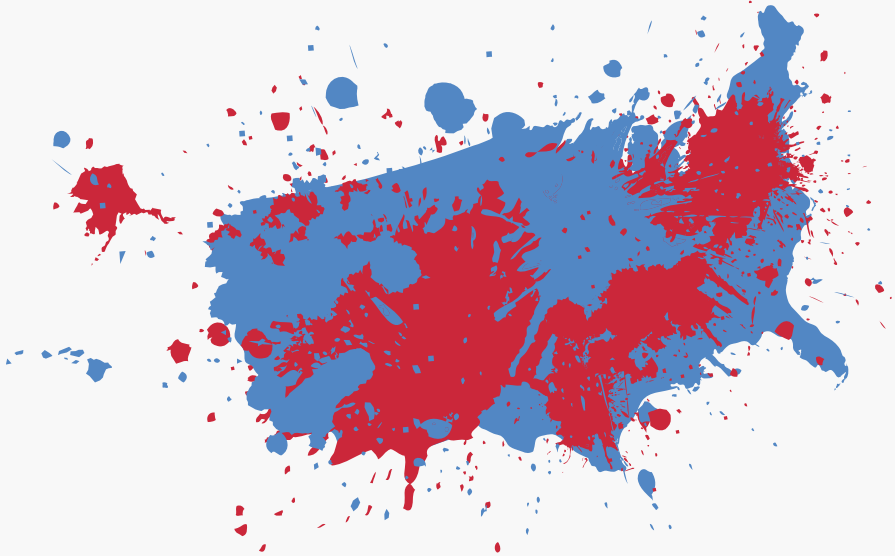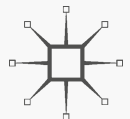*Edited by*
Sean D. Foreman
& Marcia L. Godwin

THE ROADS TO CONGRESS 2016

American Elections in a Divided Landscape

The Roads to Congress 2016

Sean D. Foreman · Marcia L. Godwin
Editors

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To all who are interested in American politics and to our families

Preface

The main political event of 2016 was the election for President of the United States. The unconventional candidacy of Republican Donald Trump combined with the precedent-setting campaign of Democrat Hillary Clinton as the first female nominee of a major political party sucked the oxygen out of the nation's political environment. Little air was left to discuss the legislative campaigns and candidates themselves often captured media attention solely for their views of the presidential campaign. In reality, the contests for control of the U.S. Senate and House and Representatives were just as consequential. Congress, a coequal branch of government and the first one established in the U.S. Constitution, makes the bills that the chief executive either signs into law or chooses to veto. Despite recent presidents becoming more willing to use executive orders to circumvent the significant gridlock in Congress, party control, legislative leadership, and governing tactics still matter.

Another major development emerged in February 2016 from the third branch of government, the judiciary, with the untimely demise of Supreme Court Associate Justice Antonin Scalia. The death of Scalia, and the loss of his conservative vote on Court decisions, endangered the aims of the conservative movement. The determination of Senate Republicans to hold up the appointment of President Barack Obama's nominee, Merrick Garland, until after the 2016 election in hopes that a Republican would win the presidency—and therefore appoint more conservative justices—became a central issue during the campaign season.

Obama once stated that he would use his pen (executive powers) and phone (power of persuasion) to accomplish his agenda and the executive orders on immigration known as DACA (Deferred Action for Childhood Arrivals) and DAPA (Deferred Action for Parents of Americans and Lawful Permanent Residents) were two of them. Without Scalia's vote, a 4-4 Supreme Court split on an appeals court ruling blocked Obama's DAPA policy that was challenged by a coalition of 26 states led by Texas. Speaker of the House Paul Ryan said in a statement said, "Today, Article I of the Constitution was vindicated. The Supreme Court's ruling makes the president's executive action on immigration null and void. The Constitution is clear: The president is not permitted to write laws—only Congress is. This is another major victory in our fight to restore the separation of powers."[1] This example of how immigration policy touched the three branches of government shows the importance of studying each of them equally.

