



Congress Is Struggling to Govern. Are Electoral Incentives to Blame?

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Executive Summary

Congress performs poorly by most measures, and a mere 15 percent of the public approves of our national legislature's performance. The public's discontent is understandable. Legislators have failed to debate and craft policies to address important issues such as immigration, healthcare, and housing affordability.

This report examines whether electoral incentives are to blame for Congress's performance.

It first traces the constitutional design of congressional elections—two-year House terms, staggered six-year Senate terms—and the framers' theory that regular elections would produce accountable, virtuous representation. The growth of the federal government's role and other developments have left the hopes of James Madison and other creators of the US Constitution feeling remote from today's campaigns and elections.

The report then reviews decades of research on how modern elections actually shape legislative behavior: the near-constant campaign cycle, soaring campaign costs, the rise of primaries dominated by unrepresentative and ideological voters, shrinking numbers of competitive districts and states, and intensifying partisan competition for narrow chamber majorities.

Together, these forces push legislators toward fundraising, symbolic position taking, and party loyalty rather than substantive lawmaking and oversight. Electoral incentives do discourage good governance, and structural electoral reforms—particularly changes to primaries—have merit. Nonetheless, no single reform will fix Congress. Electoral pressures are only one of several factors shaping Congress's performance, and there are profound normative disputes over what constitutes a well-functioning Congress.

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Few close observers of the US Congress would argue that it is performing well. Nor is the US public at large impressed; the most recent Gallup poll finds that only 15 percent of Americans approve of the job Congress is doing.¹ Additionally, around half of voters feel anger toward the two parties that dominate America's national legislature.²

This is not surprising. The Congress of the early 21st century gives the appearance of lower productivity and relentless partisan conflict, accompanied by increasingly combative rhetoric and the bending and breaking of rules and norms that formerly bound Congress's internal operations and legislators' interactions. Major national issues, such as immigration policy, have become polarized in the chamber and remain unsolved through actual legislation. Congress enacts fewer pages of laws than it did a half century ago.³ Congress is calling fewer witnesses to testify, and oversight of the executive branch appears increasingly politicized.⁴ Legislators seem more incentivized to run for reelection on these high-salience issues than to solve them through legislation.

None of these phenomena have gone unnoticed by researchers and government reform advocates. Myriad articles and books have examined the factors

that may account for legislative underperformance and dysfunction.

Relatedly, a great deal of study and scrutiny has focused on the US election system. Discussions about fixing Congress increasingly have centered on considerations about ways to change the structure of our elections, such as opening or abolishing primaries, implementing preferential voting (e.g., ranked-choice voting), and instituting nonpartisan redistricting.⁵

This report examines what research tells us about how elections affect legislative behavior. The first section reviews the constitutional framework for congressional elections and its theory of accountability. The report subsequently reviews recent literature on the electoral-legislative nexus. It concludes by placing electoral incentives in the context of a broader constellation of variables affecting legislative behavior.

Our assessment is that elections do set incentives that often discourage competent lawmaking. Therefore, reformers' instinct to change the structure of elections to better align legislators' incentives to governing has merit. Nonetheless, reformers should be mindful that there is no silver bullet and

that legislative behavior is not driven wholly by electoral calculations. Additionally, and importantly, any effort to reform Congress carries assumptions about how our national legislature *should* operate, which reformers often fail to concretely define in their work to change how elections occur.⁶

Congressional Elections and Incentives: The Constitutional Structure and Theory

That elections set incentives is a pillar in Americans' understanding of representative government at the local, state, and national levels. According to the most elementary form of the US theory of representative government, candidates campaign for office, and voters are empowered to elect officials they believe will serve them well. Elections are a performance review of these public officials' policymaking. Theoretically, if voters are pleased, officials win reelection and continue to serve. Periodic elections, thus, are supposed to incentivize elected officials to satisfy public demands.⁷

This theory holds especially true for the US Congress, which was designed to represent districts of citizens and states in the federal union. Public policy is supposed to be produced by lawmakers in the national legislature. They introduce bills, bargain out their details to satisfy majorities in the chambers (and often a supermajority in the Senate), and send the enacted legislation to the president for his assent. Should he veto it, lawmakers are empowered to override the president's decision—*they*, the legislators, are to whom the US Constitution assigns the duty of enacting policy.⁸ Voters are empowered to choose their lawmakers, regularly communicate their views to representatives and senators, and render judgment on their lawmakers' performances through regular elections.⁹

