

## **FEAR NOT: A Report on the Effect of Candidate Immigration Positions in the 2014 U.S. House of Representatives Midterm Elections**

November 1, 2016

### **Introduction**

The 2016 Presidential election has renewed debates about how to reform the laws that govern U.S. immigration policy – everything from border security to visa-tracking technologies and capabilities, temporary work programs, specialized programs for the technology and agriculture industries, systems for employers to verify work eligibility, and the future of undocumented individuals already present in the United States.

A significant number of candidates for federal office has privately expressed concerns about whether taking a position on immigration reform will negatively impact their election. The Hispanic Leadership Fund directed a study to examine the question of whether a congressional candidate taking a position on the issue of immigration reform had a direct effect on their election to the U.S. House of Representatives during the 2014 Congressional election cycle.

### **Report Summary**

Historically, the President's party loses seats during mid-term elections. The *Washington Post's* Mary Jordan noted: "The president's party always gets shellacked in midterms. It's only twice, 1934 and 2002, that the president's party actually gained in both the House and the Senate."

Theiss-Morse and Wagner's book *Political Behavior in Mid-Term Elections* (2016) distills this point by stating that "nearly 80% of any change in the President's party's number of house seats is due to 3 simple factors; the number of seats the majority has, the president's approval rating and the general state of the economy."

The result of this study reaffirms this historical political trend and suggests this factor and others are the cause for sweeping Republican gains in the House of Representatives, not the candidates' positions on immigration reform.

Key findings include:

- In a plurality of races, winners were almost evenly split between stricter and less strict immigration positions.
- While Republican candidates won a majority of races, little distinguishable ties between immigration positions and election outcome can be found.
- A majority of candidates, 91 percent, had pro-comprehensive immigration reform or compromise positions, whereas 9 percent had "enforcement only" positions.
- Specific to Republican candidates, 84 percent with identifiable immigration positions held either pro-comprehensive immigration reform or compromise positions.

## Study Design

This study categorizes the immigration positions of Republican and Democrat congressional candidates in 66 competitive House district races during the 2014 election cycle. This study records and analyzes the correlations between candidates' positions and their electoral outcomes.

The Hispanic Leadership Fund chose to study the 66 House races identified as competitive by the Cook Political Report<sup>1</sup>. Candidate positions were identified and catalogued by the Nadler Index (NI)<sup>2</sup>, an 8-point continuum in which "1" represents the least restrictive immigration stance, and "8" represents the most restrictive.

The criteria are listed below:

- NI 1 = Comprehensive Immigration Reform, with a path to citizenship.
- NI 2 = Comprehensive Immigration Reform, with a path to legalization.
- NI 3 = Comprehensive Immigration Reform, with a touchback provision.
- NI 4 = Enhanced enforcement plus facilitated guest-worker programs, ambiguously conjoined.
- NI 5 = Enforcement-only first, then consider guest worker programs.

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<sup>1</sup> Cook Political Report can be found at: <http://cookpolitical.com/house/charts/race-ratings/8078>

<sup>2</sup> First developed by Richard Nadler in Nadler, Richard (2009), *The Edge of the Wedge: Immigration & the Congressional Contests of 2008*, Americas Majority Foundation, Overland Park, KS. And used in subsequent Nadler research and reports.

- NI 6 = Enhanced enforcement only.
- NI 7 = Enhanced enforcement, including large-scale removal of resident illegal residents.
- NI 8 = Enhanced enforcement, including large scale removal of resident residents, plus reduction of birthright citizenship.

For summary purposes within specific areas of analysis, Nadler Index positions are subcategorized into three groups:

- Pro-comprehensive immigration reform (CIR) positions: NI 1, 2, and 3.
- Enforcement only positions: NI 6, 7, and 8.
- Compromise positions: NI 4 and 5.

The 66 congressional districts were sorted by:

- Partisan control before and after the 2014 election.
- Political party affiliation (minor political parties whose candidates gained more than 10% of votes were included).
- Incumbents and challengers.
- Comparison to each other's views on immigration. For example: more restrictive, less restrictive, or equally restrictive.

