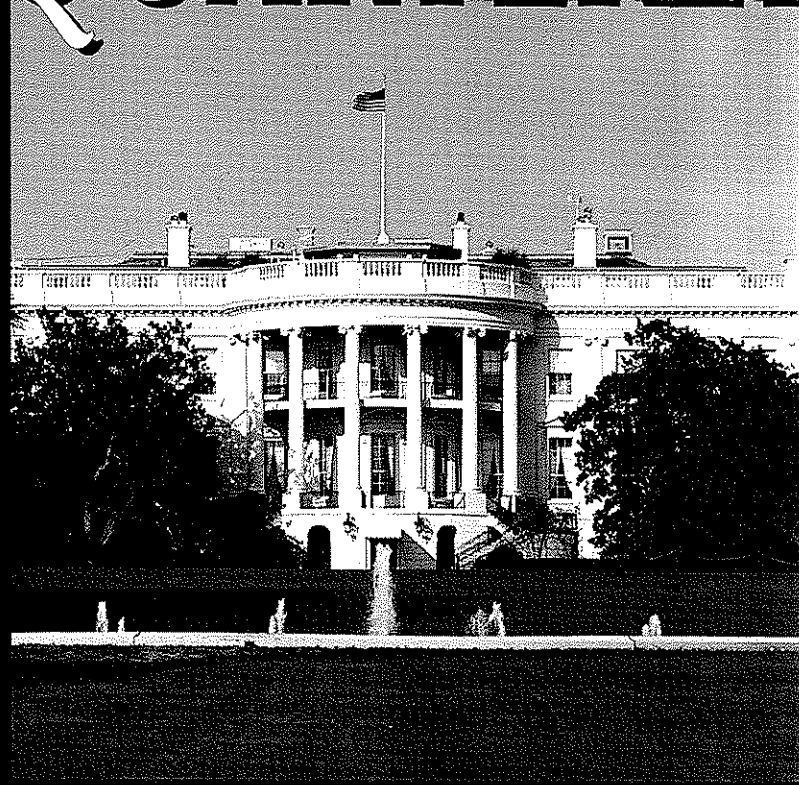


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RESEARCH NOTE

Evaluating the Impact of Vice Presidential Selection on Voter Choice

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We update and extend work by Wattenberg and Grofman (1993) and Wattenberg (1995) on the consequences of vice presidential selection for voter choice in U.S. presidential elections by offering a simple quantitative model that allows us to measure both potential and actual effects of differences between vice presidential and presidential preferences. We model the impact of vice presidential selection as a weighted average of the differences in voting behavior between those with differing combinations of presidential and vice presidential preferences and the size of the pool of voters who exhibit such preferences.

One holder of the office of vice president, John Nance Garner (1868-1967), reputedly said that "[t]he vice-presidency ain't worth a pitcher of warm piss."¹ However, as one heartbeat away from the presidency, in the modern "red phone" era, the importance of the vice president has generally been thought to have grown. And, certainly in 2008, there was almost as much hullabaloo about the Republican vice presidential pick as there was about John McCain himself, with a long period of time in which media and blogosphere coverage of Sarah Palin was at a fever pitch.

There have been only a few attempts to determine the effect of vice presidential selection on presidential vote totals (see Adkison 1982; Romero 2001; Wattenberg 1995;

1. This quote is often bowdlerized, with "spit" used as a euphemism for urinary product.

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Wattenberg and Grofman 1993). As voters now must take the president and the vice president as a "package deal," it would seem that sometimes voters would be unhappy with the package, preferring the presidential candidate of the Republicans (Democrats) to that of the Democrats (Republicans), but having the reverse preferences for vice president. Or, voters might have strong preferences for one party's president over the other's, but no preferences vis-à-vis the vice presidency, or vice versa.

Adkison (1982) examines both aggregate and individual-level data on candidate preferences, but not systematically and only for a limited time period. Romero (2001) attempts to reconcile aggregate-level analysis indicating that vice presidential candidates offer little to the ticket in terms of home state or regional advantages with some individual-level analyses of voting propensities that suggest vice presidential candidates can have a nontrivial impact on vote choice. He concludes that the individual-level analysis overstates the impact of vice presidential preferences on vote choice, after controlling for "rationalization" of the vote.

