

SOCIAL SCIENCE HISTORY

Edited by

Stephen Haber and David W. Brady

- Anne G. Hanley, *Native Capital: Financial Institutions and Economic Development in São Paulo, Brazil, 1850-1920*
- Fernando Rocchi, *Chinneys in the Desert: Argentina During the Export Boom Years, 1870-1930*
- J. G. Manning and Ian Morris, *The Ancient Economy: Evidence and Models*
- Daniel Lederman, *The Political Economy of Protection*
- William Summerhill, *Order Against Progress*
- Samuel Kernell, *James Madison: The Theory and Practice of Republican Government*
- Francisco Vidal Luna and Herbert S. Klein, *Slavery and the Economy of São Paulo, 1750-1850*
- Noel Maurer, *The Power and the Money*
- David W. Brady and Matthew D. McCubbins, *Party, Process, and Political Change in Congress*
- Jeffrey Bortz and Stephen Haber, *The Mexican Economy, 1870-1930*
- Edward Beatty, *Institutions and Investment*
- Jeremy Baskes, *Indians, Merchants, and Markets*

PARTY, PROCESS,  
AND POLITICAL  
CHANGE IN  
CONGRESS,  
VOLUME 2

*Further New Perspectives on the  
History of Congress*

Edited by

DAVID W. BRADY AND

MATHEW D. MCCUBBINS

STANFORD UNIVERSITY PRESS

Stanford, California

2007

returns might have grown not because politicians were more assertive and independent but because parties were simply weaker. Party nominees, then, became a more heterogeneous lot. Voters responded in turn. And election results became more variable.

### 6. *Conclusions*

Contrary to the revisionist view, the introduction of the primary decreased loyalty in Congress, especially in the Congress that revolved against Speaker Cannon. And the primaries lowered party loyalty within the electorate, producing higher levels of split-ticket voting, more variability in election results, and slightly lower renomination rates for incumbents. The traditional view, however, grossly exaggerates the importance of the primary. While the reform did affect party loyalty, it was hardly the transformative electoral institution that many envisioned. The effects on party loyalty in Congress and on split-ticket voting are statistically significant but seem substantively modest.

## Chapter 3

# The Effects of Presidential Elections on Party Control of the Senate under Indirect and Direct Elections

ERIK J. ENGSTROM AND SAMUEL KERNELL

In devising the U.S. Senate, the framers intentionally sought to create an institution insulated from transient popular passions. Indirect elections and staggered terms would create a body capable of “cool” (Madison’s phrasing) deliberation of policy. Yet there is evidence that Senate elections in the 19th century were not so insulated from national political forces as previously believed. Throughout this era Senate seats consistently tracked the presidential vote, and the party winning the White House almost always won control of the Senate. How and why could indirect Senates elections be so responsive to national political forces? We argue that, much like House elections during this era (Engstrom and Kennell 2005), the mass mobilization of state electorates and party-strip balloting meant state legislative elections closely tracked presidential elections. In turn, so did Senate elections.

At the same time victory in the statewide presidential vote did not necessarily guarantee control of a state’s Senate delegation. Biases in both the election of state legislators and the subsequent selection of senators by bicameral legislatures contributed to a pro-Republican structural advantage in the Senate. The passage of the 17th Amendment cleared away these biases and increased the responsiveness of Senate elections to national forces.

### *Pre- and Post-reform Senate Elections*

Certainly indirect elections, along with the Senate's longer and staggered terms and malapportioned seats, provide ample reason to suspect that this chamber's party ratios would have been much less responsive to presidential elections than were those for the House of Representatives. Unsurprisingly, after adoption of the 17th Amendment, the electoral connection between the presidency and the Senate strengthened significantly as party ratios in the Senate began to more "tightly" track the national presidential vote (Crook and Hibbing 1997). In all eight presidential elections from 1913 through 1940, the party winning the presidency also captured or retained majority control of the Senate, and in three of these contests the out party simultaneously took away control of both the presidency and the Senate. Yet, as noted at the outset, even when state legislatures were electing the Senate, one can find traces of presidential elections in that chamber's changing party ratios. The party winning the presidency won or retained control of the Senate in 17 out of the 19 presidential results between 1840 and the first direct election in 1914. On four of the six occasions where an out party won the White House and also sought to take away the Senate, it succeeded.

As suggestive as these results are, the fact that only a third of the seats are up for election during any given election year means that overall seat shares are bound to understate the actual responsiveness of both direct and indirect Senate elections to national forces. Also, the Senate's party ratios included a large block of seats from the South that after the 1850s were impervious to national swings in party fortunes. Including this electorally insulated region both understates the responsiveness of Senate to presidential elections for the rest of the country and muddles the prospect of identifying the underlying mechanisms that generate this electoral connection. Hence, as important as the South was for deciding the partisan balance of power at both ends of Pennsylvania Avenue, we shall exclude this region from our investigation of the electoral connection between presidential and Senate elections before and after the 17th Amendment.