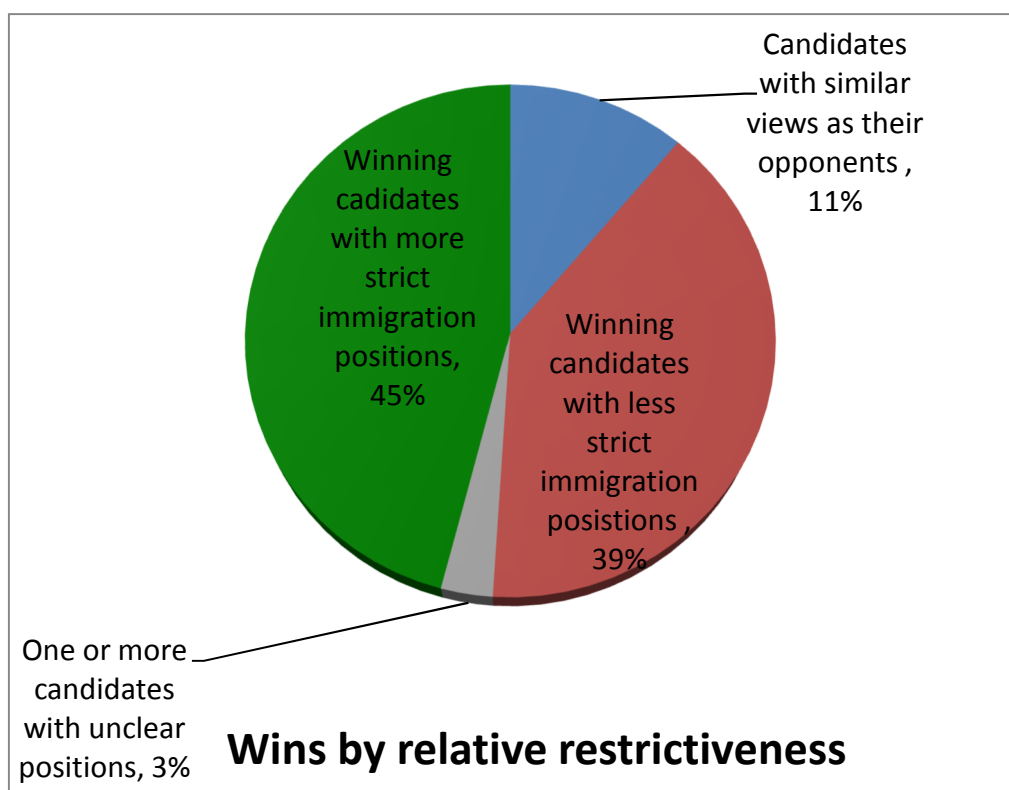
A small number of candidates' positions on immigration reform could not be clearly identified, despite our best research and outreach efforts to their campaigns. These candidates were not compared against their opposition in order to avoid inaccurate conclusions.

## Findings on the correlation of electoral outcomes and the relative restrictiveness of major party candidates

### I. Relative Restrictiveness of Candidates

*In a plurality of races, winners were almost evenly split between more restrictive and less restrictive immigration positions.*

