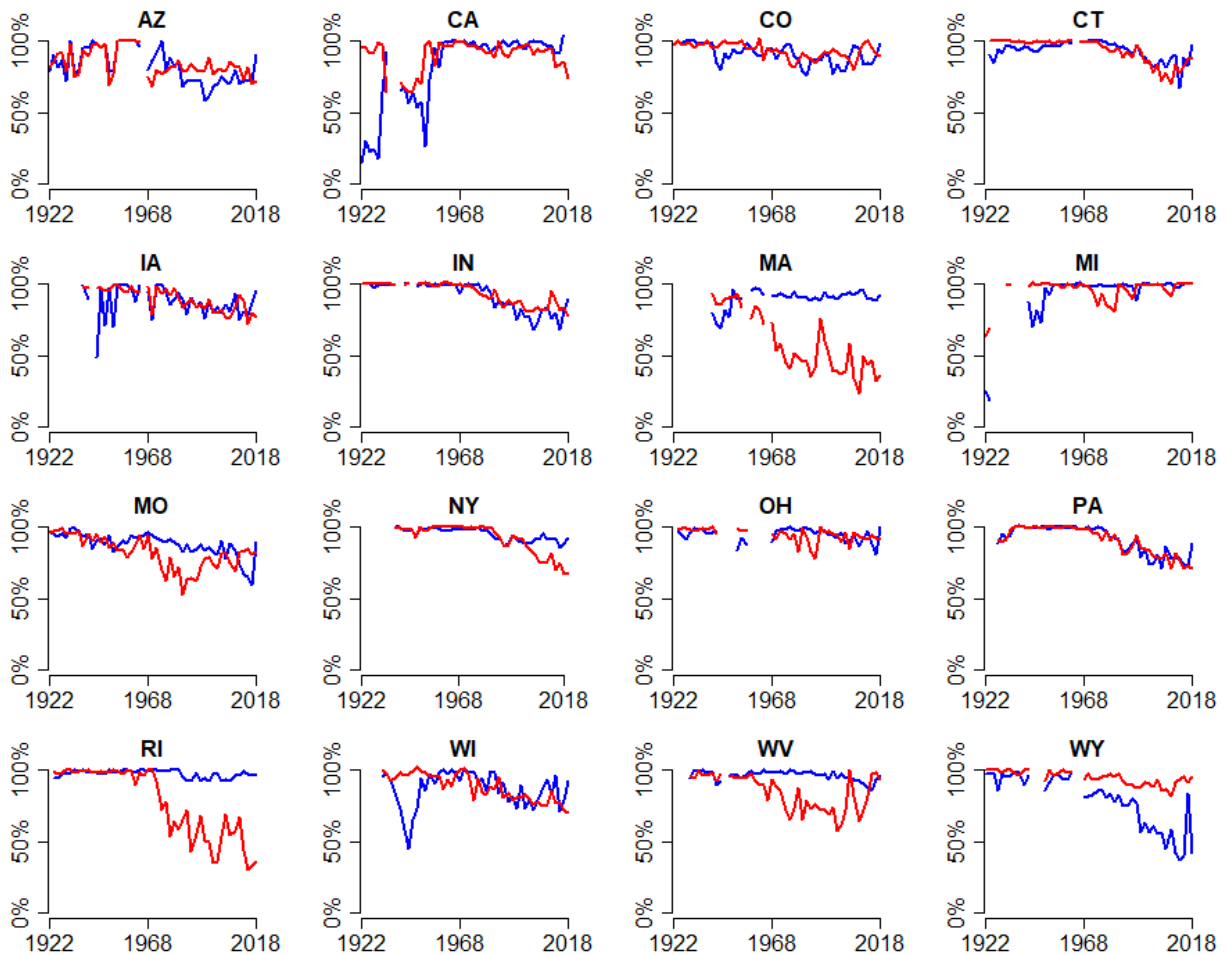
Figure 3 presents the percentage of contested lower-chamber seats for these sixteen states between 1922 and today. While there is considerable variation in the patterns that are exhibited, in the large majority of states the overall trend is downward, especially after 1968. In six of the states (including the northeastern states of Connecticut, New York, Pennsylvania, and Rhode Island, but also including Indiana and Wyoming), nearly all lower-chamber contests were



Sources: Ansolabehere, Ban, and Snyder (2017); Klamer et al. (2013); Klamer (2019); additional data for Connecticut, Missouri, Ohio, Pennsylvania, Rhode Island, and Wisconsin from the early 20th century collected from official state publications by author. Early-20th century data for Indiana come from Francis and Doerner (1962)