In figure 3.1 we have plotted for non-Southern states the Democratic share of the in-play Senate seats against the Democratic presidential vote. Clearly, the highly responsive Senate elections after direct elections confirm the observation (Crook and Hibbing 1997; Wirls 1999) that the 17th Amendment effectively nationalized Senate elections. Two other patterns for indirect elections can also be discerned in figure 3.1. First, throughout the 19th century Democrats ran stronger in presidential than Senate elections, as measured by seat shares. Others have noted and offered various explanations for

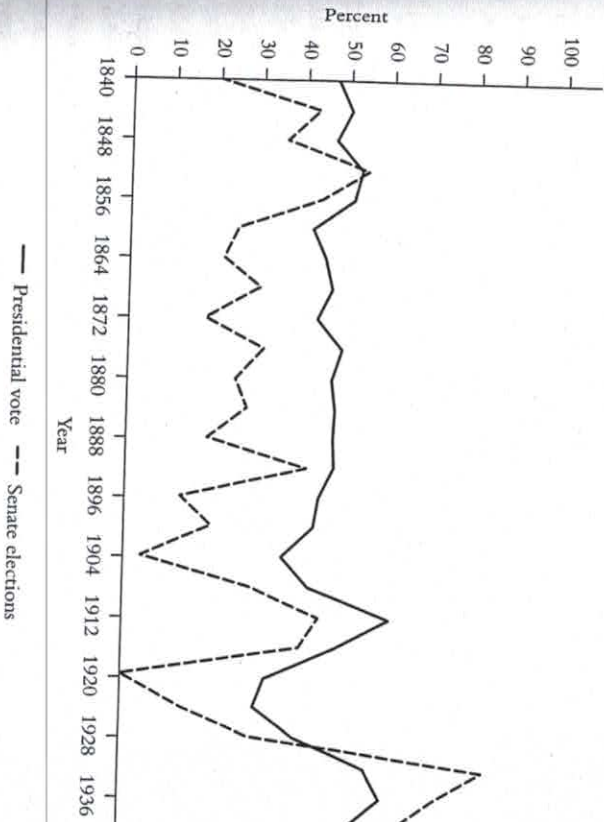


Figure 3.1 Democratic shares of vote in presidential and Senate elections: Non-South, 1840–1940

the Senate's anti-Democratic bias (King and Ellis 1996; Stewart 1991; Stewart and Weingast 1992). The second, less pronounced pattern is the distinct correlation of Democratic seat shares with the party's presidential vote before as well as after 1914.

To see this better, from these data we have calculated separately the familiar vote-seat relationship for elections under the direct and indirect election systems. The results are displayed in figure 3.2, where both bias and the swing-ratio coefficients are significant components of Democratic seat shares. Under indirect elections there is a 17-point anti-Democratic bias; when the Democratic presidential candidate won 50 percent of these states' vote, his party managed to capture only 33 percent of the Senate seats up for grabs. After passage of the 17th Amendment, bias is reduced nearly to zero. Clearly, a major accomplishment of the 17th Amendment was to eliminate bias—not an obvious outcome given the population differences across the states—and to bring the swing ratio into the region of the cube-rule norm (equivalent to a logistic coefficient of 3; Kendall and Stuart 1950; Butler 1951; Tufte 1973).

With national forces passing through state legislative filters, it is unsurprising that presidential voting had a weaker impact on Senate races during

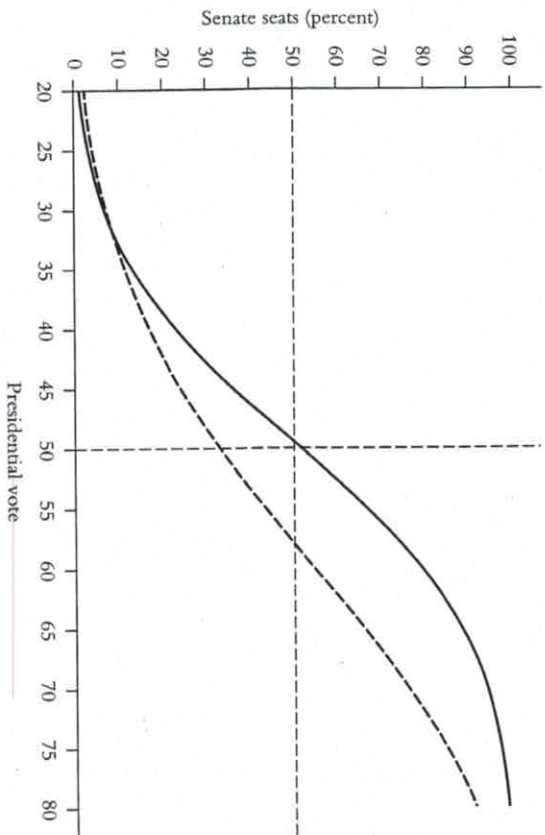


Figure 3.2 Presidential vote: Senate seats curve under indirect and direct elections