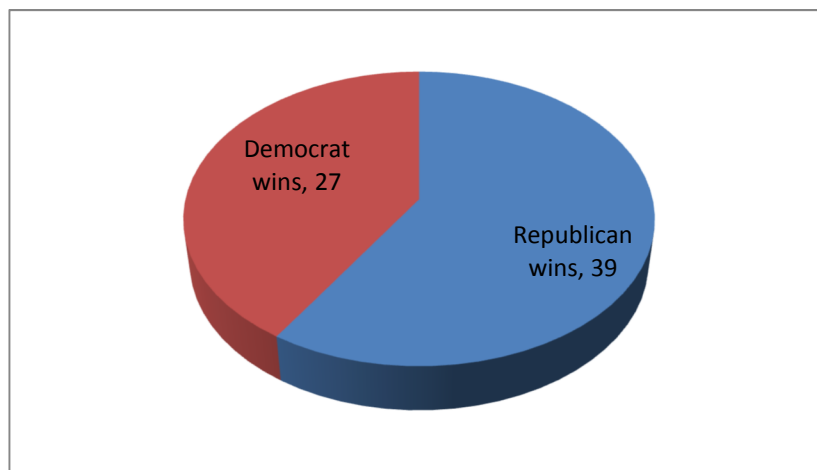
- Twenty-six candidates in (39%) in successful campaigns advocated an immigration position less restrictive than the losing candidate.
- Thirty candidates (45%) in successful campaigns advocated an immigration position more restrictive than the losing candidate.
- In seven of the races (11%), the candidates' positions were similar or identical to each other.
- In two of the races (3%), one or more of the candidate's positions were not clearly available or distinguishable.



### *Partisan outcomes by relative restrictiveness.*

*While Republican candidates won a majority of races, little distinguishable ties between their immigration position and election outcome can be found.*

- Overall, Republicans won thirty-nine (59%) House races.
- Democrats won twenty-seven (41%) House races.
- In fifty-five races, the immigration positions of Republican candidates were more restrictive than those of their Democrat opponents. Democrats won twenty (36%) of these House races and Republicans won thirty-five (64%).
- In two races, the immigration positions of Democrat candidates were more restrictive than those of their Republican opponents. Republicans won both of these seats.
- In seven races, there was little to no distinguishable difference in the candidates' position on immigration reform; both candidates scored equally on the Nadler scale. Republicans won five of these seats, while Democrats won two.
- In two races, one or more of the candidates' positions were not available. Each party won one of these races. The candidate with no stance on immigration reform was the loser in each of these races.
- While Republicans with stronger stances on immigration did win the majority of races, when Republicans faced Democrat challengers with equal immigration positions, Republicans still won a majority of these contests (71%).



## **Partisan outcomes in party-shifting districts by relative restrictiveness**

*In electoral contests, partisan control shifted.*

- In three races (16%), the candidate with the less restrictive position on immigration reform won the seat.
- In twelve (66%) races, the candidate with the more restrictive position on immigration reform won.
- In three (16%) races, the candidates' positions on this issue were similar or indistinguishable from one another.

### ***Partisan Breakdown***

- In eighteen races, control of the House seat switched party affiliation, either by an incumbent losing an existing seat or by an open seat won by the party opposite of the previous incumbent.
- In fifteen races, a Republican challenger won a previous Democrat-controlled district.
- In three races, a Democrat challenger won a previous Republican-controlled district.
- In three races where Democrats gained seats over their Republican challengers, all three candidates had less restrictive immigration reform positions.
- In the fifteen races previously held by Democrats, Republican challengers who held more restrictive immigration reform positions won twelve of these.
- In three races won by Republicans that were previously held by Democrats, both candidates had similar views on immigration or were ranked identically using the Nadler Index.

## **II. Competitive Toss-Ups**

*Republican candidates prevailed over Democrat opponents.*

- The Cook Political Report identified twenty-one House races as “toss-ups” - 16 Democrat and 5 Republican – in the 2014 election.
- The less restrictive candidate – all Democrat – won eight of these races.