Figure 3 Percentage of Contested Lower-Chamber Seats in Selected States, 1922-2018

contested by both parties until around 1968; after that point, contestation rates decline precipitously (although the decline begins in different years and proceeds at different rates in each state). In six other states (Arizona, Iowa, Massachusetts, Missouri, West Virginia, and Wisconsin), contestation rates are much more volatile but are nonetheless noticeably higher on average before 1968 than after 1968. Two additional states (Colorado and Ohio) appear to exhibit a gradual though not especially well-pronounced decline in contested lower-chamber



Sources: Ansolabehere, Ban, and Snyder (2017); Klamer et al. (2013); Klamer (2019); additional data for Connecticut, Missouri, Ohio, Pennsylvania, Rhode Island, and Wisconsin from the early 20th century collected from official state publications by author. Early-20th century data for Indiana come from Francis and Doerner (1962)

Figure 4 Percentage of Lower-Chamber Seats Featuring Democratic (Blue) and Republican (Red) Candidates in Selected States, 1922-2018

elections across the entire time period. Lastly, there are two states that defy the general pattern of a decline in contested lower-chamber elections: California and Michigan. California, in particular, is noteworthy for exhibiting low percentages of contested state legislative elections in the early-20th century and near-complete contestation the late 20th and early 21st century; Weber, Tucker, and Brace (1991) attribute this anomaly to the tendency of California state legislative

candidates to cross-file their candidacies in more than one party primary in the early 20th century, a practice that the state banned in the mid-1950s.

To better understand the trends seen in Figure 3, I present Figure 4, which separately presents the percentage of seats featuring Democratic and Republican candidates in lower-chamber elections across the sixteen states over the same time period. Here, the patterns are even more diverse. In some states (like Rhode Island and Wyoming), the decline in contestation of lower-chamber elections after 1968 can be clearly attributed to a decline in candidates from one political party (Republicans in Rhode Island, Democrats in Wyoming), but in other states (like Connecticut, Indiana, and Pennsylvania) it is the result of decline in candidates from both political parties.

In summary, then, the data from this sample of sixteen geographically-diverse states suggests the following: 1) partisan contestation of state legislative elections was generally quite high outside the South in the early and mid-20th century, but it declined at different rates across different non-southern states beginning in the 1960s and 1970s; 2) there is no obvious pattern in terms of the contributions of the respective parties to non-contestation. In the states. In some states (like Rhode Island and Wyoming), the decline in contestation can be clearly attributed to a decline in candidate emergence from the minority party in the state, but in other states both political parties fielded fewer candidates in the late 20th centuries than they had in the past.

Potential Explanations for the Decline of Contested State Legislative Elections

What accounts for the decline of contested state legislative elections across the non-South described above? To be credible, potential causes of long-term historical trends need to coincide with (or come slightly before) those trends; for our purposes in this article, this means that they need to have emerged in or around the late 1960s. The scholarly literature on state legislatures

points to several significant changes in state legislative politics that meet this criterion and that could be logically related to diminished contestation of state legislative elections.

The first such change is the late-20th century professionalization of state legislatures. A large number of studies have demonstrated that, between the 1960s and 1990s, state legislatures across the country became more professional bodies in which legislators spent more days in session, were compensated at higher levels, and enjoyed greater resources and staffing (see, e.g., Pound 1992; Rosenthal 1993; King 2000). In an early analysis of uncontested seats in state legislative elections, Weber, Tucker, and Brace (1991, hereinafter referred to as WTB) suggested a link between greater professionalization levels and higher non-contestation rates. By their account, the growing professionalization (which they called “institutionalization”) of state legislatures provided incumbent legislators with greater institutional resources with which to beat back electoral challenges, thus discouraging potential opponents from running against them. Conducting a multivariate analysis of contestation rates in 14 lower legislative chambers between 1950 and 1986, WTB found that the amount of legislative expenditures per representative/assemblyperson was often the strongest predictor of uncontested seats, providing some support for their claims.⁷

Caution should be warranted, however, before jumping to the conclusion that professionalization was the chief cause of increased non-contestation of state legislative elections.⁸ To begin with, the legislative expenditures variable in WTB’s analyses was a statistically significant predictor of uncontested seats in only half of the states they examined, suggesting that the explanation has limited utility. More importantly, the most professionalized legislature in the United States (the U.S. Congress) has always featured very *low* rates of uncontested seats, suggesting that legislative professionalization might in certain circumstances

lead to *more* rather than less competition for legislative seats. This insight formed the basis for a study by Squire (2000) that challenged WTB's argument regarding professionalization's effects. Examining variations in rates of uncontested seats across all state legislative chambers between 1992 and 1996, Squire's analysis revealed that more professionalized legislatures featured lower levels of uncontested seats during this period. Squire thus concluded that, contra WTB, greater levels of legislative professionalization make state legislative seats *more valuable* to potential candidates, thereby increasing the likelihood that state legislative races will feature competition between two major-party candidates.