Most similar to this current study are Wattenberg and Grofman (1993) and Wattenberg (1995). Our study improves on these earlier attempts by extending the data into four additional elections (all in a time period in which the office of the vice presidency has been widely considered to be increasing in importance and prominence) and by examining all possible preference pairings with respect to presidential and vice presidential thermometer ratings. We, too, find limited vice presidential effects, but we would emphasize that the effects we find are nontrivial in magnitude.

Using data from the National Election Study,² we look at the likelihood of voting for the Republican presidential ticket among nine categories of voters, whom we label DD, DN, DR, ND, NN, NR, RD, RN, RR, with the first letter indicating which party's presidential candidate is preferred, and the second letters indicating which party's vice presidential candidate is preferred (with N indicating no preference reported, or a tie). We hypothesize that presidential preferences should, on balance, be more important than vice presidential preferences, but we also expect that vice presidential candidate preference should matter. In particular, we expect to observe a generally lexicographic ordering among these nine preferences—that is, the likelihood of indicating a vote preference for the Republican presidential ticket should increase monotonically as we move from DD to RR. As shown in Table 1, this expectation is confirmed when we look at data averaged over the period 1968-2008, and, as shown in Figure 1, it is generally true for each of the individual presidential election years as well. Indeed, on average, those with fully consistent preferences vote consistently with such preferences between 96% (for the DDs) and 98% (for the RRs) of the time, and voters with no preference for either president or vice president (NN voters) behave, on average, rather like coin flips, with a 50% chance of voting Republican.

2. Data are taken from the American National Election Study (ANES). To simplify the analysis, only voters who reported voting for one of the major-party candidates for president in the postelection survey were considered. Additionally, only preferences (which in our case are measured by preelection *thermometer* ratings ranging from 0 to 100) for the presidential and vice presidential candidates of the two major parties were included. A *preference* for a candidate is determined by a higher score on the thermometer rating. *No preference* implies equal ratings for the two candidates. Prior to the 1968 administration of the ANES, a thermometer rating was not included.

TABLE 1
 Mean Likelihood of Voting Republican for President as a
 Function of Presidential and Vice Presidential Preferences
 (averaged 1968-2008)

<i>Presidential and Vice Presidential Preference Dyad</i>	<i>Vote Intention Proportion for Republican Presidential Ticket (1968-2008 average)</i>
DD	0.04
DN	0.11
DR	0.17
ND	0.39
NN	0.50
NR	0.56
RD	0.83
RN	0.93
RR	0.98

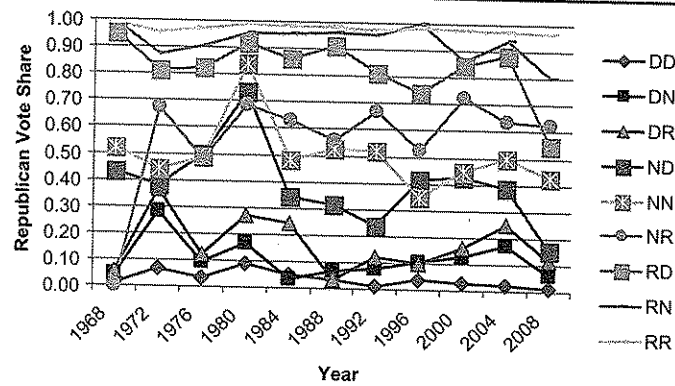


FIGURE 1. Likelihood of Voting Republican for President as a Function of Presidential and Vice Presidential Preferences, 1968-2008.

There are several different ways to parse the information contained in Table 1 and Figure 1 in terms of developing measures of the impact of vice presidential preferences on voter choices.