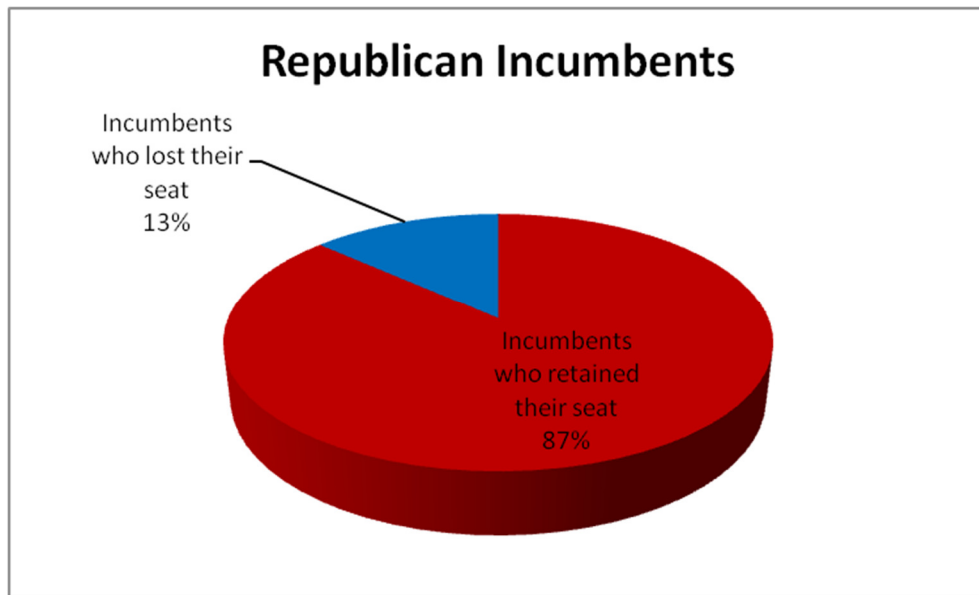
- Eight of these races were won by the more restrictive candidate – all Republican.
- In four races, the candidates' positions on immigration were ranked equally on the Nadler scale, and the Republican candidate won each of these.
- In one district, one of the candidate's positions on immigration reform was not available or not stated; his Republican opponent won the seat.
- In total, Republican candidates won thirteen of these "toss-up" races.
- Democrat candidates were able to pick up eight of these "toss up" seats.

### **III. Competitive Races with Incumbents**

*In the forty-seven districts that were identified as competitive with incumbents, fifteen Republicans and thirty-two Democrats sought reelection. Republican candidates won a plurality.*

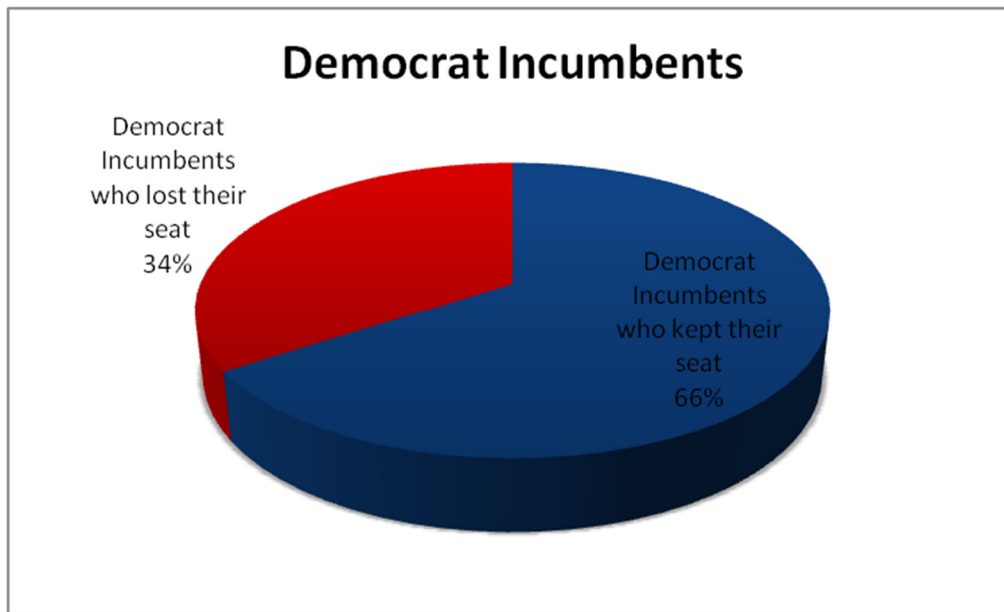
#### **Fifteen Republican incumbents:**

- In thirteen of these races, Republican incumbents were reelected.
- In two races, Republicans lost their seats.
- The less restrictive candidate won two races (13%) in Republican-held districts.
- The more restrictive candidate won eleven (73%) Republican-held districts.
- In one race with a Republican incumbent, where both candidates scored equally on the Nadler Index, the Republican Incumbent was reelected (6%).



