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The United States: the Past – Moving from Diversity to Uniform Single-Member Districts

Erik J. Engstrom

The legal structure governing modern presidential and congressional elections in the United States was formed in the first decades of its political history. While the use of plurality rule or 'winner-take-all' elections in selecting presidential electors and single-member districts in House elections are now the universal norm, this was not the case during the first fifty years of US history. States varied widely in the mode of selecting both presidential electors and members of the House of Representatives. In this chapter, I examine the initial rules structuring federal elections, and the political reforms that led to the basic system that has governed federal elections since the 1840s. The story is one of diversity in electoral laws giving way to uniformity.

Electoral rules in early America

For the first forty years of American history, there was wide diversity in the rules governing federal elections. The US Constitution gave the states much of the responsibility for designing the rules that would structure both presidential and congressional elections. In the case of presidential elections, the Constitution laid out the basic rules of the Electoral College but left the specific details of selecting electors to the state governments. In some states electors were chosen by voters within districts or on a statewide ballot, while in other states the legislature assumed responsibility for choosing electors. This diversity gradually gave way to uniformity with all the states eventually adopting the statewide, 'winner-take-all' method known as the general ticket. In the first part of the chapter, I examine this development in the rules governing presidential elections. In the second part of the chapter, I turn to changes in the rules regulating congressional elections. Much like presidential elections, the rules governing elections to Congress varied considerably across states during the early period of American history. In particular,

some states elected their members in single-member district elections, while other states elected their members in statewide, at-large elections also known as 'the general ticket'. Not until the Apportionment Act of 1842 were states mandated to use single-member districts in Congressional elections. In the second part of this chapter, I explore the political consequences of general ticket elections and the political circumstances that prompted the switch to single member districts.

Presidential elections: the convergence to general ticket

Presidential elections in the United States are not decided by a nationwide popular vote. Voting is conducted within each state, with voters selecting electors who then choose the president. With rare exceptions, the candidate winning the plurality of votes within a state is given all of that states' electoral votes. This system of voting is known as 'winner-take-all' or the unit rule. Although this system is now taken for granted, there is nothing in the constitution mandating that presidential electors have to be chosen in winner-take-all elections. The framers of the Constitution gave the individual states responsibility for filling in many of the specific rules governing federal elections. The Constitution specifies that the states should appoint electors 'in such manner as the legislature thereof may direct'. Consequently, states are given wide latitude in choosing the specific method of appointing presidential electors.

During the early period of the republic, the discretion enjoyed by states gave rise to wide diversity in the method of choosing presidential electors. This variety is reflected in Table 7.1 which lists the different methods chosen by the states between 1788 and 1836. As the table illustrates, there was no uniform method for choosing electors during this period. The three most common methods were selection by the legislature, popular vote by district and statewide popular vote. This latter method was often referred to as 'the general ticket'. In addition, states also sometimes used various combinations of these methods. For example, in 1788 in Massachusetts, voters first voted for electors by district, and then the legislature chose from among the top two candidates in each district.

During the early years of the republic, the most common method of choice was for the state legislature to directly appoint electors. In the first presidential election (1788), half of the states used some form of legislative choice. The high point of legislative choice came in 1800 when 11 of the 16 states adopted this method. As long as discipline held, the party or faction controlling the legislature could deliver an entire slate of electors to the presidential candidate representing their coalition. Consequently, legislative choice almost always led to a one-party sweep of the electoral vote in favour of the party with a majority in the state legislature.

Another common method in this early era was to allow voters to choose electors in districts. States would be carved up into various electoral districts, from which voters would then make their choices. There was a great degree of variation, however, in the specific rules determining how electors would be chosen. New York, in 1828, had voters choose electors by congressional district and then the winning electors chose two additional electors. In Maryland, between 1804 and 1828,