If Squire is right and WTB are wrong about the effects of professionalization on contestation in state legislative elections, then the professionalization explanation cannot be used to explain the decline of contested seats in state legislative elections since the 1960s. After all, almost all state legislatures were *less* professionalized (and state legislative seats thus almost always less "valuable" to potential candidates) in the early 20th century than they are today, and yet contestation rates in state legislative elections were far higher in many non-southern states during those earlier times. Unfortunately, assessing Squire's claims vis-à-vis those of WTB is challenging because the studies were designed differently (WTB's study was longitudinal and focused on changes within states while Squire's study was cross-sectional and focused on differences across states) and drew on observations from distinct time periods.⁹ For our purposes, it is enough to say that the scholarly literature on professionalization's effects on state legislative elections is inconsistent and does not yield firm conclusions.

A second trend in the conduct of state legislative elections that roughly coincides with the decline of contestation documented above and that might logically be related to it involves changes in campaign finance. Political scientists have documented quite significant increases in

campaign spending in state legislative races between the 1970s and the 1990s (see, e.g., Giles and Pritchard 1985; Alexander 1991; Gierzynski and Breaux 1991; Moncrief 1998). These increases likely created pressure on state legislative candidates to raise large amounts of funds in order to be competitive in their races, especially when running against incumbents with large campaign war chests. Such pressures, in turn, may well have dissuaded numerous potential candidates unwilling to devote significant time to fundraising (or daunted by the amount of money raised by their would-be opponents) from running for a seat in the statehouse in the first place.

While the rise in campaign spending in state legislative races during the late-20th century may well be related to the concomitant decline of contested seats in some states, it is highly unlikely that it was the chief cause of the decline everywhere. The aforementioned studies on state legislative campaign finance were all conducted on a small sample of states, usually large ones with rapidly professionalizing legislatures. Comprehensive data on state legislative campaign finance in all fifty states are unavailable for this period, but the limited evidence that exists suggests that the rise of campaign spending in state legislative elections was primarily restricted to these states (Thompson, Kurtz, and Moncrief 1996; Moncrief 1998). In smaller states with part-time, non-professional legislatures, it does not appear that state legislative campaign spending increased substantially (if at all) during these decades. However, the data presented in this article shows that the decline of contested state legislative elections occurred across a wide array of states, including large ones (like New York and Pennsylvania) as well as small ones (like Rhode Island and Connecticut). Late-20th century changes in campaign finance cannot explain the observed decline in the latter.

In summary, several potential explanations for the decline in contested state legislative races beginning in the 1960s can be gleaned from the extant scholarly literature, but these explanations appear to be insufficient—particularly when applied to small states with non-professional legislatures whose elections continue to feature generally low levels of campaign spending. To explain the decline in legislative contestation in these states, another factor needs to be considered: the vast changes in state politics wrought by the reapportionment revolution.

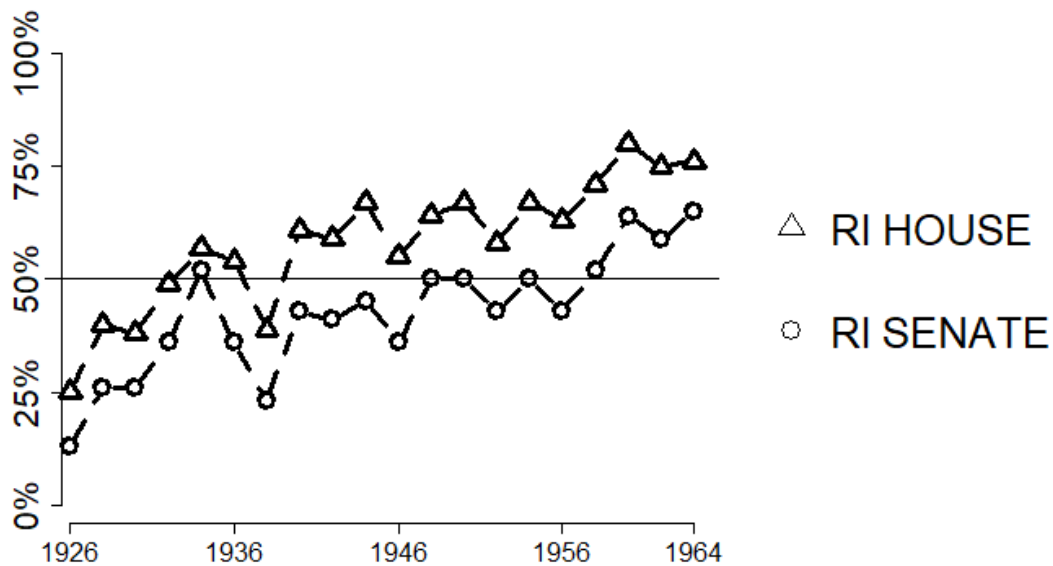
The Transformation of State Legislative Elections in the Aftermath of the Reapportionment Revolution: The Case of Rhode Island