the regime of indirect elections. In this era when most state constitutions followed the national Congress in modeling representation in their bicameral chambers and the “one person, one vote” standard applied only to a state’s lower chamber, if at all, the natural malapportionment of county-based seats in the upper chamber and the opportunities for gerrymandering the lower chamber allowed great differences between partisan shares of the votes and seats in the state legislature. Moreover, even where representation was fair, the joint election of senators by coequal chambers, frequently occupied by factious partisans, made for unpredictable and occasionally manipulated outcomes.

Before exploring the complex and extended linkages between presidential voting and Senate elections, we first need to assess an altogether different explanation for the less responsive and biased outcomes we observe. During the Civil War and early Reconstruction, Republican Congresses engaged in a concerted practice of carrying out new, safely Republican states to ensure their majority control after the presumably Democratic South reentered the Union. In the next section, we test this argument and conclude

that, while those states admitted after 1860 did add critical Republican votes to the Senate, the presence of these new “rotten boroughs” does not fully account for the pronounced anti-Democratic bias and weaker responsiveness of the indirect election era.

### The Statehood Admissions Strategy

According to both contemporaneous accounts and historians’ assessments, the Republicans exploited their near supermajority control of the Civil War Congresses to secure future success by stacking the Senate with new Republican seats. More than avaricious partisan greed was at work here. Republicans had good reason to fear an ultimate Confederate victory when the Southern states were readmitted and this region’s representation in the House of Representatives and Electoral College would no longer be discounted by the Constitution’s three-fifths rule for counting slaves. So Republicans embarked on a “rotten borough strategy” of admitting sparsely populated, staunchly Republican states to guarantee control into the foreseeable future of at least one institution of the national government. In 1861 Kansas was admitted. During the next 4 years, another 14 different laws redrew territorial boundaries and admitted new states. By 1868 sparsely populated Nevada, Nebraska, and West Virginia had entered the Union, and only a veto by Southern-sympathizing President Andrew Johnson kept Colorado out a few more years. Stewart and Weingast (1992) argue persuasively that these and subsequent admissions succeeded in preserving a Republican Senate and with it a veto over the efforts of a Democratic-leaning House of Representatives to undo the nation’s wartime policies. By Stewart and Weingast’s calculations, in the absence of stacking, the Democrats would have won Senate majorities for 9 of the next 11 Congresses after 1876 instead of the 2 that actually occurred.

Evidence of the pronounced effects of these new, sparsely populated states on the presidential vote—Senate control relationship is displayed in equations 3.1 and 3.2. If one limits the relationship to states admitted after 1860, the Republican bias is an extraordinary 24 percentage points. Even had Democrats received 50 percent of the non-Southern presidential vote, they still would have commanded no more than a quarter of these states’ Senate seats. Moreover, befitting their characterization as rotten boroughs, these states’ Senate elections were less responsive to the presidential vote. Unsurprisingly, from the date of admission until the switch to direct election, 80 percent of the senators these states sent to Washington were Republican.

$$\text{Republican Bias, pre-1860 Admits} = 2.53(0.68^*) \text{Responsiveness} \\ - 14.50(3.82^*) \text{Bias (Log-likelihood} = -155.28, N = 268) \quad (3.1)$$

$$\text{Republican Bias, post-1860 Admits} = 1.54(1.04) \text{Responsiveness} \\ - 24.46(7.49^*) \text{Bias (Log-likelihood} = -37.04, N = 72) \quad (3.2)$$

Yet equation 3.1 also shows that the admissions strategy is not the only source of the anti-Democratic bias in Senate elections. Even for non-Southern states that entered the Union before 1860, Senate elections exhibit a 14-percentage-point bias and, compared to subsequent direct elections, a weaker swing ratio. These relationships add weight to the argument (King and Ellis 1996) that elections in non-Southern state legislatures inherently favored Republicans. Clearly, leveling the playing field for Democrats was an important effect of direct election reform. One might be tempted to conclude from the relationships in equations 3.1 and 3.2 that the same level of vote-seat bias occurred within the states. Reports of the notoriously mal-districted, anti-Democratic New England state legislatures during the late 19th century would seem to square much of the state-level histories with the national vote-seat relationships. Connecticut (Argersinger 1992; McSeveney 1972) offers an especially egregious instance where town-based legislatures managed repeatedly to frustrate the claims of popular Democratic pluralities and majority-elected governors to control state government and with it the state's Senate delegation. Yet other history points to highly competitive state politics elsewhere, especially throughout the Midwest, in which political control of state government swung with the ebb and flow of national elections. In fact, these case histories remind us that national elections in this era were largely the sum of disparate state-level events.