The House holds elections every two years, and every member must stand for reelection or retire.¹⁰ The Senate also holds elections every two years, and senators have a term of not more than six years.¹¹ Unlike representatives, not all senators stand for election every two years. Their terms are staggered

across three classes. Thus, Class II senators (e.g., Democrat Chris Coons of Delaware) face voters in 2026, Class III senators (e.g., Republican Katie Britt of Alabama) will run for reelection in 2028, and Class I senators (e.g., independent Angus King of Maine) will be judged in 2030.

The Constitution, notably, is anything but clear as to what constitutes good performance by Congress collectively and by a representative or senator. The Constitution's preamble offers some broad objectives for the national government (e.g., to "provide for the common defence"), and Articles I and II set forth the enumerated powers of the federal government and the powers each chamber possesses. (For example, senators may approve treaties with foreign nations.)¹²

Yet the Constitution does not specify whether a good Congress is one that governs least by narrowly construing federal powers or one that vigorously pursues any policy that might promote the nation's "general welfare."¹³ It contains no explicit job descriptions for senator or representative that voters may use to measure elected officials' performance. Plainly, this ambiguity, which is just one of many found in the national charter, invites contesting perspectives about what constitutes good performance by Congress and its representatives and senators.

Rudiments of the theory behind the US Constitution's system of congressional elections were first explicated in the *Federalist Papers*, a collection of newspaper essays pseudonymously written by Alexander Hamilton, John Jay, and James Madison ("Publius") to persuade New York's voters to ratify the US Constitution.

"The aim of every political constitution," Publius declared in *Federalist* 57, "is or ought to be first to obtain for rulers, men who possess most wisdom to discern, and most virtue to pursue the common good of the society; and in the next place, to take the most effectual precautions for keeping them virtuous."¹⁴ Holding office was understood as a fiduciary duty: One is entrusted to make decisions on behalf of one's fellow citizens. Good candidates for office would be found among the men who had reputations for honorable conduct. Serving as a legislator provided ample opportunities to polish or sully one's reputation.

The Federalist Papers' authors knew, however, that elected office attracted power-seeking individuals with motives that varied from low and selfish to high and beneficent. Madison wrote elsewhere that individuals seek public office "from 3 motives. 1. ambition 2. personal interest. 3. public good. Unhappily the two first are proved by experience to be most prevalent."¹⁵

Regular elections aimed to keep legislators attentive to the public's mood and discourage them from abusing the power they were entrusted to wield.¹⁶ Elections also could remove incompetent and treacherous men from office. "Where annual elections end, tyranny begins," stated *Federalist* 53.¹⁷

The House of Representatives, as initially established by the US Constitution, was the lone branch elected by voters. The Constitution assigned it the power on which all government power rests: the authority to raise revenue.¹⁸ To encourage House members to use that power (and legislative powers generally) in concordance with public sentiments, Publius explained, the House of Representatives would hold elections every two years:

It is essential to liberty that the government in general, should have a common interest with the people; so it is particularly essential that the branch of it under consideration, should have an immediate dependence on, & an intimate sympathy with the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured.¹⁹

Most states held annual elections for state legislators. That was too frequent, Publius argued. A two-year term better afforded sufficient time to learn "the extensive information which the representatives ought to acquire" and demonstrate their character and competence.²⁰

Yet Hamilton, Jay, and Madison's concern about human nature also applied to the public and state legislators, the latter of whom were initially empowered to pick senators.²¹ The individuals who agreed to serve as elected officials were presumed to be eager to use governmental power, and some of them would

pursue foolish or destructive purposes.²² Hence, Publius explained, the lawmaking power had to be split between two chambers (and the president).

Senators' longer terms were conceived as an additional curb to help legislators resist the demands of misguided majorities in home-state legislatures. "The necessity of a senate," declared *Federalist* 62, "is not less indicated by the propensity of all single and numerous assemblies, to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders, into intemperate and pernicious resolutions."²³

Six-year terms enable a senator to make unpopular decisions without immediate repercussions, allowing time to prove their wisdom. Staggered elections of senators reduce the odds and scope of landslide elections, wherein large numbers of incumbents are removed from office. Together, these features are meant to stabilize policy by curbing the probability that existing laws will change rapidly.