In this section of the paper, I consider the link between the reapportionment revolution and the decline of contested state legislative elections through careful examination of a single case: Rhode Island. While single-case research designs are obviously ill-suited for the purpose of testing established social science theories, they are very well-suited for the purpose of *exploring* new explanations of political phenomena—a task that is just as important to the social scientific enterprise as the former (Gerring 2004). The state of Rhode Island has several characteristics that make it ideal for an exploration of the relationship between the reapportionment revolution and the late-20th century decline of state legislative contestation. First, the Ocean State is a small state with a non-professional legislature and generally low state legislative campaign spending; thus, the two competing explanations for the contestation decline discussed in the paper’s previous section are non-factors in its politics. Second, the Rhode Island legislature was among the most malapportioned in the country in the pre-reapportionment era (Tyler 1955), so the effect of reapportionment on its politics was especially pronounced and fairly easy to isolate. Lastly, Rhode Island vastly exceeds most states in the amount of historical election data that are readily available at the state legislative district level, thus making district-level analyses of state legislative elections far more feasible.

The Rhode Island General Assembly's status as one of the nation's most malapportioned legislatures prior to the implementation of one-person, one-vote had deep historical roots. Since Rhode Island's adoption of its first constitution in 1843 (it had previously been governed under its colonial charter), apportionment of seats in both chambers of its legislature was based around the notion that each of the state's 39 towns and cities should enjoy some level of discrete representation regardless of population. Indeed, between 1843 and 1909, the state Senate was apportioned according to the principle of complete jurisdictional equality (i.e., each town or city was represented by a single state senator), thereby vastly inflating the power of the sparsely-populated small towns along the state's western border.¹⁰ During the early 20th century, modest changes were occasionally made to give greater representation to the state's cities in the Senate and to reallocate seats from older cities to fast-growing suburbs in the House ("Note: Small Town Representation" 1963). Nonetheless, the requirement that every jurisdiction be represented by at least one legislator in both chambers, when coupled with the vast population differences between the state's largest and smallest jurisdictions, ensured that malapportionment would be a prominent feature of both chambers through the early 1960s.

Rhode Island's constitutional requirement of jurisdictional representation in both chambers of the legislature had three major political consequences, all of which were probably present to varying degrees in most non-southern states. First, as Erikson (1971) pointed out, the disproportionate representation given to rural communities through the jurisdictional representation requirements substantially benefited the Republican Party. Indeed, in the case of Rhode Island, rural overrepresentation largely explains how the GOP was able to maintain relevance in the state's legislature between the 1930s and the 1960s. In the aftermath of the 1928-1936 New Deal realignment, partisan divisions in Rhode Island (along with most states in

the northeast and industrial Midwest) took on a strong urban-rural dimension; Democratic voters were concentrated in Providence and other industrial cities in the state's northeastern quadrant, while Republican voters were concentrated in the state's sparsely-populated rural areas. Figure 5 tracks the percentage of Democrats in the (somewhat less malapportioned) Rhode Island House of Representatives and the (somewhat more malapportioned) Rhode Island Senate between 1926 and 1964. As can be seen, after the early 1930s, the House was consistently controlled by Democrats while the Senate remained controlled by Republicans throughout the 1930s and 1940s and was evenly divided during much of the 1950s. It was only in the early 1960s that the Senate fell under Democratic control, and narrowly so. Without the jurisdictional representation requirements, the Senate would have likely been as overwhelmingly Democratic as the House was during this period, while the House would have likely been even more Democratic than it was.



Sources: Burnham (1992); Klarner et al. (2013)

Figure 5 Percentage of Democratic Members of the Rhode Island House and Senate, 1926-1964

In addition to impacting the partisan makeup of the legislature, Rhode Island's jurisdictional representation requirements had an important limiting effect on gerrymandering. Under these requirements, local jurisdictional boundaries were the permanent geographic base units for state House and Senate districts. While large cities with multiple seats were sub-divided into more than one state legislative district, these divisions always occurred within city boundaries, thereby limiting the ability of mapmakers to draw oddly shaped, artificial districts for political purposes. Moreover, because no federal requirement that districts periodically be redrawn to account for population changes existed, both chambers of the Rhode Island legislature used the same reapportionment plans and sub-jurisdictional district boundaries for decades. Between 1900 and 1960, the Rhode Island House was only reapportioned three times while significant changes to the state Senate's makeup were made just once (Conley and Flanders 2007; Rhode Island State Archives N.D.).

Lastly, and perhaps most importantly, Rhode Island's jurisdictional representation requirements gave local party organizations an important role in the composition of the state legislature. The state's political parties were (and still are) sub-divided into city or town committees. These local committees played a crucial role in the selection of party nominees for state legislative races throughout much of the first half of the 20th century.¹¹ Even after Rhode Island adopted the direct primary in 1948, the local party committees continued to recruit and then endorse candidates for legislative seats within their town or city boundaries, and these candidates tended to win their party primaries (Hackett 1963).