**Thirty-two Democrat incumbents:**

- In twenty-one races, the Democrat incumbent was reelected.
- In eleven races, the Democrat incumbent lost the election.
- The less restrictive candidate won fourteen (44%) Democrat-held districts.
- The more restrictive candidate won seven (22%) Democrat-held districts.
- In five races (16%), the candidates' Nadler Index rating was similar.
- In one race (3%), the Republican challenger's position on immigration reform was not available or clearly stated. The Democrat incumbent was reelected to this seat.



#### IV. Competitive Open-Seats

*Republican candidates won more frequently than Democrat challengers*

##### **Nineteen districts with no incumbent**

- Republicans won fifteen House seats and Democrats four.
- In twelve races, the more restrictive candidate won the seat.
- In five races, the less restrictive candidate won the seat.
- In one race, both challengers had similar immigration reform positions based on the Nadler Index.
- In one race, one or more candidate positions could not be distinguished.

##### **Eleven districts previously held by Republicans:**

- Republican challengers won and held onto ten of eleven open seats previously held by a Republican.
- Democrat challengers won only one open seat previously held by a Republican.
- In seven races, the more restrictive candidate won the seat.
- In two races, the less restrictive candidate won the seat.

- In one race, both candidates had similar immigration reform positions based on the Nadler Index.
- In one race, one of the candidate's positions on immigration reform was not available. The Republican challenger won this race.

**Eight districts previously held by Democrats:**

- Republican challengers won five of eight open seats previously held by a Democrat.
- Democrat challengers won three out of eight open seats previously held by a Democrat.
- In three races, the less restrictive candidate won the seat.
- In five races, the more restrictive candidate won the seat.

**V. Summary of findings between electoral results and the immigration positions of candidates as measured by the Nadler Index.**

*Nadler positions for all 134 candidates in the 66 competitive races:*

- The Nadler index ranking for each candidate in the 66 targeted races is attached below in Appendix-I.

**Win Percentages by Candidate Position**

- **N1** – Comprehensive reform, with a path to citizenship - 57%  
Percentage of total - 12%
- **N2** – Comprehensive reform, with earned legalization - 39%  
Percentage of total - 26%
- **N3** – Comprehensive reform, with a touchback provision - 62%  
Percentage of total - 12%
- **N4** – Enhanced enforcement, facilitated guest-worker - 75%  
Percentage of total - 27%
- **N5** – Enforcement first, then consider guest worker - 36%  
Percentage of total - 14%

- **N6** – Enhanced enforcement only - 40%  
Percentage of total - 6%
- **N7** – Enhanced enforcement, mass deportation/"attrition" - 100%  
Percentage of total - 1.5%
- **N8** – Enhanced enforcement, mass deportation/"attrition" - 100%  
Percentage of total - 1.5%

### **Win Percentage, Comprehensive vs. Enforcement Only**

*Overall, Democrats won 41%, Republicans won 59%.*

#### Comprehensive Reform Candidates (N1-N3)

- 71 candidates with this position – 57 Democrats, 13 Republicans and 1 Independent.
- 23 Democrat candidates and 10 Republican candidates won seats.
- Win percentage for this position was 46%.