One way is to compare pairings of voters with reversed preferences—that is, to compare DR voters to RD voters, and DN voters to ND voters, and RN voters to NR voters to see whether, as we would expect, presidential preferences are more important than vice presidential ones. Here, for the averaged data, we find a ratio of 5 to 1 (.83 to .17) for the DR versus RD comparison, which is the one that we regard as the most revealing, and ratios of 1.5 to 1 for the ND versus DN comparison (here we reverse, by looking at Democratic vote share: .89 versus .61) and of 1.7 to 1 for the RN versus NR comparison (.93 versus .56).

Another way to assess the impact of vice presidential preferences is to look at the two sets of voters whose preferences for vice president might lead them to vote for a party

different than the party whose presidential candidate they prefer, namely those with DR and RD preferences, and see how differently they vote from those whose preferences are consistent, namely, the DD and RR voters. Here we see that only 83% of the DR voters vote for the Democratic presidential ticket, compared to 96% of the DD voters, while only 86% of the RD voters vote for the Republican presidential ticket, compared to 98% of the RR voters. The 13-percentage-point gap on the Democratic side and the 12-percentage-point gap on the Republican side are perhaps the best single indicators of the *potential* importance of vice presidential preferences.

However, even if DR and RD voters are significantly less partisan in their presidential vote choice than RR and DD voters, their effective impact is limited if voters holding these types of incongruous preference relations are a small proportion of the electorate. Thus, we must weight each segment of the electorate based on its proportion. A simple metric for the proportion of voters whose vote would be directly affected by their vice presidential preferences equals

$$p(\text{RD}) * [p(\text{R}|\text{RR}) - p(\text{R}|\text{RD})] + p(\text{DR}) * [p(\text{R}|\text{DR}) - p(\text{R}|\text{DD})]. \quad (1)$$

The horizontal bars in Equation (1) indicate conditional probabilities—so that, for example, $p(\text{R}|\text{RR})$ is read as “the probability of voting for the Republican candidate for president, given that one has RR preferences.”

The first component indicates votes apparently shifting in a Democratic direction; the second component indicates votes apparently shifting in a Republican direction. But if Republican vice presidential picks lead some otherwise Democratic voters to support the Republican ticket, but an almost identical number of otherwise Republican voters shift to the Democratic side as a result of a preference for the Democratic vice presidential pick, then vice presidential choices may, *on net*, be a wash, even if large numbers of voters have DR or DR preferences. Thus, we also wish to look at

$$p(\text{RD}) * [p(\text{R}|\text{RR}) - p(\text{R}|\text{RD})] - p(\text{DR}) * [p(\text{R}|\text{DR}) - p(\text{R}|\text{DD})]. \quad (2)$$

Table 2 shows the values of these two indexes for each of the presidential years from 1968 through 2008, as well as the values of the key component parts of these two indexes. There are several features of this data we wish to highlight.

First, on average, around 11% of the electorate has preference orderings (DR or RD) that involve a direct incompatibility of vice presidential and presidential preferences, although this proportion ranges considerably over the different election years, from 7% to 15%. Moreover, there is a clear downward time trend in this measure of vice presidential selection impact (with a bivariate correlation with year of $-.81$).

Second those with RD preferences tend to outnumber those with DR preferences by nearly 2 to 1, with only two years in which this dominance is reversed (and even those two years, the proportions are close). In other words, on balance, by this measure, vice presidential selection has generally favored the Democrats.

Third, when we weight the differences in vote choices among those who have the same as opposed to different vice presidential party preferences by the proportion of voters who have such different preferences, the potential impact of vice presidential

TABLE 2
Indices of Total and Net Impact of Vice Presidential Preferences on Voter Choices