Thus, Rhode Island's jurisdictional representation requirements created a status quo of party competition and organization in the state that persisted for decades. This status quo was abruptly decimated by judicial interventions into the state's apportionment schemes in the early

1960s. The beginning of the end occurred in 1962, when, in the wake of the U.S. Supreme Court's decision in *Baker v. Carr* that malapportionment claims were justiciable, the Rhode Island Supreme Court issued an advisory ruling declaring the state constitution's rules for apportioning Rhode Island's lower chamber to be invalid. According to the court, the requirement that the state House be composed of no more than 100 members, combined with the requirement that each of the state's 39 jurisdictions be entitled to at least one legislator, effectively constituted "invidious discrimination" against residents of more populous jurisdictions in violation of the 14th Amendment of the U.S. Constitution. The state's high court refrained from providing specific instructions about how to reapportion the state House or laying out a timeline for doing so; instead it encouraged state legislators to reapportion quickly lest the federal courts get involved.¹²

The state court's decision set off a major new conflict between Rhode Island's political parties. Responding to the ruling, the chairman of the state Democratic Party declared that the legislature was now required to draw completely new state House districts "without regard to city or town lines," but a spokesperson for the state Republicans denied this, arguing that the federal courts would ultimately overrule the state Supreme Court and recognize the legitimacy of giving discrete representation to "well-defined historical entities" like Rhode Island's small towns ("Law, Politics Will Sway" 1962). Instead of dividing the state into 100 equal-population districts, he promoted a plan in which 39 state representatives would come from each of Rhode Island's jurisdictions and the remaining 61 would be elected from equal-population districts. This particular approach would, of course, have benefited Republicans by preserving the overrepresentation of the state's rural areas while at the same time shifting representation from

the state's heavily Democratic industrial cities to its underrepresented and somewhat more Republican suburbs.

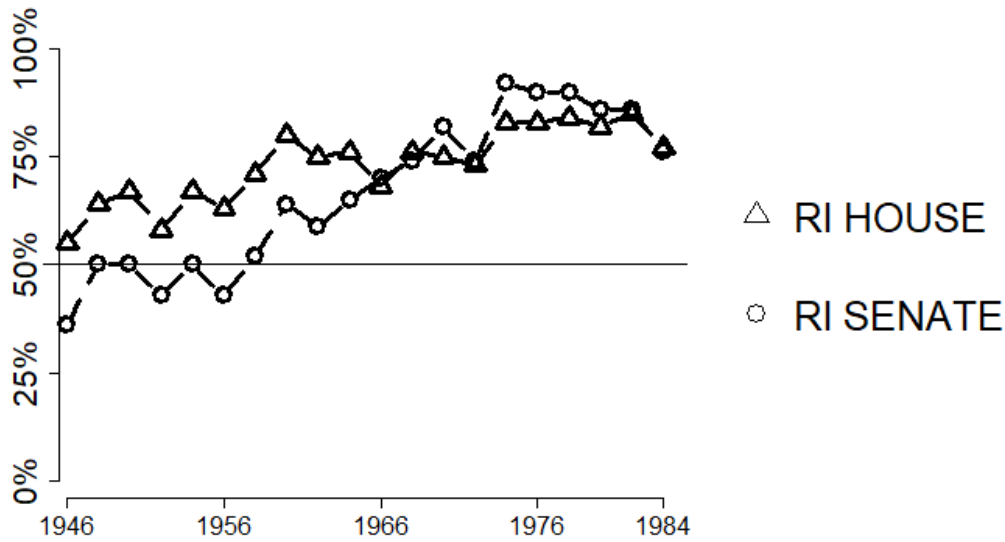
The dispute over how to respond to the state Supreme Court's decision spilled into the 1963 state legislative session, which featured an extended stand-off between the legislature's Democratic majority and newly elected Republican Governor John Chafee. Early in the session, Democratic leaders in the General Assembly signaled their intention to pass a bill reapportioning the state House on an equal-population basis, but Governor Chafee held firm to the view that the state Supreme Court's ruling was incorrect and that the principle of jurisdictional representation would ultimately be vindicated by the U.S. Supreme Court ("Democrats Sticking with Top" 1963). On June 11-12, 1963, the Democratic leadership passed its redistricting plan. In a possible effort to compromise with the governor, Democratic legislators offered a somewhat more modest approach than a purely population-based plan would have represented. Their plan continued to use jurisdictional boundaries as the base geographic units of state House districts, combining many of the state's rural towns into single legislative districts but also allowing for minimal differences in district populations to avoid splitting jurisdictions not entitled to more than one seat. The bill also included a provision allowing state party chairmen to "appoint three-member representative district committees...where towns would be consolidated," thus shifting responsibility for the recruitment and endorsement of state legislative candidates from local to state party organizations ("Reapportioning Bill Passed" 1963). Despite its relative moderation, the bill earned sharp rebukes from rural Republicans, with one state senator saying that "an appropriate title for the bill would be 'the rape of the small towns in Rhode Island'" ("Senate Votes, 21-20" 1963). Gov. Chafee vetoed the measure and Democratic leaders were unable to override him; thus, the status quo of jurisdictional representation was temporarily maintained.