The primary purpose of this book is to provide contemporary accounts of the candidates and issues in competitive congressional races in the context of the political battles over control of the three branches of American government. The focus is on what really drives campaign strategies, voter turnout and behavior, and electoral outcomes especially in an era of a divided electorate. Also, the prospects for effective governance can be gleaned from the chapters presented here. Ultimately, the dynamics that goes into the various separate elections of American democratic representatives deserves both scholarly and greater public observation and analysis.

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NOTE

1. Gerstein, Josh. 2016. "Supreme Court deadlocks, thwarting Obama's immigration actions," Politico, June 23, http://www.politico.com/story/2016/06/supreme-court-deadlocks-thwarting-obamas-immigration-actions-224720.

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Marcia Godwin would like to thank her family, friends, and colleagues for their support. She would also like to thank Jean Reith Schroedel for the 1998 invitation to coauthor a chapter on the reelection of Senator Barbara Boxer that led to studying congressional elections. Schroedel also recommended Laura Brantley as a co-author in this volume. She appreciates past editors, especially Dewhirst, for inviting her to write other election case studies. She especially thanks Sean Foreman for his support and invitation to be co-editor of this volume. The University of La Verne provided faculty research support and Katrina Beltran served as a graduate research assistant.

Both editors appreciate the work that media sources and public interest organizations do to cover these races. Local newspapers continue to be a primary source of information to scholars and the public on the 435 House of Representatives races and the one-third of Senate seats that are up to election every two years. We also appreciate media requests that challenge us to consider the implications of campaigns and elections.

This book would not be possible without the commitment of our contributors who researched each race in depth and wrote compelling narratives. Palgrave MacMillan has been extremely supportive from conception through publication. We appreciate assistance and support from former editor Chris Robinson and editorial assistant John Stegner. Our students and the American electorate also reaffirm that increasing the understanding of how campaigns and electoral processes work is essential for improving democratic governance.

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Setting the Context

Sorting Out the 2016 U.S. Elections

Sean D. Foreman

The Setting

Heading into the 2016 national election cycle in the United States
of America, conventional wisdom and most public polling expected
the Democratic Party to pick up several seats in the U.S. House of
Representatives and Senate, and even possibly win majority control
of the upper chamber. It was also widely thought that Hillary Clinton
would win the presidency. Donald Trump and his insurgent, national-
ist, populist campaign succeeded in winning the Republican nomina-
tion. Trump then rode an improbable wave of support from a coalition
of reliably Republican states and the working class Democratic states of
Michigan, Pennsylvania, and Wisconsin, to achieve a 306–232 Electoral
College victory even as Clinton won the popular vote by more than
three million votes.

Trump's presidential victory was accompanied by Republicans hold-
ing their majorities in both chambers of Congress. Although the GOP
lost two seats in the Senate and six in the House, they retained a 52–48
lead in the Senate and a 241–194 margin in the House to commence
the 115th Congress. There were instances of ticket splitting across the
country, but the electoral processes led to an overall outcome of unified

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party government in America, leaving in its wake a divided electorate and frayed nation. Large-scale protests and movements to resist the Trump presidency followed.

Term-limited President Barack Obama, who claimed that Trump was "uniquely unqualified for the job," was as surprised and dismayed as many Americans by the presidential election results since his political and personal legacies were on the line. In a press conference six days after the election, Obama reflected on the historic nature of his party's loss as well as on the big picture in American politics. Obama recollected 2004 when Democrat John Kerry lost to President George W. Bush and Senate Majority Leader Tom Daschle (D-SD) lost his reelection bid. Obama, then a freshman from Illinois, and Ken Salazar of Colorado, were the only two non-incumbent Democrats in 2004 to win Senate seats. "Things change pretty rapidly, but they don't change inevitably," said Obama, "They change because you work for it. Nobody said democracy's supposed to be easy. It's hard. And in a big country like this, it probably should be hard" (Thrush and Mccaskill 2016).