YEAR	(1) RR Rep Vote Share	(2) RD Rep Vote Share	(3) p(RD)	(4) DR Rep Vote Share	(5) DD Rep Vote Share	(6) p(DR)	$= (3) * ((1) - (2))$	$= (6) * ((4) - (5))$	Eq. (1) Total Impact	Eq. (2) Net Impact (absolute value)
1968	0.99	0.95	0.11	0.06	0.01	0.02	0.004	0.001	0.005	0.003
1972	0.96	0.81	0.11	0.36	0.07	0.02	0.017	0.006	0.022	0.011
1976	0.97	0.82	0.06	0.12	0.03	0.06	0.009	0.005	0.014	0.004
1980	0.99	0.92	0.05	0.27	0.09	0.06	0.004	0.011	0.014	0.007
1984	0.99	0.86	0.09	0.24	0.05	0.03	0.012	0.006	0.017	0.006
1988	0.98	0.91	0.12	0.03	0.03	0.03	0.008	0.000	0.008	0.008
1992	0.97	0.81	0.07	0.12	0.01	0.02	0.011	0.002	0.013	0.009
1996	0.98	0.74	0.04	0.10	0.04	0.04	0.010	0.002	0.012	0.007
2000	0.98	0.84	0.04	0.16	0.03	0.05	0.006	0.007	0.012	0.001
2004	0.97	0.89	0.05	0.25	0.02	0.02	0.004	0.005	0.009	0.001
2008	0.97	0.55	0.02	0.12	0.01	0.05	0.008	0.005	0.013	0.005
AVERAGE	0.98	0.86	0.07	0.17	0.04	0.04	0.008	0.005	0.014	0.006

choices diminishes dramatically. Because only one voter in nine, on average, has DR or RD preferences, and the difference that such preferences make for vote choice relative to pure RR or pure DD preferences is on the order of magnitude of 10%, the gross impact of votes by voters with conflicted vice presidential and presidential preferences vote is only 1.4%, on average. Even in the 1972 election, the one in which vice presidential selection appears to have had the greatest potential impact, our measure of maximum total vice presidential impact on vote choice is only 2.2%.

Fourth, once we take into account the fact that conflicted voters exist in both directions and look at our impact of net change, only in 1972 was more than 1% of the final vote affected by conflicted vice presidential and presidential preferences; on average, over the 1968-2008 period, the *net* impact of conflicted presidential and vice presidential choices is only slightly less than 0.6% of the votes shifted. And, when we take direction into account, we get a net impact of vice presidential preferences, in a pro-Democratic direction, of only 0.4%.

Fifth, even though there are a substantial number of voters whose preferences are neither DD (33%), RR (31%), DR (4%), nor RD (7%), paying more attention to the remaining five categories in our typology, which represent 25% of the electorate, will not really change much the picture of limited vice presidential impact. Consider, for example, the NR and ND groupings. While both groups differ dramatically in their voting choices from their RR and DD counterparts, the net impact is not large because the NR group is only 2% and the ND group 3% of our sample, on average, and each group is not that greatly above 50% in its likelihood of supporting the presidential candidate corresponding to its vice presidential preference (56% and 61%, respectively).

Discussion

While our general finding that the net impact of vice presidential selection is at most 1 percentage point confirms that of earlier work, our assertion that the gross impact of vice presidential selection in 2008 was very similar to (though slightly lower than) the historical average impact, and that the net impact of vice presidential selection in 2008, at about one-half of a percentage point, was also slightly lower than its historical average, may violate the common wisdom that Palin's choice had significant electoral implications for McCain. Compared to previous elections, the difference between DR voters' (those with preferences for Obama over McCain and Palin over Biden) and DD voters' propensities to vote Republican was nearly the same as the period average (.11 versus .13). The difference, however, between RR voters' and RD voters' likelihood of voting Republican is nearly three times the historical average (.42 versus .15), suggesting that there was *potential* for Palin's candidacy to have been very costly to the Republicans, if the proportion of RD voters was high. On the other hand, if the proportion of DR voters was very high, even the 11-percentage-point difference we found in 2008 could have cost the Democrats votes. The facts, however, were that DR voters represented only 2% of the sample in 2008, far less than usual, and RD voters only 5% of the sample in 2008, only slightly more than usual. This rendered the net impact of vice presidential preferences

negligible, even below (an already quite low) long-term average. Nonetheless, as usual, the net impact of vice presidential comparisons by voters in 2008 helped the Democrats.