#### *An Institutional Model of Presidential Effects on Senate Elections*

When 19th-century voters cast their party-supplied ballots for president, to what degree, if any, did their presidential votes spill over on their preferred party's success in capturing a Senate seat in the next state legislative session? In answering this, one must consider how a state's political and institutional features might facilitate or impede the conversion of presidential preferences into state legislative elections. Political parties represent an obvious source for coordinating votes across offices. A strong party could bind its candidates to pursue a common campaign strategy and solve the legislators' collective-action problems. Less well understood, a state's electoral institutions could have had a similarly centripetal influence on the behavior of voters and politicians. Institutional mechanisms might have tied the fortunes

of party politicians together across offices and connected popular votes for the president to legislative votes for senators. These mechanisms can be best examined through the following causal sequence:

1. Presidential coattails: presidential vote → state legislative vote
2. Vote-seat conversion: state legislative vote → partisan composition of legislative chamber
3. Indirect elections: party ratios of upper and lower chambers → Senate elections

For presidential preferences to influence indirect Senate elections via coattails, presidential and state legislative elections needed to occur contemporaneously. If the election calendars of these politicians were much different because of staggered terms, odd-year state elections, or even simply different polling dates for state and presidential elections as was commonplace during the first half of the 19th century, the party's candidates for these lower-level offices could not have benefited either from mobilization of the presidential vote or partisan enthusiasm generated by the national campaigns. Similarly, legislative districts needed to be configured in ways that fairly and closely reflected swings in popular support. When one or both chambers were gerilymandered into safe seats, statewide variations in popular voting for legislative candidates might not influence the aggregate partisan division of seats. With two chambers jointly electing the senator, bicameralism further served to filter the coattail connection. Divided party control of these legislatures frequently resulted in salemated elections and occasionally led to a minority-party winner. Again, pervasive institutional rules govern outcomes. In the next section we test the first two stages of this process, estimating the impact of presidential voting on the partisan composition of state legislatures. We then turn to the effects of bicameral decision making.

#### *The Presidential Vote—State Legislative Seats Relationship*

Two prominent features of the states' 19th-century electoral systems that might well have mediated presidential elections' impact on state legislative elections, and in turn, on Senate elections, are ballot form and electoral calendar. Both features appeared in a variety of configurations across the states and time periods of our data. Until the 1890s, states employed the party-strip ballot, binding candidates vertically from the presidency down to the state legislator (and beyond). Parties would print and distribute these ballots, listing only their candidates on the ticket. By consolidating voters'

choices on a single ballot, voters had little opportunity to split their ticket had they been so inclined; coattail voting occurred as the default outcome. As a result, the electoral fortunes of state legislative candidates, and any politician who aspired to the Senate, depended on the success of the presidential standard bearer at the top of the ticket.

The adoption of Australian ballot reform throughout the states from 1888 to 1911 (Evans 1917; Fredman 1968) dismantled the party-ticket system and weakened the connection between presidential and state legislative elections. By placing candidates of both parties on a single state-supplied ballot and removing voters from under the watchful eye of party workers, the Australian ballot made it easier for voters to split their tickets (Rusk 1970). Some states opted for the office-bloc ballot, while many more initially chose the party-column format. The former required voters to separately designate their candidate preference for each office. This ballot format was intended to discourage straight-ticket voting. The party-column ballot, by comparison, facilitated straight-ticket voting by aligning candidates in columns by party or even supplying a party box in which a single check indicated a straight-ticket vote. Since states adopted ballot reform at different times over a 23-year period, and some would periodically revise them even after adoption of the 17th Amendment, this state-level variable might have mediated responsiveness during both the indirect- and the direct-election eras.

Another potentially important mediating feature was a states' electoral calendar. States adopted numerous combinations of term lengths for the two chambers of their state legislatures. Some states elected all legislative seats during presidential election years, while others contested half, a third, or even none. In 1876, for example, 19 of the non-Southern lower chambers had all of their seats up for election, 3 had half, and 5 had none since they held state elections in odd-numbered years. In addition, some states elected their legislative (and gubernatorial) officers at times other than during the November presidential election. In some cases, state elections occurred months earlier. In testing for the effects of presidential voting, we shall distinguish those state elections held simultaneously with the presidential election from those held on separate dates.