#### Compromise Candidates (N4-N5)

- 49 candidates with this position – 6 Democrats and 43 Republicans.
- 3 Democrat and 24 Republican candidates won seats.
- Win percentage for this position was 55%

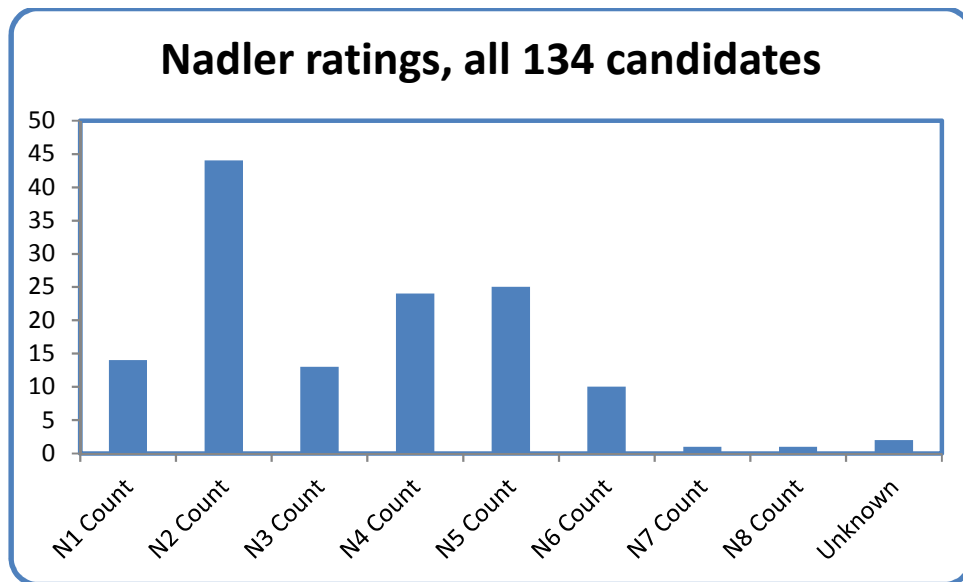
#### Enforcement Only Candidates

- 12 candidates with this position – 2 Democrats, 9 Republicans and 1 Independent.
- 1 Democrat and 5 Republican candidates won seats.
- Win percentage for this position was 50%

## **VI. Nadler positions by political party and percentage of wins.**

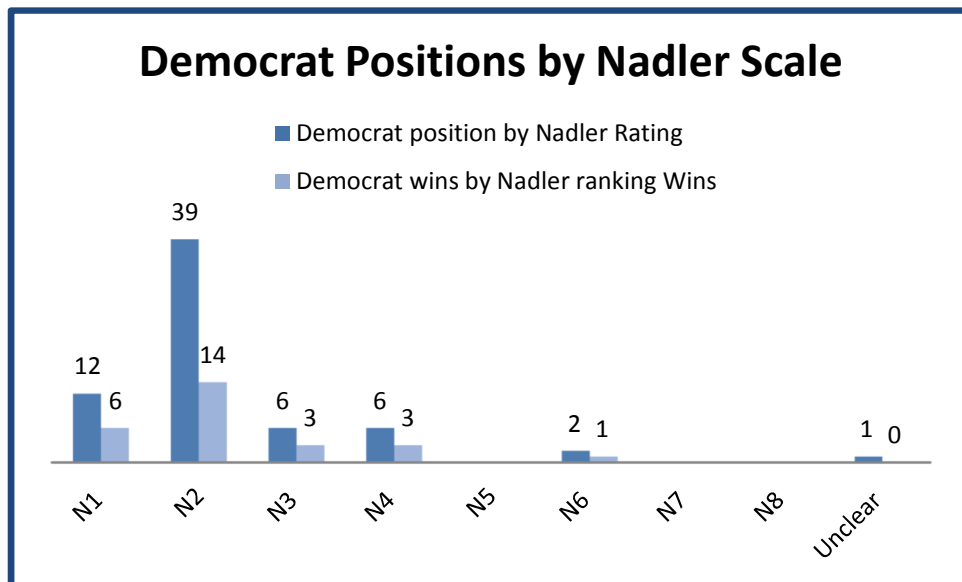
Out of one hundred thirty-four candidates rated by the Nadler Index, the most popular immigration position was N2 (33% or 44 candidates).

Of these forty-four candidates with an N2 ranking, thirty-nine were Democrats (89%).