As noted earlier, there has been a long-term downward time trend in the total proportion of voters with directly incongruous presidential and vice presidential preferences, with the lowest values observed in 2008 (6.8%) and an almost equally low figure (6.9%) in 2004. The fact that the two most recent elections have featured a low proportion of the electorate whose party preferences are not consistent across presidential and vice presidential choices, and the long-term downtrend in this proportion, probably simply reflects the oft-discussed increasing partisan polarization of the electorate. Finally, as shown in Figure 1, we see that the conflicted groups—especially RD, ND, and DR—as a group voted much less strongly Republican in 2008 than in 2004, though this may be a result of the general anti-Republican trend in the 2008 election.

There are, however, two reasons to be cautious in interpreting our overall findings. First, as Carole Uhlaner (personal communication, November 3, 2008) has suggested, our findings may underestimate the impact of vice presidential selection on choice because voters modify their views of the president based on vice presidential selection, and thus the data we report may be “contaminated” by unmeasured effects of vice presidential choice.³ Second, mobilizing effects of vice presidential choice vis-à-vis turnout or campaign contributions or campaign activism are not reflected in our measures. For example, the selection of Sarah Palin was widely credited in the media as having motivated a Republican base that did not find McCain that attractive a candidate.

Nonetheless, we believe the approach here is the best simple way yet found to get a handle on the importance of vice presidential preferences for top-of-the-ticket choices. The weighted average approach allows us to see not just the *potential* impact of vice presidential choices in terms of partisan vote differences between voters with and without conflicted presidential and vice presidential preferences, but also how many voters are actually conflicted voters in their presidential and vice presidential party preferences, and the *net* impact such conflicting preferences have on outcomes.

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3. Alternatively, of course, our findings may overstate the impact of vice presidential selection on choice because voters project onto the lesser-known vice presidential candidate doubts about their party that may not be reflected in their presidential preferences. For a recent treatment of the effect of presidential approval on vice presidential ratings, see Cohen (2001).

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Strengthening the Hand of Voters in the Marketplace of Ideas: Roadmap
to Campaign Finance Reform in a Post-*Wisconsin Right to Life* Era

Emma Greenman

Congressional Searches and Seizures: The Place of Legislative Privilege

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Strengthening the Hand of Voters in the Marketplace of Ideas: Roadmap to Campaign Finance Reform in a Post-Wisconsin Right to Life Era

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I. INTRODUCTION

Campaign finance reform is a precarious legislative endeavor. The stakes are high, fundamental values conflict, powerful interests compete and democratic legitimacy is at risk. For the past thirty years, Congress, the Supreme Court, and advocates on both sides of campaign finance reform have struggled to define the relationship between money, elections and the modern political campaign. Behind the talk of restrictions, disclosure and loopholes, there lurks a more fundamental discussion of how to realize often competing democratic norms with the ultimate purpose of ensuring that elections are about voters choosing their elected representatives.

This is especially true when it comes to defining the role of outside groups that are not connected to political candidates or parties. The role that organized interests play in American elections has been discussed, debated and bemoaned since the founding of the Republic.¹ The rise of organized money in politics in the latter half of the twentieth century has led to a flurry of debate about the proper role of outside groups in elections.² The fear is that these groups are neither representative nor transparent and they exert influence in the political arena that interferes with the core democratic values of popular sovereignty, voter equality, and democratic deliberation.³ This concern has driven reforms that support

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¹ See THE FEDERALIST NO.10 (James Madison).

² See, e.g., STEPHEN MACEDO ET AL., DEMOCRACY AT RISK 34-35 (2005); Stephen M. Hoer sting, *Free Speech and the 527 Prohibition* 9-10 (CATO Institute, Briefing Paper No. 96, 2006).