Another ballot reform of special significance for Senate elections allowed voters to express their candidate preferences for the Senate. Some states with this precursor to direct election instituted nonbinding nomination primaries that presumably guided, if not dictated, the nomination of a party's state legislative caucus. In 1901 Oregon went one step further, creating a binding, "straw" Senate election. Here, voters selected among competing

candidates across the parties. Prescriptive elections patterned on the Oregon plan were soon adopted by 13 other states and continued until direct election. The presence of senatorial candidates on the ballot might well have altered coattail voting up and down the ballot. In reminding voters of the broader implications of their state legislative vote, and in promoting particular candidates to the legislature, the Oregon plan might have forced partisan legislators to surrender their discretion and become merely electoral colleges registering popular preferences. Where present, this reform could have mitigated the relationship between presidential voting and Senate election.

A full analysis of the relationship between the presidential vote and state legislative seat shares requires systematic voting data for state legislative elections. Unfortunately, these data are currently unavailable for the 19th and first half of the 20th centuries. Unable to separate the effects of presidential coattails from those of vote-seat conversion, we must settle for estimating the overall relationship between states' presidential votes and the partisan composition of their state legislatures. To test this relationship we have collected all of the relevant institutional variables for every non-Southern election-state pair for 1840 (or date of admission if later) through 1940. This gives us an unbalanced, time-series cross-sectional data structure. The dependent variable is the Democratic percentage of state legislative seats; the key treatment variable, the Democratic percentage of the presidential vote. We then interact the presidential vote with those institutional variables hypothesized to mediate the impact of the coattail. To control for stable state partisan differences, we estimate an ordinary least squares (OLS) model with state fixed effects. Also, as is appropriate for time-series cross-sectional data, the model is estimated with panel-corrected standard errors (Beck and Katz 1995).

Table 3.1 presents the coattail effects of the state's Democratic vote share under various institutional constraints for the lower and upper chambers during presidential-election years when there is a true coattail potential. The analyses were performed using OLS with panel-corrected standard errors. State fixed effects were also used but not reported. Although not reported here, we also analyzed midterm elections. The pervasive absence of significant relationships for all of the coattail coefficients in the midterms reassures us that the significant relationships for the on-year elections represent the hypothesized treatment effects of the states' election institutions and are not an artifact of the distribution of states on these institutional variables. In both chambers' elections the presidential vote appears to have been a major determinant of the legislatures' partisan makeup. When presidential and state legislative elections were held on the same day under a party ticket,

TABLE 3.1  
Impact of presidential vote on state legislative seats as a function of electoral laws, 1840–1940

Variable	Lower House seats	Upper House seats
Presidential vote (% Democratic)	1.02** (0.17)	1.04** (0.14)
<i>Ballot Form</i>		
Non-November election (intercept)	18.88** (6.73)	14.82** (6.79)
Non-November election*presidential vote	-0.38* (0.16)	-0.36* (0.16)
Office bloc ballot (intercept)	24.54** (7.69)	29.36** (5.88)
Office bloc ballot*presidential vote	-0.57** (0.19)	-0.71** (0.14)
Party column ballot	16.96* (7.64)	24.17** (6.66)
Party column ballot*presidential vote	-0.27 (0.18)	-0.50** (0.15)
Senate preference (intercept)	-8.72 (6.87)	-3.00 (5.79)
Senate-preference*presidential vote	0.33* (0.15)	0.16 (0.13)
<i>Lag of Legislative Seats</i>		
Lag of legislative seats	0.55** (0.05)	0.63** (0.05)
Lag of legislative seats*half up for reelection	0.09 (0.05)	0.02 (0.05)
Lag of legislative seats*one-third up for reelection	-0.10 (0.07)	-0.10 (0.07)
Lag of legislative seats*one-fourth up for reelection		0.03 (0.06)
Constant	-34.08** (7.16)	-36.13** (6.86)
N	659	657
R <sup>2</sup>	0.70	0.77

\* $p < 0.05$ ; \*\* $p < 0.01$ .

NOTE: OLS with panel-corrected standard errors and state fixed effects. DV = % of Democratic seats in state legislature.

there is nearly a one-to-one relationship (1.02 and 1.04 percentage points in the lower and upper chambers, respectively).