The pendulum swings in U.S. politics between Democrat and Republican control of the legislative and executive branches. Intensity over policies wax and wane as issues emerge and the public and political parties react to them. Democrats began the Obama presidency in 2009 with an advantage of 16 seats in the Senate and 79 seats in the House. As Obama left office in 2017, Democrats were at a deficit of four in the Senate and 47 in the House. The passage in March 2010 of the Affordable Care Act(ACA), nicknamed Obamacare, used much of the political capital that Democrats earned in 2008. In the 2010 midterm, aided by the rise of the fiscally conservative tea party movement, Republicans took majority control of the House. Since then, much of Obama's policy agenda was blocked by the legislative branch. Republican Senate Majority Leader Mitch McConnell (R-KY) publicly said his goal was to make Obama a one-term president. He did not succeed, as Obama won re-election in 2012, but McConnell did help Republicans capture the Senate majority in 2014. With control of both chambers of Congress, Republicans then needed to win the presidency in 2016 in order to follow through on their signature campaign promise delivered across the country to repeal and replace Obamacare. (Table 1.1)

Table 1.1 Partisan breakdown of U.S. Senate and U.S. House from 2006 to 2016

Year	Senate				House		
	Democrats	Republicans	Independents	Net change	Democrats	Republicans	Net change
2006	49	49	2	+5 D	233	203	+22 D
2008	57	41	2	+8 D	257	178	+24 D
2010	51	47	2	+6 R	193	242	+64 R
2012	53	45	2	+2 D	201	234	+8 D
2014	44	54	2	+9 R	188	247	+13 R
2016	46	52	2	+2 D	194	241	+6 D

Note Both Independents in the Senate caucus with Democrats

114th Congress

The 114th Congress was largely painted in the press and public opinion as a "do nothing" Congress, although it was slightly more productive than the past two Congresses (Blake 2016). Budget battles between conservative and moderate Republicans took up much time and led to the resignation of John Boehner (R-OH) as House Speaker. The actual accomplishments of the 114th Congress were workmanlike and dealt with issues of transportation, international trade, and the bipartisan 21st Century Cures Act which dealt with medical research and mental health reform ("A look back" 2016). Where Congress did nothing was in stalling action on immigration, gun control, tax policy, and health care reform and, in the case of the Senate, failing to confirm a U.S. Supreme Court nominee. There was little common ground between a Republican-majority Congress and Democratic President Obama in the final years of his presidency. Republicans continued to vote for bills to repeal the ACA knowing that Obama would veto them, and both parties jockeyed for positions they perceived as electorally beneficial in 2016.

A high-profile debate played out over a bill that was intended to allow families of people who died in the September 11, 2001 terrorist attack to sue Saudi Arabia for alleged support given to the attackers. President Obama vetoed the bill, claiming it threatened national security and opened American citizens living abroad to attack. Congress exercised its only override of an Obama veto to put the Justice Against Sponsors of Terrorisms Act (JASTA) into effect (NPR 2016).

A mass shooting at a nightclub in Orlando, FL, prompted expedited discussions on a series of gun control bills just prior to the 2016 summer break. In the Senate, moderate Republican Susan Collins (R-ME) led a bipartisan approach after four prior bills were defeated by the conservative majority. That Senate bill got 52 votes, short of the 60 needed to block a filibuster. Unable to advance legislation in the House, Democrats organized a "sit-in" on the House floor in effort to force a vote on gun control legislation. The 25-hour sit-in led by Representative John Lewis (D-GA) and others was unprecedented but ultimately unsuccessful. Speaker of the House Paul Ryan (R-WI) claimed that Democrats were interfering with the institutional integrity of the House and ordered an early recess which resulted in turning off C-SPAN television coverage. Democrats used social media to send live videos and messages of their floor protest to the world in violation of House rules (Herszenhorn and Huertteman 2016). This incident was emblematic of the legislative environment that members of Congress faced on Capitol Hill, while simultaneously many were running in contentious campaigns in their home districts and states.

THE 2016 CAMPAIGNS

The top issue to more than half of voters was the economy (52%). Other issues that touched the electorate were terrorism (18%), immigration (13%) and foreign policy (13%) (CNN Exit Polls 2016). While these issues plus health care reform were significant talking points on the campaign trail, the dominant campaign theme across the country was the presidential race featuring billionaire businessman Donald Trump and former Secretary of State, U.S. Senator, and First Lady Hillary Clinton.