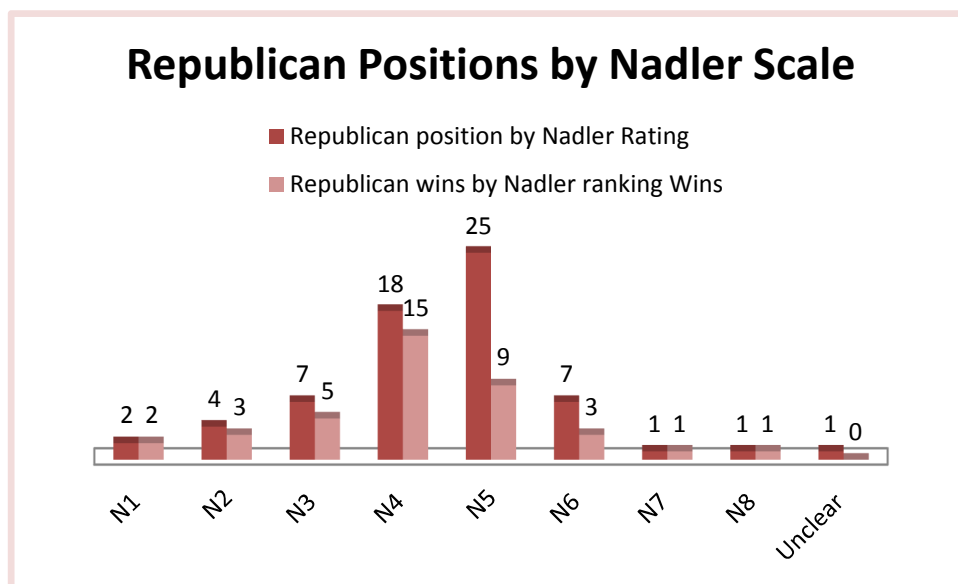
**Of the sixty-six Democrat candidates:**

- Twelve candidates ranked as N1 (18%)  
Democrats ranked N1 won six seats (50%) and lost six (50%).
- Thirty-nine candidates ranked as N2 (77%)  
Democrats ranked N2 won fourteen seats (36%) and lost twenty-five (64%).
- Six candidates ranked as N3 (9%)  
Democrats ranked N3 won three seats (50%) and lost three (50%).
- Six candidates ranked as N4 (9%)  
Democrats ranked N4 won three seats (50%) and lost three (50%).
- Two candidates ranked as N6 (3%)  
Democrats ranked N6 won one seat (50%) and lost one (50%).
- No Democrat candidates ranked as N5, N7, or N8.
- One candidate position was not publicly available. (<2%) and he/she did not win the seat.



#### Of the 66 Republican candidates:

- Two candidates ranked as N1 (3%)  
Republicans ranked N1 won both seats (100%).
- Four candidates ranked as N2 (6%)  
Republicans ranked N2 won three seats (75%) and lost one (25%).
- Seven candidates ranked as N3 (10%)  
Republicans ranked N3 won five seats (71%) and lost two (29%).
- Eighteen candidates ranked as N4 (27%)  
Republicans ranked N4 won fifteen seats (83%) and lost three (17%).
- Twenty-five candidates ranked as N5 (38%)  
Republicans ranked N5 won nine seats (36%) and lost sixteen (64%).
- Seven candidates ranked as N6 (10%)  
Republicans ranked N6 won three seats (43%) and lost four (57%).
- One candidate ranked as N7 (2%) and won the seat.
- One candidate ranked as N8 (2%) and won the seat.
- One candidate's position was not publicly available (2%) and he/she did not win the seat.
- A total of 56 Republican candidates held positions ranging from N1-N5. Of these, 34 won (61%) and 22 lost (39%).