Table 3.1 also allows us to test the potential mediating effects of institutions on the president's coattail. The first three institutions—electoral calendar, office-bloc ballot reform, and party-column ballot reform—were hypothesized in the preceding to weaken the party ticket's strong coattail effect.<sup>1</sup> Our expectations are less clear for the fourth institutional variable, *Senate Preference*. The presence of Senate candidates on the ballot might additionally nationalize the issues and strengthen party labels, and if so, might

incline voters to incorporate this information into their state legislative choices. Conversely, the availability of Senate-preference choices on the ballot might have reduced the significance of using the state legislative vote as a vehicle for expressing one's preference for the upcoming legislative selection of the next senator.

The significant interactive relationships for the lower and upper chambers confirm the hypothesized effects of a split election calendar. Separating these elections pared the coattail effect by about a third. As expected, the ballot form also mitigated the coattail effect. The office-bloc reform weakened the coattail more (significantly more for the lower chambers' elections) than did party-column reform. These results accord closely with those reported elsewhere for coattails in congressional elections (Engstrom and Kernell 2005). The presence of a senatorial candidate on the ballot during the pre-direct-election era appears to have strengthened presidential coattails, although the relationship does not reach significance for the upper chambers.<sup>2</sup>

The last four variables in these equations represent the Democratic shares of the current chamber's membership under four different reelection settings. Not only is the lag term a suitable control for our analysis but variations in term lengths across chambers and states offer a rich variety of settings for examining the impact of election exposure on the continuity of party strengths in the face of presidential coattails. The first term is the standard lag term where all seats are elected at once (either annually or biennially). These term lengths applied to 75 percent of lower chamber elections and 26 percent of upper chamber elections. The coefficients for these variables rank in strength just as we would expect: the smaller the share of members exposed to election, the stronger the lag term. In the lower house, for example, this impact rises from only 0.55, when every seat is up for grabs, to 0.64, when only half of the legislature is up for election.

These findings show that partisan composition of state legislatures was highly responsive to the short-run national forces that decided presidential elections. This is all the more impressive, since presumably our inability here to separate coattails from the vote-seat function only serves to underline the underlying coattail effect. Moreover, most of the states' electoral institutions mediate the influence of presidential voting in the direction hypothesized. Ballot reform weakened but did not sever the connection. The presence of Senate candidates on the election ballot strengthened the association between presidential and state legislative voting.

Throughout the era of indirect elections, unified party control of state legislatures was the norm, in part reflecting the impact of presidential

elections on both chambers' partisan composition. In those elections in which the full membership of each chamber stood for reelection, unified government resulted 93 percent of the time. When the state senates were not wholly elected in tandem with the lower chamber, the incidence of unified party control dropped to approximately 80 percent. Finally, in those few periods when no more than a quarter of either chamber was elected during the presidential election, a divided legislature was nearly as likely as unified party control. And in cumulative percentages we find that unified party control mostly meant Republican control. Here, then, might be a source of the Republican structural advantage identified in figure 3.2. Although the national Democratic Party remained surprisingly competitive outside the South from the Civil War until the end of the 19th century, Democratic competitiveness rarely translated into victory (Silbey 1977, 1991). Small but pervasive and persistent Republican pluralities across the states sufficed to assure the party's control of non-Southern Senate delegations.

#### *Indirect Elections of Senators*

Throughout the 19th century, Republicans enjoyed a distinct advantage in state legislative seats. This alone foretold the party's success in indirect elections. In the preceding we found that state legislative party ratios swung with the presidential vote but in such a way to overcome the large Republican bias that dominated state legislative elections outside the South throughout the 19th century. We now consider another potential source of bias—the high threshold of representation presented by bicameralism.

State legislative election of a senator is akin to a single-member district, winner-take-all election, but with an important difference: bicameralism. The election of a senator required the mutual agreement of constitutionally independent legislatures. Occasionally, the lower and upper chambers could not agree on a candidate, even after prolonged negotiations and numerous votes. During these sometimes lengthy gridlocks, the seat remained vacant. Between 1891 and 1905, factional and interparty divisions caused 14 states to fail to elect a senator (Haynes 1938, 92). Delaware's factional battles within the majority Republican Party were so fierce the state forfeited Senate representation for the entire 58th Congress.

In 1866 Congress intervened and attempted to resolve bicameral gridlocks (and ward off gubernatorial appointments) with legislation mandating rules that would allow the election of a senator even where majorities in the two chambers could not agree. Initially, each chamber was to vote

separately. If no candidate received an absolute majority in both houses, the legislature then had to vote at least once a day in joint session until a candidate received an absolute majority. Despite the law's stated purpose to resolve bicameral gridlock and standardize election procedures across the states, deadlocks actually increased after passage (Haynes 1932, Hall 1936). The provision requiring a majority (rather than a simple plurality) in both chambers, or on joint ballot, meant that determined factions could prevent the party caucus from unifying around a single candidate. As a result elections sometimes stretched over months and consumed hundreds of ballots.