Table 7.1 US presidential electors, from diversity to uniformity, 1788–1836

	1788/9	1792	1796	1800	1804	1808	1812	1816	1820	1824	1828	1832	1836
Connecticut	L	L	L	L	L	L	L	L	GT	GT	GT	GT	GT
Delaware	D	L	L	L	L	L	L	L	L	L	L	GT	GT
Georgia	L	L	GT	L	L	L	L	L	L	L	GT	GT	GT
Maryland		GT	GT	D	D	D	D	D	D	D	D	D	GT
Massachusetts		D&L	D&L	D&L+	L	L	L	D	L	GT	GT	GT	GT
New Hampshire		GT&L	GT	GT&L	L	L	GT	GT	GT	GT	GT	GT	GT
New Jersey		L	L	L	L	L	GT	L	GT	GT	GT	GT	GT
Pennsylvania		GT	GT	GT	L	L	GT	GT	GT	GT	GT	GT	GT
South Carolina		L	L	L	L	L	L	L	L	L	L	L	L
Virginia		D	D	D	GT	GT	GT	GT	GT	GT	GT	GT	GT
New York			L	L	L	L	L	L	L	L	L	D&E	GT
North Carolina			L	D	D	D	D	L	L	GT	GT	GT	GT
Rhode Island			L	L	GT	GT	GT	GT	L	GT	GT	GT	GT
Vermont			L	L	L	L	L	L	D	L	L	GT	GT
Kentucky			D	D	D	D	D	D	D	D	D	GT	GT
Tennessee				L	L-E	D	D	D	D	D	D	D	GT
Ohio						GT	GT	GT	GT	GT	GT	GT	GT
Louisiana								L	L	L	L	GT	GT
Indiana									L	L	L	GT	GT
Alabama										L	L	GT	GT
Illinois										D	GT	GT	GT
Maine										D&S	D&S	D&S	GT
Mississippi										GT	GT	GT	GT
Missouri										L	D	GT	GT

Key: The choice of electors: GT: general ticket; D: chosen by district; L: chosen by state legislature; D&L: chosen by district, with legislature choosing among final two; GT&L: general ticket, but legislature chooses when no majority; D&L: chosen by district, with legislature choosing when no majority; D&L+: chosen by district, with legislature choosing when no majority, plus two additional electors; L-E: legislature appoints individuals who then select electors; D&S: chosen by district plus two chosen statewide; D&E: chosen by Congressional district, appointed electors then choose two additional electors.

Adapted from Rusk (2001), Dubin (2002) and US Department of Commerce (1970).

eleven electors were chosen in nine districts, with two of the districts electing two members each. While legislative choice almost always ensured a party sweep of the electoral vote, district-based choice opened up the possibility of split electoral delegations. For example, in Maryland in 1828, the statewide vote was split 50.3 per cent to 49.7 per cent in favour of John Q. Adams. Adams won six of the electors while his opponent, Andrew Jackson, picked up the other five.

The third method of choosing electors, which would eventually win wide acceptance, was to select electors by popular vote on a statewide ballot (i.e. the general ticket). Voters were given as many votes as there were electors to choose. Under this system, parties would put forward a slate of electors committed to choosing that parties' presidential candidate. Thus voters were essentially choosing between two slates of electors. The result was, with few exceptions, a sweep of the electors for the party winning the statewide vote. In short, the general ticket turned each state into a winner-take-all election. One implication is that the general ticket system punishes weaker parties and rewards parties that win the statewide vote. Whereas under the district system weak state parties could sometimes pick up electoral votes, under the general ticket they were shut out.

Evidence that the different methods of choice had varying, yet predictable, political consequences can be seen by looking at the incidence of split electoral votes under each method. Between 1788 and 1836, 21 per cent of the elections held with the district system resulted in split electoral delegations (10 out of 46). In general ticket elections, on the other hand, every election resulted in a sweep for one party. The same pattern of one-party sweeps held for legislative choice, with the exception of Pennsylvania in 1800. There each party held one of the legislative chambers, and as a compromise they split the electors. Nevertheless, the particular mode of choice had fairly clear electoral consequences. Specifically, both the general ticket and selection by the legislature nearly always guaranteed the strong party would win all the presidential electors.

Because each of these electoral rules had differing, predictable political consequences, they were subject to frequent manipulation as parties tried to gain short-term advantage by changing the rules of the game. For example, parties that were fearful of what a fickle electorate might do would often opt for selection by the legislature. Or parties that were confident they would win a statewide popular vote would switch to the general ticket in order to sweep the electors. These short-term partisan calculations were the driving force behind the flux of electoral rules during this era.