The following year, the U.S. Supreme Court finally weighed in on the question of whether jurisdictional representation in state legislatures could take precedence over the right to an equally weighted vote in state legislative elections. In *Reynolds v. Sims*, the court unequivocally stated that the U.S. Constitution required that equal representation of individuals be “the highest...priority” in the drawing of districts for all state legislative chambers (Cain, MacDonald, and McDonald 2005, 8). It thus became clear that the population equality approach originally embraced by Rhode Island’s Democratic leaders would be the one that the legislature would need to use *and* that it would need to use it to redistrict the state Senate as well as the state House (Hackett 1964). Thus, the legislature was faced with a highly political and highly consequential new task, but in fulfilling this task, it was unencumbered by any significant constraint save that the resulting districts for each chamber have equal populations.

After two years and an extended set of hearings, leaders unveiled and then quickly passed new district maps for the state House and Senate. For the first time in Rhode Island’s history, the legislature endorsed apportionment plans not based on the boundaries of the state’s cities and towns. Political observers and reporters could see the political machinations at work behind the new maps, which included odd boundaries obviously meant to protect certain incumbents and oust others (“House Okays Redistricting” 1966). Along with the new maps, the measure included a provision similar to the one passed in 1963 calling for the creation of new committees initially appointed by state party chairs to be responsible for recruiting and endorsing candidates for party primaries within legislative districts encompassing multiple jurisdictions. This time, however, the provision would affect many more legislative seats since the plans produced a far larger number of districts not lying entirely within a single city or town boundary. Gov. Chafee vetoed the plan, arguing that the districts it produced were not compact and obviously politically

motivated, but the legislature (now featuring Democratic supermajorities thanks to the 1964 elections) overrode his veto and the maps became law (“R.I. Redistricting Given” 1966).

The adoption of population-based districting in Rhode Island in 1966 paved the way for the decline in Republican contestation of legislative elections in the state in three ways. First, its use effectively consigned Republicans to numerical insignificance in both chambers of the legislature from 1966 onwards, thereby diminishing the perceived value to potential candidates of serving in the legislature as Republicans. Figure 6 plots the percentage of Democrats in each chamber of the Rhode Island legislature in a manner similar to Figure 5, but for a slightly different time frame (1946 to 1984 instead of 1926 to 1964). The time frame in Figure 6 allows for a comparison of Democratic representation before and after the emergence of population-based redistricting in 1966. As can be seen, the post-1966 period is distinct from the pre-1966 period in two ways. First, the gap in Democratic representation between the state House and state Senate disappears after 1966, when both chambers become apportioned on a population-equality basis (if anything, the Senate becomes slightly more Democratic than the House after 1966). Second, both chambers consistently exhibit Democratic representation rates above 70% (and often above 80% and sometimes even 90%) in the post-1966 period. Thus, in the absence of jurisdictional representation, it became impossible for Rhode Island Republicans to elect a sizable contingent of legislators in either of the state’s legislative chambers, and even in the most favorable election years. Within this context, it became exceedingly difficult to recruit Republican state legislative candidates. As a reporter wrote in 1974, “the legacy of defeat has been so discouraging to party members that GOP officials often have to beg prospective candidates to allow their names to be placed on the ballot” (Sekeres 1974a).



Sources: Burnham (1992); Klarner et al. (2013)

Figure 6 Percentage of Democratic Members of the Rhode Island House and Senate, 1946-1984

Second, and relatedly, population-based districting opened the door to the routine use of gerrymandering as a political strategy and in a state dominated by Democrats, the losers in gerrymandering schemes were almost always Republicans. As Gov. Chafee and others pointed out in an ultimately-unsuccessful court challenge to the redistricting plans passed by the legislature in 1966, the district lines drawn by the legislature frequently joined sections of heavily Republican small towns to more Democratic areas with which the towns had no historical connection in order to maximize Democratic advantage (Chafee 1966). Indeed, nearly all of the towns that lost their discrete representation in the 1966 redistricting had generally been represented by Republicans in previous decades. Moreover, the 1966 redistricting also caused the redrawing of legislative districts inside the state's cities and suburbs for the first time in decades, and it is likely that the new configuration of these districts dissuaded Republicans from running in them in the years following the reapportionment revolution.