To assist voters in rendering judgment, the US Constitution directed Congress to release information that would help voters hold legislators accountable. Article I, Section 5 mandates that "each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy." Section 7 directs that for legislation, the "yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively." And Section 9 requires that "a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."²⁴

A final significant feature of the Constitution's congressional elections scheme is that it assigns discretion over their conduct of elections mostly to states. It does prescribe that representatives must be at least 25 years old and senators at least 30. Otherwise, the document as initially drafted left nearly all electoral system decisions to the states: "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."²⁵

Not to go unmentioned is Congress's enactment of statutes that set the total number of representatives in the House. Whereas the Constitution capped the number of senators at two per state (50 states means 100 senators), it left the size of the House to Congress's determination:

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers. . . . The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.²⁶

Since the House was supposed to represent public sentiment (more or less), it was necessary to allow its membership to expand as the US population grew. After the constitutionally prescribed census was conducted, Congress would pass a law to set a higher number of members, who were then apportioned among the states. Congress did this periodically for the first 142 years of the United States' existence but then ceased. The number of representatives has been 435 since 1913.²⁷ The ratio of a House legislator to constituents has ballooned to 1:762,000 in 2020 from 1:34,436 in 1790.²⁸

In summation, the US Constitution was predicated on the assumption that men good and bad would seek elective office to wield government power. Regular congressional elections aimed to encourage good legislative behavior and discourage bad legislative behavior. Yet voters' and state legislators' judgment could not be wholly trusted to not be swept up in popular, liberty-encroaching passions, hence senators' lengthy terms and staggered elections.

Notably, the founders presumed that the federal government would remain small and limited to purely national purposes, such as coining money and repelling invaders. They did not imagine, for example, the US government dispensing grants to aid local communities' water treatment systems, schools, and the like. This modest scope would limit the cognitive

burden on voters trying to assess the government's performance.

The founders imagined that the job of legislator would be a part-time occupation that required a couple of years to learn. Running for office would require little campaigning and fundraising. Legislators would have a small number of constituents to satisfy, exceedingly few of whom drew any direct benefit from the federal government. Representatives and senators themselves, not their staffs, would draft bills, craft speeches, do all the legislative work, and be judged on it by the modest number of Americans eligible to vote.

This was the incentive structure as conceived in the Constitution as initially drafted. Some of those electoral incentives remain, such as House members having two-year terms. Others have changed, as the next section of this report details. Senators today must answer to voters at large. And all legislators have to campaign, fundraise, join parties, and appeal to evolving voter attitudes that appear far less concerned with candidates' honor.

Congressional Elections: The Incentive Structure

Social scientists have assessed the interplay between congressional elections and legislative behavior for many decades. The corpus of books and articles is immense, and the publication of new studies shows no sign of slowing. Increasingly competitive and combative national politics and an increasingly dour public assessment of Congress's performance have fueled a torrent of analyses.²⁹

Reviewing all this research would require an immense quantity of time, far more than available to this report's authors. Thus, we compiled a list of studies that identified key features of the evolving interplay between Congress and elections. We began with online searches of public and scholarly databases to locate studies that directly addressed incentives set by congressional elections. We then took the initial 27-page literature review and placed it before two separate daylong convenings of scholars and experts,

who reviewed them and advised us on what research we missed.³⁰ This process involved a nearly 70-page literature review and approximately a dozen hours of recorded discussion with top scholars of elections and Congress. Additional studies were gathered and reviewed in the course of writing.

What follows is in no way a comprehensive review of all the research. Rather, we draw on selected scholarship to identify the most conspicuous features of the electoral-congressional incentive structure.