³ See Deborah Goldberg & Ciara Torres-Spelliscy, *Pandora's Box of Corporate Money in Federal Elections is Open Again*, HUFFINGTON POST, June 29, 2007, http://www.huffingtonpost.com/deborah-goldberg-and-ciara-torresspelliscy/pandoras-box-of-corporat_b_54406.htm.

command and control government regulation intended to limit the ability of organized interests to influence elections.⁴

While the debate still rages over whether policies restricting independent participation of outside groups are necessary and beneficial to keeping elections more democratic, the Supreme Court in *Wisconsin Right to Life v. Federal Election Commission*⁵ severely limited Congress's power to restrict third party independent campaign spending. *WRTL* constrains congressional efforts to curb the independent influence of organized interest groups through restrictive regulation. Groups that can aggregate money will have more freedom to act outside of the limits of campaign finance restrictions, running broadcast advertising intended to influence the debate and the outcome of elections. Congressional responses that further contort already weak policies by attempting to restrict the supply of independent campaign communications by organized groups will be ineffective and out of step with the current legal environment.

More significantly, in *WRTL* the Court adopted a deregulatory framework signaling its preference for expanding the "marketplace of ideas" without considering the cost to political equality and democratic deliberation. Within this marketplace formulation, the First Amendment's aim of allowing "uninhibited, robust and wide-open"⁶ discourse counsels that increasing and expanding political speech (and the money that pays for its broadcast) should be the guiding principle in democratic elections. Disproportionate influence, unequal access and asymmetric information will work themselves out as interests compete and voters deliberate and ideas are challenged. Thus, in this view policy solutions that focus on restricting money spent on political communications during campaigns hinder the democratic values at stake during elections.

But accommodating the Court's *WRTL* frame does not require us to accept the failures that this frame permits. Instead proponents of democratic reform must take this opportunity to refocus on the normative values of democratic participation, political equality and voter representation and identify where the Court's market-based frame fails to fulfill these values.

⁴ While the debate over the influence and participation of outside groups encompasses a much larger terrain that includes direct contributions to candidates and parties, this Article is limited to the activities independent of political candidates and parties that organized interest groups pursue to try to influence elections and the deliberation and debate that comes with them.

⁵ *Wis. Right to Life v. Fed. Election Comm'n*, 127 S. Ct. 2652 (2007) [hereinafter *WRTL*].

⁶ *Id.* at 2665 (quoting *Buckley v. Valeo*, 424 U.S. 1, 14 (1975)).

Following *WRTL*, increasing access to democratic deliberation and the marketplace of ideas, rather than creating restrictions, must guide democracy enhancing reforms. The threat of undue influence by unrepresentative outside groups requires strengthening the democratic role of voters as they assess, deliberate and ultimately exercise their right to choose their elected representation. In the post-*WRTL* free market electoral arena, campaign reform should be designed to increase voter access to accurate, diverse and balanced information and empower voters to engage and influence democratic deliberation and debate. Increasing access entails expanding the supply of outside groups and ensuring access to the voices of diverse groups and candidates competing in the marketplace of public opinion. More importantly, it requires expanding demand in the political marketplace by increasing access to substantive information, improving voters' ability to engage that information, and creating a platform for voters' voices in the public arena. A policy agenda built around access bolsters fundamental democratic goals within a legally permissible framework; it strengthens the hand of voters within the *WRTL* market-based frame.

This Article argues that future campaign finance reform efforts should accept the market-based frame embraced by the majority in *WRTL* in order to develop strategies that will reinforce democratic norms within the current legal parameters. Section II of this Article lays out a conceptual framework for campaign reform by identifying the democratic values at stake in elections and the tensions created when these values conflict in the context of campaign finance reform. Section III briefly details the history of campaign finance reform efforts, focusing on the push-and-pull between Congress, the Courts and advocates over restrictive regulation and free speech that ultimately led to the Court's *WRTL* decision. Against this background, this section illustrates how *WRTL* fundamentally altered the landscape for campaign reform. Section IV argues that the Court's embrace of a deregulatory market-based approach to electoral reform necessitates a new course for democratic reformers. Future reform should set aside restriction-based campaign finance proposals and focus on implementing policies that educate, empower and elevate the voices of voters within the market-based frame. Sketching out strategies that include pluralizing the supply of voices in the electoral arena and strengthening demand among voters for information and deliberation, this article endeavors to create a roadmap for post-*WRTL* campaign reform.