All of the states in this analysis followed the federal model with larger lower chambers—a mean of 115 members compared to 31 for the upper chamber. After federal law mandated joint elections to break deadlocks, legislators presumably looked down the decision tree as they separately nominated and voted on Senate candidates. Their individual and collective decisions whether to accommodate or stonewall the other side were determined by the numbers of supporters each candidate could anticipate in the joint session (along with the uncertain prospects of getting the two chambers to assemble such a session). Nonetheless, the federal law presumably shifted the balance of power to the lower chamber. Later we incorporate this chamber's potentially greater clout in the analysis.

Of course, when the same party controls both chambers the difficulty of electing one of their own is dramatically reduced.<sup>3</sup> Indeed, 96 and 98 percent of Democratic- and Republican-controlled legislatures, respectively, elected a member of their party. And with presidential coattails at work in both arenas, unified control was the norm throughout this era.

Another feature of indirect Senate elections that may have altered the calculations of state legislators was the opportunity for voters to formally register their opinion for senatorial candidates. As noted in the previous section, some states created binding straw elections or nonbinding preference primaries to select party nominees. State politicians appeared inclined to defer to popular preferences; the Republican Oregon legislature elected the Democratic candidate to the Senate after a majority of the state's voters supported him in the 1908 election.

To test the effect of state legislative composition, along with environmental features that represent expressions of voter sentiment in their states, on the likelihood of electing a Democratic senator, we estimate a logit equation with a Democratic victory as the dependent variable. We model this likelihood of a Democratic victory as a function of the partisan composition of the state legislature; this variable is scored as 1 if the Democrats control both chambers, 0 for a divided legislature, and -1 if Republicans



control both chambers. We also include two measures of voter sentiment. These are the Democratic share of the state's presidential vote (along with an intercept for presidential-election years) and a variable scored 1 for an Oregon-plan victory for the Democratic candidate for the Senate and -1 for a Republican victory.<sup>4</sup>

*Election of a Dem. Senator = 3.61(0.30\*\*)Partisan Control of Legislature*

+ 0.08(0.03\*\*)Presidential vote - 3.56(1.39\*\*)Presidential election year(Intercept)

+ 1.85(1.76)Preference vote winner - 0.14(0.24)

(Pseudo  $R^2 = 0.58$ ,  $N = 648$ )

(3.3)

It comes as no surprise, of course, to find in equation 3.3 party control of the legislature trumping other potential influences on Senate elections. The presence of a significant presidential-vote term suggests that 19th-century legislators were as responsive to the current political breezes as were the swing ratios that allowed many of them to ride into office on the president's coattails. (The same rationale does not extend to the preference-vote winner, however.) Converting the logit coefficients into probabilities reveals the contingent, marginal direct effects of the presidential vote on the legislature's choice. Where control is unified, a swing of 20 percentage points (from 40% to 60%) in the state's presidential vote altered the chances of winning the seat by less than 5 percentage points. Where party control was divided, however, consideration of the presidential election could prove decisive on the choices of the politicians in the legislature. When the Democratic presidential candidate won 40 percent of the popular vote, the Democratic Senate candidates' prospects were a dismal 39 percent—again, even though Democrats controlled one of the chambers. At 50 percent, the candidate's prospects improved to a 62 percent probability. At 60 percent presidential vote, the candidate's prospects of winning the seat soared to 81 percent.

Additional evidence of the importance of institutional rules in deciding Senate elections can be found in the federal mandate of a joint ballot. Since the most decisive partisan impact of this law occurred during divided party control of the legislature, we narrowed our analysis to these instances of divided control. Specifically, we estimate the probability of electing a Democratic senator, in divided legislatures, as a function of the joint combined number of Democrats in the state legislature. We also interact this with a dummy variable indicating whether the election was held before the 1866 law went into effect, and as in the previous equation, include the state presidential vote and an Oregon-plan winner variable. (This latter variable perfectly predicted the outcome where present and so was dropped from the final analysis.)

Not surprisingly, the combined Democratic share of both chambers is significant after the federal government mandated joint sessions to resolve deadlocked elections but not before. Converting these coefficients into probabilities, when the Democratic share was 60 percent rather than 40 (and all other variables set to their means), the probability of selecting a Democratic senator increased by only 11 percentage points before 1866 but by 53 points after implementation of the joint ballot requirement.