Trump's first Senate backer was Jeff Sessions (R-AL). About 30 Senators eventually endorsed Trump. But the only Republicans facing a competitive re-election to voice support for Trump were Roy Blunt in Missouri, Richard Burr in North Carolina, and Marco Rubio in Florida. Others were from reliably Republican "red" states. Rubio, from "purple" Florida, was convinced by party leaders to break an earlier promise not to run for re-election when he launched his unsuccessful presidential bid. Rubio claimed he ran to serve as a check on whomever won the presidency, Clinton or Trump, and did not appear at campaign events with Trump in Florida.

Chris Collins (R-NY) was the first sitting House member to endorse Trump in the contentious Republican presidential primary process. As Trump defeated 16 opponents, other House members slowly got behind

him. Eventually, around 200 current and former U.S. Representatives officially endorsed him. Clinton, who had a prolonged primary challenge from Senator Bernie Sanders (I-VT), also initially had a fractured party before receiving the endorsement of practically every Democratic elected official.

The 2016 campaign cycle was the first with Paul Ryan as House Speaker. Ryan faced a primary challenge from a Trump supporter that he easily won. Trump declined to endorse Ryan saying, "I like Paul, but these are horrible times for our country. We need very strong leadership. We need very, very strong leadership. And I'm just not quite there yet" (Rucker 2016). Trump called Ryan ineffective and disloyal during the campaign and suggested that Ryan should not continue as speaker should Trump get elected.

Alternatively, Ryan initially demurred from endorsing Trump, only to embrace him after Trump officially became the nominee. He then backtracked again when an *Access Hollywood* recording from 2005 was released in October that contained audio of Trump making lewd comments about women (Wong 2016). Ryan said he would not defend Trump and released House Republicans to either embrace or reject their party's nominee depending on the circumstances in their local districts (Fortune 2016).

Ultimately, it may be that Trump helped Ryan retain the speakership (Bade 2016). Trump was perceived to have helped Republican candidates withstand the pressure of Democratic challengers, have minimal loses in the House, retain leadership intact, and have unified party government. Trump's selection of former U.S. Representative and then Indiana Governor Mike Pence, a close Ryan ally, helped secure the conservative voter base and ease some concerns many party stalwarts had about Trump's campaign.

The Supreme Court vacancy caused by Justice Antonin Scalia's death in February was identified as the most important factor for 21% of voters and an important factor for 48% of voters, so it was significant for nearly seven in ten voters (CNN Exit Polls 2016). McConnell heeded the herd of conservative voices that called for the next president to select Scalia's replacement rather than President Obama and succeeded in blocking the nomination of Merrick Garland, the Chief Judge for the D.C. Circuit that Obama nominated. By refusing to hold hearings on Judge Garland, Senate Republicans gambled that their nominee would defeat Clinton in the general election, a risky strategy that worked.

Incumbents (Still) Rule

The roads to re-election were rocky for many in 2016, but 97% of the members of the 114th Congress (2015–2016) that sought re-election won. The notion that most incumbents primarily focus on and then win their reelection campaigns is a remarkably stable element of congressional elections. One Democrat and three Republicans lost primaries while two additional Democrats and seven Republicans lost general election races. Incumbent winning percentages do not include the 30 members that retired (3 Democrats and 2 Republicans in the Senate and 7 Democrats and 18 Republicans in the House), 16 that sought other offices, five who resigned, and two who died (CQ Roll Call 2016) so the turnover is slightly higher in actual membership.

Two notable House incumbents lost in primary elections. Chaka Fattah (D-PA), a 22-year veteran, indicted for fraud and racketeering, lost his April primary. He vowed to serve the rest of his term only to be forced to resign in late June upon being convicted. Corrine Brown (D-FL) was the victim of a court-ordered redistricting plan that placed the 12-term incumbent in largely new electoral territory. Brown lost both a legal challenge and her Democratic primary. The most senior incumbent to lose in the general election was John Mica (R-FL), who was first elected in 1992. Mike Honda (D-CA), an eight-termer, who lost to another Democrat, and Scott Garrett (R-NJ), a seven-termer, lost general election bids. Garrett and Tim Huelskamp (R-KS), who lost a primary election, were members of the conservative House Freedom Caucus.