While having the legislature directly appoint electors was sometimes an attractive choice for parties wanting to ensure the entire electoral vote for their preferred candidate, the trend over time was to allow citizens to choose electors. The democratization of the electorate, through the spread of white male suffrage, induced many states to also extend the franchise to presidential electors. Along with allowing citizens to vote for electors, the other dominant trend between 1800 and 1836 was to employ general ticket elections. By 1828, 19 of the 24 states in the union were using general ticket elections, and by 1836 all but one state (South Carolina) had switched to the general ticket. This gradual dominance of

general ticket elections marks the beginning of the uniformity in presidential electoral rules that continues to dominate modern presidential elections.

What led to this uniformity in electoral rules? Although there were numerous efforts by the federal government to impose a national standard, these legislative efforts never mustered enough support for passage. Instead, uniformity was the result of individual states reforming their electoral systems. So, the question of why uniformity characterizes presidential electoral rules is really a question about why individual states adopted the general ticket.

A couple of possible alternatives have been offered in the historical literature. One common view is that states gradually adopted the general ticket in self-defence. Because general ticket elections produced party sweeps, states with the general ticket could speak with one voice. On the other hand, the split electoral delegations that districted states sometimes produced diluted their power in the Electoral College (Ostrogorski, 1910: 15). Moreover, according to Zagari (1987), the states that tended to use the districting system were the larger states. As a result, their power in the Electoral College was weakened relative to the smaller states which returned unified electoral delegations. Out of pure self-defence, larger states abandoned the district system and switched to the general ticket.

A second rationale for the convergence is rooted in the base strategic calculations of political parties. Between 1824 and 1836, strong political parties with a habitual following among the electorate began to blossom. These state-level political organizations developed the legislative and electoral machinery that allowed them to dominate state politics. These strong party organizations, whose principal aim was to win elections, saw the benefits to be gained by switching to general ticket elections. First, unlike legislative choice, the general ticket allowed for popular voting. This fitted with the emerging relaxations on suffrage requirements (among white males). Second, the general ticket allowed the party that polled a plurality statewide to sweep all the electors. These two features of the general ticket were a natural fit for the machine-like political organizations that developed during the Jacksonian era. The historian Richard P. McCormick summarizes this argument stating '... the general ticket represented in the broadest sense the accommodation of the electoral process to the requirements of political parties, or to the kind of parties that were to be characteristic of the American political system' (McCormick, 1982: 162).

To fully distinguish between the 'self-defence' and 'strong party' stories, ideally one would like to conduct a systematic empirical test of the timing of general ticket adoption. Unfortunately, the data on state legislative composition during the Jacksonian era is not readily available. Thus a full accounting for the strategic rationale for the convergence awaits further analysis.

While the precise mechanism triggering the convergence to general ticket is still in debate, the consequences of the switch are much clearer. The most recognized consequence is the possibility that the winner of the nationwide popular vote may still, under certain conditions, lose the Electoral College vote. Because votes are aggregated within states, it is possible for a candidate to win the White House despite not garnering the most votes nationwide. In the nineteenth century, the

elections of 1824, 1876 and 1888 demonstrated that the winner of the popular vote would not necessarily capture the presidency. The 2000 presidential election is the most recent example of how this can happen under the current rules.

A more immediate historical consequence was that the convergence towards general ticket elections provided a clear impetus for the development of strong state and national party organizations. In order to win elections, parties now had to mobilize voters across a state. As a result, parties began to create the elaborate trappings that would eventually result in the development of state political machines. The general ticket also helped to nationalize the electorate. The chance to pick up large blocs of electoral votes gave the state political parties a strong incentive to coordinate their activities nationally in an attempt to mobilize the mass of voters crucial to winning the presidency. Thus the changes in the rules can be linked to the development of strong political parties throughout the states.

The House of Representatives: the convergence to districts

While presidential elections converged on the general ticket, in the House of Representatives the convergence was in the other direction: towards *single-member districts*. Just like in the selection of presidential electors, the Constitution gave states the responsibility for designing legislative districts. Nowhere in the Constitution is it mentioned that *single-member districts* must be used.