#### *Institutional Mediation under Direct Election*

The 17th Amendment brushed aside the role of state legislatures and with it the complex set of coattail and vote-seat linkages that determined the impact of presidential voting on Senate elections. With statewide popular election of a senator, the formerly complex relation between votes and seats became a highly responsive, winner-take-all relationship. The only uncertainty concerned the length of presidential coattails for Senate candidates on the ballot. The literature suggests two possible sources of mitigation of presidential coattails in post-1912 elections. First, the Senate gradually evolved into an institution of career-oriented politicians who renasciously sought to win reelection even in the face of stiff, contrary political breezes (Hall 1936; Daynes 1971). Second, ballot form remained a major potential source of mitigation. The party ticket had everywhere been replaced by secret voting of state-supplied ballots by the time of adoption of the 17th Amendment, but states still differed and occasionally changed their ballot form from the party column, which facilitated coattail voting, to the office bloc, which was designed to discourage it (Evans 1917; Rusk 1970; Fredman 1968).

In equation 3.4 we test the impact of presidential voting on Senate voting. The analysis is performed using OLS with fixed effects. Note that the Democratic percentage of the statewide Senate vote is now the dependent variable. To test for institutional mediation, we interact presidential vote with differences in ballot structure. Recall that by 1914 all of the states had implemented the secret ballot; thus only the office-bloc format is included, leaving the party column as the base category. We expect the office-bloc interaction to significantly reduce the impact of coattail voting. Moreover, we include a variable indicating the presence of an open seat (scored 0) or an incumbent on the ballot (1 for Democrat, -1 for a Republican).

*Dem. Share of Statewide Senate Vote = 0.46(0.08\*\*)Presidential Vote*  
 + 3.04(1.15\*\*)Incumbent Senator - 7.635(6.803)Office Bloc Ballot  
 - 0.22(0.15)Pres Vote X Office Bloc Ballot + 26.10(5.79\*\*)

( $R^2 = 0.50$ ,  $N = 178$ )

(3.4)

These results demonstrate the close connection between presidential and direct Senate elections. An increase of 1 percentage point in the presidential vote boosts the Senate vote by 0.46 percent. The incumbency variable is positive and significant, demonstrating a small vote boost (3%) when an incumbent is running.<sup>5</sup> Finally, the interaction between presidential vote and office-bloc ballot is in the expected direction but not significant ( $p < 0.13$ ).

### Conclusion

In designing the Senate the framers sought an institution insulated from transient public opinion. Staggered, 6-year terms, statewide constituencies, and above all, indirect election served this common purpose. The analysis presented here indicates that the framers never wholly succeeded in their goal. By the 1840s mass mobilization of electorates behind party-nominated tickets meant that political recruitment for the state house as well as the White House tracked the party success in presidential elections. This list of party-aligned offices, indirectly, included the Senate. As a consequence, unified party control of the national government was the norm.

Indirect election had its effects, but they assumed more the form of partisan bias rather than unresponsiveness. If the Democrats had a lock on the Southern seats, the Republicans had at least a distinct competitive advantage in the rest of the country. In part this reflected the Republican party's "rotten borough" strategy of carving out and admitting staunchly Republican states. The analysis here finds a Republican bias also embedded in the vote-seat relationships that determined the composition of state legislatures and in the joint-agreement requirement that meant that the smaller, predominantly Republican upper chambers could block Democratic majorities in the lower chambers. After implementation of direct election in 1914, the bias disappeared and party control of the Senate more closely tracked presidential elections, a pattern that continues to the present day Senate (Erikson 2002; Alford and Hibbing 2002).

## Chapter 4

### The Dynamics of Senate Voting: Ideological Shirking and the 17th Amendment

WILLIAM BERNHARD AND BRIAN R. SAlA

The 17th Amendment, ratified in 1913, compelled the popular (direct) election of senators. Few scholars have argued that it had much independent effect on the composition of the Senate or the nature of senatorial representation, however. Riker, for example, opined that

the system of pledging [state] legislators, the direct primary, and finally the Oregon system, had each formalized the role of the voters a little more, until finally it seemed likely that the legislatures would select senators as mechanically as the electoral college selected the President. Thus these earlier reforms both occasioned the Seventeenth Amendment and *anticipated its effects*. . . .

The Seventeenth simply universalized a situation which a majority of state legislatures had already created. (1955, 467–468; emphasis added)

We find, contra Riker, strong evidence that senators' intraterm legislative voting patterns *did* change after 1913. The 17th Amendment subtly, yet fundamentally, changed the representational focus of U.S. senators from the interests of party elites toward those of the statewide median voter.

#### *Estimating Senators' Ideal Points*

In this chapter we rely on a scale derived from annual, static W-NOMINATE scores, which we generated using Poole and Rosenthal's publicly