Two Senate Republican incumbents lost: Kelly Ayotte of New Hampshire and Mark Kirk of Illinois. Kirk, who won in a blue state in 2010, a Republican year, was generally expected to suffer from increased Democratic enthusiasm in 2016 and lost to former Representative Tammy Duckworth. Ayotte had been a rising Republican star since her election in 2010. But she could not escape the dilemma of how to respond to the Trump candidacy against a tough opponent—the sitting governor—and lost by just more than a thousand votes. That case, and others, are covered in this book.

The Design of the Book

The purpose of this book is to identify and highlight important themes of the 2016 election cycle by case studies on competitive U.S. House and Senate races and broader thematic chapters that demonstrate key

campaign dynamics. Chapter 2 provides an examination of the voting behavior of House members from "toss-up" districts and Senators in competitive states on key votes during the 114th Congress. The laws concerning voter registration which are designed at the state level—and called voter suppression tactics by detractors—are examined in Chap. 3. Chapter 4 gauges the Twitter habits of House members concerning the presidential nominees Clinton and Trump. The relative successes and failures of female and minority candidates in the 2016 campaigns are assessed in Chap. 5.

Chapters 6 through 25 contain case studies on individual House and Senate races. There are eight chapters on House races and eleven about Senate races. We used ratings from *The Cook Political Report*, *The Rothenberg and Gonzales (R&G) Political Report* and *Sabato's Crystal Ball* that each provide regular ratings of the competitiveness of all congressional campaigns in selecting the cases. The cases selected were ones that either were "toss-up" rated during the 2016 cycle or otherwise provided insight to further provide a view of the national electorate.

Several of the House races covered were rated as toss-up in the summer of 2016 by the *Cook Political Report* (Colorado 6th, Florida 18th and 26th, Illinois 10th, New York 19th, 22nd, and 24th, Texas 23rd, and Wisconsin 8th). Curiously, Iowa's 1st District was expected to change party hands from Republican to Democrat, and did not. In California's 49th District incumbent Darrell Issa, who gained a national reputation as chair of the House Oversight Committee and an outspoken critic of the Obama administration, won a close race after an extended vote count.

In mid-2016, there were seven toss-up Senate races according to these sources: Florida, Illinois, New Hampshire, Nevada, Ohio, Pennsylvania, and Wisconsin. (*Crystal Ball* had Illinois and Wisconsin as lean Democrat at that time). This book features case studies on six of the seven toss-ups, and nine out of the campaigns identified on a list of "top 10 Senate races" in a *Washington Post* series of articles (Phillips, 2016). We also include California and Louisiana which both use top-two primaries and produced notable Senate contests, and Arizona where Republican John McCain faced both significant primary and general election challenges.

A concluding chapter captures the larger themes found in the book and the lessons learned from the case studies. It sheds light on the signs found along the roads to Congress.

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Voting Behavior in the 114th Congress

Patrick Hickey

An extraordinary number of congressional races were uncompetitive in 2016. The *Cook Political Report* rated only 18 out of 435 (about 4%) of races as "tossup" races that either party's candidate had a chance to win (The Cook Political Report 2016). The Senate was slightly more competitive, with seven of the 34 Senate races (about 21%) rated as "tossup" races (The Cook Political Report 2016a). This low number of competitive races is part of a larger trend.[1] The number of competitive congressional races has steadily declined over the past few decades due to increased political polarization and better technology used to draw (and gerrymander) House districts.

The results of the 2016 congressional elections fit with pre-election predictions regarding the lack of competitive races. As the third congressional election after the 2010 Census, the 2016 congressional elections took place in districts that are now relatively stable. The winning candidate won more than 55% of the 2-party vote in 398 of the 435 House races (about 92% of all House races). Similarly, the *Cook Political Report* winning Senate candidate received more than 55% of the 2-party vote in 25 of the 34 Senate elections held during the 2016 cycle (about 74% of all Senate races). Prior to November 8, 2016 political scientists and pundits predicted that

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