Lastly, the advent of population-based redistricting in Rhode Island caused the state's local party organizations to lose the crucial role in state legislative elections that they had

previously played. Prior to 1966, longstanding Democratic and Republican committees in each of Rhode Island's towns and cities recruited and endorsed candidates for legislative seats within their jurisdictions (in addition to a host of other responsibilities). But beginning in 1966, state legislative districts no longer aligned with city or town boundaries, making local committees tied to particular cities and towns ill-equipped to recruit state legislative candidates. The solution, as laid out in the 1966 law, was the establishment of new party committees chosen by state party chairs for the purpose of recruiting and endorsing party candidates for legislative races. How these committees fared in the long run is not clear, but at least on the Republican side, it appears that establishing numerous effective new committees in a small state with relatively few registered Republicans was not feasible. By 1974, the responsibility for recruiting GOP candidates for state legislative office seems to have fallen directly to the state party chair. When Republican candidates failed to emerge in 74 of the 150 state legislative contests, the chair took the unusual step of recruiting 37 candidates himself (Sekeres 1974b). This appears to have been a largely superficial effort to save face, since most of these candidates almost certainly did not intend to campaign vigorously for their seats. But even with these "recruitments," the GOP failed to field candidates in another 37 races, marking the first steep drop in GOP contestation of state legislative elections in the Ocean State. Four years later, the drop was much greater as the state party chair apparently reasoned that state legislative candidate recruitment should not be as much of a priority for him, and the trend continued into the 1980s and 1990s.

Conclusion

This study has had two chief aims, one descriptive and the other explanatory. The descriptive aim has been to shed light on an underappreciated transformation in the conduct of statehouse elections across much of the United States in the late 20th century. Prior to the late

1960s, state legislative races in many non-southern states, it appears, overwhelmingly featured competition between candidates from the two major political parties.¹³ Beginning in the late 1960s, however, contestation of legislative elections in many non-southern states experienced a significant decline. Today, uncontested seats are a regular feature of state legislative elections in all regions of the country.

The explanatory aim of the paper has been to explore the role of a largely overlooked factor—the reapportionment revolution—in contributing to the decline of state legislative contestation that began in the late 1960s. The case study of Rhode Island demonstrates the mechanisms by which reapportionment and the contestation decline were linked. Through altering party balance within the Rhode Island General Assembly, paving the way for the routine use of gerrymandering as a political strategy, and removing candidate recruitment responsibilities from the town and city party committees where they had traditionally been located, the judicial mandate of population-based redistricting in Rhode Island created a new status quo that led to the decline of GOP contestation of the state’s legislative elections from the 1970s onwards. That status quo is alive and well in Rhode Island politics today.

While this paper has not closely examined whether the key mechanisms linking the judicial mandate of reapportionment to contestation decline in Rhode Island also occurred in other states, anecdotal evidence suggests that in many cases they did. For example, a cursory examination of how the reapportionment revolution unfolded in Rhode Island’s neighbor to the west (Connecticut) reveals a striking number of similarities to the Rhode Island story. Like in Rhode Island, legislative representation in Connecticut’s lower chamber had always been based on the notion that each of the state’s 169 cities and towns were entitled to at least one legislator of their own, leading to massive representational inequalities (McCay 1965). Just as occurred in

Rhode Island, Connecticut's reapportionment schemes were challenged in court following the *Baker v. Carr* decision and the state was eventually forced to adopt population-based districting for both of its legislative chambers ("Note: Small Town Representation" 1963; Council of State Governments 1967). Lastly, much like in Rhode Island, the reapportionment revolution led Connecticut's political parties to reorganize themselves, since longstanding local party committees could no longer fulfill their traditional role of recruiting and endorsing state legislative candidates after the judicial mandate of population-based districting forced the state to draw districts that crossed city and town boundaries (Zaiman 1965).

To be sure, Rhode Island and Connecticut are distinct from many other states in that both featured unusually strong party organizations throughout much of the early-20th century (e.g. Mayhew 1986), which may partly explain why both consistently exhibited near-full contestation of their legislative elections until the reapportionment revolution (see Figure 3).

Reapportionment probably weakened local party organizations in these states more than in many western states, where local party organizations were often weak to begin with. Nonetheless, reapportionment almost surely had some effect on contestation decline in western states too, since most of them (like Rhode Island and Connecticut) had constitutional provisions ensuring some level of jurisdictional representation in at least one legislative chamber prior to the early 1960s. Reapportionment would have contributed to contestation decline in western states by altering the partisan composition of their legislatures and paving the way for the regular use of gerrymandering within them, even if it did not have as much of an effect on the capacity of their local party organizations.