In fact, during the first and second party systems (1790-1840), a number of states elected their House representatives through a scheme of multi-member at-large elections, known as the general ticket system. The system was designed very much like that for the selection of presidential electors. Each voter cast as many votes as there were House seats to fill; the winners were the top *M* vote-getters, where *M* is the number of seats to fill. During this period, about 15 per cent of the House membership, on average, was elected via this method (Martis, 1982: 4-5).

While the convergence of presidential elections on a uniform standard proceeded state by state, the move towards uniformity in congressional elections was more dramatic and immediate. In 1842, as an amendment to the decennial Apportionment Bill, Congress mandated geographically contiguous, *single-member districts* for all House seats. In addition to forbidding general ticket elections, the law outlawed the use of multi-member congressional districts, which a few states had employed (e.g. Pennsylvania and New York).

Why did Congress suddenly decide to make such a major alteration in the electoral structure? One possible answer focuses on the battles between large and small states. Zagari (1989), for example, argues that the districting law was the result of a coalition of Whigs and small-state representatives. Prior to 1842, small states were the primary users, and staunch defenders, of the general ticket system. But the Whigs were able to peel off some of these small-state members by playing on their fears that, absent universal districting, large states might adopt general ticket elections, producing unified delegations that would then harm small state interests (Zagari, 1989: 130-1).

One might also reasonably suspect that the districting bill served as a primarily partisan means for the Whigs to bolster their slim majority in the House. With 31 (of 242) districts under the general ticket system, the Whigs stood to pick up extra seats in the next House elections by carving up these general ticket states into districts. General ticket elections greatly improved the prospects that a majority party could sweep a state's entire delegation (Calabrese, 2000; Scarow, 1999). Under this system concentrated minorities might be shut out. As an example, in 1840, Whigs garnered 43 per cent of the Alabama statewide vote yet did not receive a single seat (Holt, 1999: 155; Thornton, 1978: 94). A switch to districts gave Whigs in general ticket states the chance to win seats commensurate with their vote share. Coupled with this partisan motive was the opportunity provided by Whig success in the election of 1840. For the first, and only, time in their brief existence they captured control of both Congress and the presidency giving them a unique opportunity to pass Whig-flavoured legislation without having to worry about the Democratic opposition.

Not every state, however, immediately implemented districts. In the 1842 elections, four states ignored the mandate. Attempts in the following Congress to enforce the law were voted down by a resurgent Democratic majority. Nevertheless, by 1846 all states had switched to districts. Although the provision for *single-member districts* was left out of the 1850 Apportionment Act, no states switched back to the general ticket. In subsequent Apportionment Acts, various exceptions were made to the districting law. After 1872, states could elect any members gained as a result of federal reapportionment in at-large elections. In the 1930 apportionment, Congress allowed losing states to temporarily elect their members by general ticket if a new districting plan was not created. Aside from these exceptions, which were usually temporary, *single-member districts* have been universally employed since 1846.

The consequences of this reform solidified many of the features we have since come to associate with the modern US House of Representatives. Geographically distinct districts encourage an electoral process which caters to small, local coalitions and a policy-making process geared towards providing particularistic, local benefits. Moreover, district-based elections open the door for creative state parties to practise the art of gerrymandering. With a growing House of Representatives, states throughout the nineteenth century often received new seats after apportionment, supplying parties with ample opportunity to engage in the manipulation of district boundaries.

Conclusion

One of the central features of early nineteenth-century American politics was the wide diversity in governmental and electoral procedures across states. Such fluidity provides a rich terrain in which to study the politics of institutional reform. Between 1789 and 1840, the rules governing federal elections in the United States underwent a dramatic transformation. The trend during this period was towards uniformity in rules across states. In the case of presidential elections,

this transformation was gradual and brought about by the individual actions of states. Because general ticket elections allowed strong parties to sweep electoral delegations, strategic political parties discerning these political rewards switched to general ticket elections. The development of uniformity in congressional elections, by contrast, was more sudden and brought about by the actions of the federal government. Perceiving a chance to pick up extra seats at the margin, the majority Whig party in 1842 passed legislation requiring states to adopt single-member congressional districts. Thus, although reform of congressional elections took place by different means than presidential elections, the underlying engine of both reforms was the strategic calculations of political parties.

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