We begin from the assumption that legislators want to be reelected and worry about losing their seats.³¹ Winning reelection is essential for any legislator to make public policy, to say nothing of the personal benefits they accrue from holding the position (pay, prestige, etc.). Accordingly, we assume each representative and senator is a rational actor who will attempt to procure reelection by building a reputation among voters and managing their reputation as a member of a collective entity (i.e., their political party) that voters consider when casting their ballots.³²

Below we assemble the components of the apparent incentive structures based on the research we compiled. The structure comprises the frequency of congressional elections, campaign finance, the voters, the primary system, and partisan electoral competition. In a subsequent section of the report, we assemble the various legislative responses to these incentives.

The Frequency of Congressional Elections

To a degree, the US constitutional system places representatives in a never-ending campaign for office. The US Constitution sets two-year terms for the House, which is shorter than the normal duration in representative democracies in other nations. For example, European parliaments' lower chambers have four- or five-year terms, although legislators can be forced to face election sooner if the parliament is dissolved.³³

Senators have six-year terms, which reduces the pressures on them to fundraise. Every two years, one-third of them must stand for reelection, which in this era of narrow party majorities (discussed

below) creates incentives for legislators in the majority to hold onto power at all costs and for legislators in the minority to obstruct and harry the majority on salient policy matters.

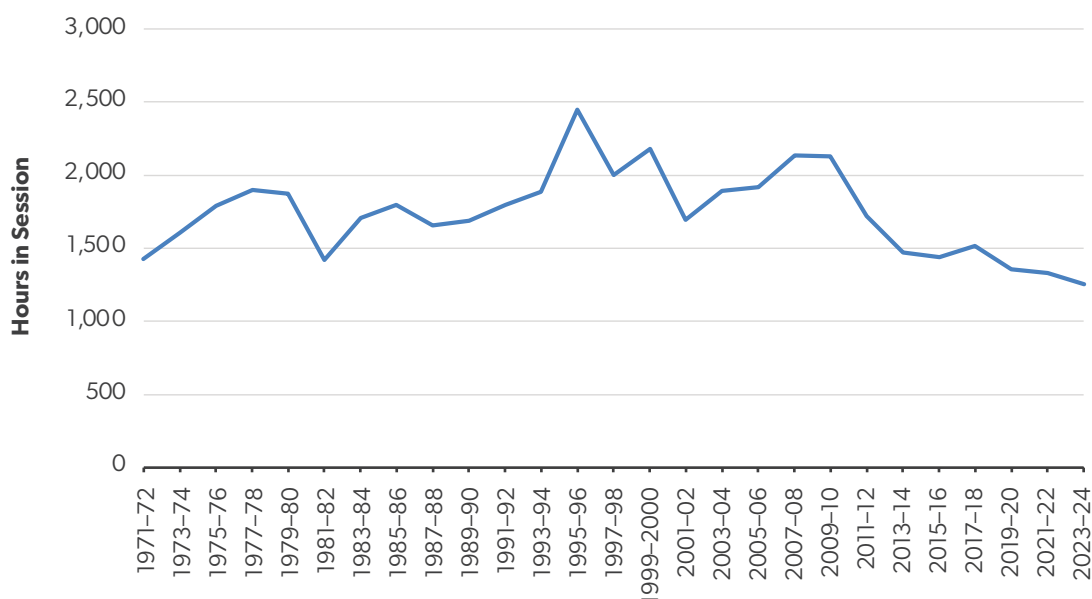
The US also is somewhat peculiar in that it sets no limits on the durations of campaigning—candidates may fundraise, advertise, and build campaign infrastructure years before votes are actually cast. In contrast, the United Kingdom, for example, limits campaigning to the 25 working days following the dissolution of parliament.³⁴ In Japan, campaigning for the lower legislative chamber usually is limited to 12 days.³⁵

US senators and representatives seldom receive a reprieve from campaigning to keep their seats. Their challengers can start fundraising and organizing their own campaigns at any time, which incentivizes legislators to devote significant portions of their time devising ways to defend their seats by courting voters. They allot time and resources to constituent services, and they engage in symbolic politicking by issuing statements and introducing non-substantive legislation (e.g., resolutions to honor a community member or cause) or bills that have little to no chance of becoming law.

They also limit their working days in the Capitol to Tuesday through Thursday and many weeks do not come to Washington, DC, at all. Between 2001 and 2023, the House was in session an average of 150 days a year, and the Senate conducted formal business 167 days a year.³⁶ The total number of potential work days in a year (assuming a five-day workweek) is around 260.