Though there is good reason to believe that much in the Rhode Island case study occurred (to varying degrees) in other states, it is nonetheless true that this study—given its exploratory,

single-case approach—cannot conclusively confirm the link between the reapportionment revolution and state legislative contestation decline in states across the country. Additionally, given its focus on Rhode Island (a small state with a part-time, non-professional legislature), this study does not address how the reapportionment revolution may have interacted with the two other major late-20th century trends in state legislative politics discussed early in this paper: professionalization and increased campaign spending. Though these trends cannot explain the drop in contested state legislative elections on their own, they likely had some effects in combination with reapportionment in certain states. Examining how reapportionment, professionalization, and campaign finance interacted to influence state legislative elections in the late-20th century is well beyond the scope of this paper but is certainly a worthy topic for future research.

Lastly, a few words about the normative implications of this paper: In arguing that the reapportionment revolution helped pave the way for the growth of uncontested seats in state legislative elections, I do not mean to imply that the Supreme Court’s mandate of “one person, one vote” was a mistake. Clearly, the egregious inequalities in representation that existed in states throughout the country in the early 20th century had to be rectified and the courts may have been the only institutions capable of effecting the needed changes. But while judicial interventions into the political process are sometimes necessary, such interventions can have unanticipated negative side effects. The emergence of high levels of uncontested seats in state legislative elections across much of the non-South appears to be an example of such a side effect.

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¹ Two important exceptions are Erikson (1971) and Ansolabehere and Snyder (2004).

² For more on how extreme cases can be effectively used in case study research, see Seawright and Gerring (2008).

³ For the purposes of the analyses in this article, contested seats are defined as state legislative seats for which both a Democratic and Republican candidate are on the ballot in a general election. The definition thus excludes seats featuring one major-party candidate who is challenged by a third-party or independent candidate. The consequences of this definition are generally minor since third parties have been insignificant forces in most state legislatures since the early-20th century (there are several exceptions, most notably Wisconsin, where the Progressive Party was an important player through the 1930s).

⁴ Data from states holding their legislative elections during odd years (including Louisiana, Mississippi, New Jersey, Virginia, and Kentucky before 1984) are not included in the calculations. Also not included are data from Illinois before 1982 (when a unique electoral system was used for lower-chamber elections), data from Nebraska and Minnesota before 1976 (state legislative elections are/were non-partisan), and data from Vermont before 1986 and North Carolina before 1984 (data are not included in the SLER dataset). To calculate the percentage of contested seats, the number of Democratic (Republican) general-election candidates was subtracted from the total number of seats up for election in a given year. The sum total of these differences was subtracted from the total number of seats, thus composing the numerator, while the total number of seats up for election constituted the denominator. This method allows for a comprehensive tabulation of uncontested seats across single-member and multimember districts.

⁵ It is quite possible that the sharp increase in Democratic state legislative candidates in the South during the 2018 elections will mark the end of this long-term trend.

⁶ For an extended discussion of how state legislative contestation patterns in the South changed over the last several decades, see Myers (2018). For a thorough examination of the increase in state legislative contestation rates in both the South and non-South during the most recent (2018) midterm elections, see Myers (forthcoming).

⁷ WTB also found some evidence that state legislative contestation declined after redistricting, but they treated all redistricting events as equal, not distinguishing between ones that were conducted before and after the reapportionment revolution of the mid-late 1960s.

⁸ To be sure, WTB did not reach this conclusion based on their analyses; they emphasized that their study was primarily “exploratory” (Weber, Tucker, and Brice 1991, 45).

⁹ Additionally, it is important to emphasize that neither WTB nor Squire were squarely focused on explaining the long-term decline in contested state legislative elections that began in the 1960s, since both sets of authors lacked the data needed to appreciate the decline’s historical significance.

¹⁰ Because the Senate was the more powerful of the legislature’s two chambers at the time, its strongly pro-rural tilt became the source of much resentment among urban residents. Democratic Congressman George O’Shaunessy (1911-1919) expressed this resentment well when he commented that the state Senate manifested “a strong power exercised by the abandoned farms of Rhode Island” (Conley and Flanders 2007, 213; also see McKay 1965).

¹¹ Candidate selection methods before the advent of the direct primary in Rhode Island were complex and changed frequently. Party nominees for state House races were chosen either directly by town or city committees, or in party caucuses run by the committees. Party nominees for state Senate races were chosen in city or town senatorial conventions, the delegates for which were chosen in the city or town caucuses. All these mechanisms allowed for a greater role for local party leaders than the direct primary system that was implemented beginning in 1948. For relevant Rhode Island statutes establishing party caucuses before 1948, see, e.g., State of Rhode Island 1923, State of Rhode Island 1930, Rhode Island Secretary of State 1938.

¹² Because the U.S. Supreme Court had not yet ruled that both chambers in a bicameral state legislature must be apportioned on an equal-population basis, the state Supreme Court chose not to invalidate the more egregious apportionment of the state Senate (*Sweeney v. Notte* 1964).

¹³ Because data on state legislative elections in all fifty states from before 1968 are unavailable, this statement is a somewhat tentative one.