## VIII. General Observations

*Candidates' positions on immigration made a minimal impact on race outcome.*

The study concludes that no distinguishable trend on candidates' immigration reform positions had a direct correlation to electoral outcomes in the 2014 cycle. Only 9% of all candidates held the most restrictive positions on immigration (enforcement only). In fact, Republicans won the most seats in the "compromise" position, winning 43 House seats. The study notes that substantial Republican wins during this cycle can be attributed to outside factors (which fall beyond the scope of this study, as only immigration reform positions were examined). One such factor was historical trends surrounding mid-term elections. The party not controlling The White House usually has significant gains in mid-term elections. In 2010, during President Obama's first mid-term cycle, Democrats lost sixty-three House and seven Senate seats. Following this trend, Republicans lost thirty House and six Senate seats in 2006 during President George W. Bush's second term<sup>3</sup>.

The immigration reform positions of Republican candidates mainly fell between comprehensive reform and compromise positions. To further highlight this point, Democrat candidates lost all races when their immigration reform position was more restrictive than their Republican challengers. Of note, candidates without firm positions on immigration (either restrictive or less restrictive) lost 100% of races regardless of party affiliation.

## IX. Areas for Further Analysis

<sup>3</sup> Trygstad, K. (2013), "History Shows Midterm Elections a Hard Slog for President's Party", CQ Roll Call, 21 Jan 2013, [http://www.rollcall.com/news/history\\_shows\\_midterm\\_elections\\_a\\_hard\\_slog\\_for\\_presidents\\_party-220970-1.html](http://www.rollcall.com/news/history_shows_midterm_elections_a_hard_slog_for_presidents_party-220970-1.html)

When applying these findings in a historical context, they seem to align with the historical trend of the party not holding the presidency gaining seats in a mid-term election. This seems to be the most probable explanation for the majority of Republican victories. In times of increased polarity in the ideologies of the American public, such as the case during this election cycle, party identification means more to voters than during times of greater bipartisanship and fewer sharp ideological differences<sup>4</sup>. It should also be noted that polls prior to the election showed 40%<sup>5</sup> of the electorate was dissatisfied with President Barack Obama, the lowest in his career leading up to the November election. The same held true for President George W. Bush, when Democrats made significant gains in the 2006 mid-term elections. Another issue to explore is whether the 2014 midterm election was a referendum on Obamacare. In a Politico poll conducted early May 2014, “nearly nine in ten respondents said that the health care law would be important to determining their vote, including 49 percent who said it would be very important”<sup>6</sup>. The same poll showed 48% in favor of outright repeal of “Obamacare” and 35% in making changes to the law<sup>7</sup>. “By comparison”, the poll noted, “only 28 percent said that immigration reform was “very important” to determining their vote, and 16 percent who said the same of male-female income disparity.” Also, exit polling showed 70% of voters believed the economy was bad and 65% believed the country was “on the wrong track”. Finally, Republicans outspent Democrats by large margins in House and Senate races – about 100 million and 30 million dollars, respectively<sup>8</sup>. There is strong evidence that these were the driving forces behind the sweeping Republican victories.

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<sup>4</sup> Theiss-Morse & Wagner (2016), *Political Behavior in Midterm Elections*, CQ Press, Thousand Oaks, pp. 4-5.

<sup>5</sup> ‘Trouble Looms for Obama, Democrats with Election Day 2014 Approaching’ (2014), ABC News, Oct 15 2014, <http://abcnews.go.com/blogs/politics/2014/10/abc-poll-trouble-democrats-election-day/>

<sup>6</sup> Burns, A. (2014), “POLITICO poll: Danger for Dems”, politico.com, <http://www.politico.com/story/2014/05/politico-poll-shows-mounting-danger-for-dems-106814>

<sup>7</sup> Likely Voters in Competitive U.S. House and Senate Races (2014), Politico Poll, [http://images.politico.com/global/2014/05/18/140517\\_politico\\_topline\\_may\\_2014\\_survey\\_t\\_1117.html](http://images.politico.com/global/2014/05/18/140517_politico_topline_may_2014_survey_t_1117.html)

<sup>8</sup> OpenSecrets.org (2014), 2014 Election Overview, <https://www.opensecrets.org/overview/>