Of course, many in-session days are pro forma, meaning few legislators are present and no official business is conducted. Hence, the total hours in session over recent decades better depict the time legislators spend discharging their duties. The trend in work hours has been downward since a mid-1990s peak (Figure 1).

During election years, both chambers reduce their Washington work time in October and early November to free legislators to campaign in their home districts and states. For example, the House of Representatives is scheduled to work only one day in

Figure 1. US House of Representatives Work Hours by Two-Year Congress

Source: Brookings Institution, "House Workload, 80th–118th Congresses, 1947–2024," <https://www.brookings.edu/wp-content/uploads/2026/04/Chapter-6-Full.pdf>.

October 2026 and nine days in November.³⁷ The Senate, for its part, intends to work two days in October and eight days in November.³⁸

All told, legislators spend a substantial amount of their time off Capitol Hill, leaving them unable to vote, convene oversight hearings, and carry out their other official duties. Their truncated work schedule leaves insufficient time to fund and oversee the burgeoning federal government. Important tasks (e.g., reauthorizations of expired laws) often are not completed, and legislation (especially spending bills) is rushed through the chamber without debate. Representative Tim Holden (D-PA), who served in the House from 1993 to 2013, described the opportunity cost of constantly thinking about electoral politics: "You miss out on what you should be doing; concentrating on the committees you serve on and meeting your constituents and doing that."³⁹

Campaign Finance

The incentives and pressures legislators face to raise ever more money have been amply reported on.⁴⁰ The cost has been rising for decades.

In 1986, representatives and senators who wished to keep their seat had to spend an average of \$1,058,399 and \$9,029,228, respectively (adjusted for inflation). Thirty years later, in 2016, the House incumbent needed an average of \$2,042,351, and the Senate incumbent needed \$14,096,967. During the 2024 congressional elections, the cost was even higher: The average House and Senate incumbent spent \$2.7 million and \$25.6 million, respectively.⁴¹

The need to raise larger sums of money is affecting candidacies and legislative behavior. It biases candidate pools toward individuals who have wealth or who are gifted at soliciting funds. Strong fundraising is also a powerful indicator of candidate viability that influences how donors, journalists, party leaders, and voters perceive and respond to candidates.⁴²

Congressional candidates who raise a lot of money early in their primary races often draw attention,

which can fuel additional donations and publicity. Their money hauls can encourage other less-well-funded but capable candidates to quit. Pennsylvania Democrat Paul Perry, for example, ran for a House seat in 2017 and was moderately successful at raising money. But he quit the primary because a competitor raised six times as much. “As I depart this race, I leave with grave questions about the sustainability of our democracy,” he stated. “It is awash in money and influence-peddling on both sides of the aisle. The barriers to entry for everyday citizens (most of the middle class) and true public servants are far too high.”⁴³

Frequent congressional elections and slim partisan majorities in the chambers incentivize legislators to devote still more time to fundraising. Each party regularly shares tallies of legislators’ fundraising at its closed-door gatherings. Every Democrat is expected to donate funds to their party’s election apparatus; so too every Republican.⁴⁴

Demonizing opponents and stoking animosity toward them is part of the fundraising process. “If you want to raise money [from] your base, you polarize the other side. That’s just a fact of reality,” stated Representative Dennis Ross (R-FL), who served in the House from 2011 to 2019.⁴⁵

The sitting legislator who faces a well-financed opponent in a primary or general election must spend more time campaigning and fundraising. Winning candidates who were top fundraisers can parlay that achievement into coveted positions in the House of Representatives, where party leaders grade legislators on their fundraising prowess.⁴⁶ Legislators who are very successful at raising money for their parties have better odds of getting floor votes on bills they sponsor.⁴⁷ “Committee assignments . . . are less about qualifications than they are about cash,” stated Representative Ken Buck (R-CO), who served from 2015 to 2024. Representative Sue Myrick (R-NC), who served in the chamber from 1995 to 2013, agreed: “The people who raised a lot of money got better committee assignments than those who did not.”⁴⁸

Obviously, fundraising consumes time and energy that otherwise could be spent on performing legislative duties. Brandice Canes-Wrone writes,

A variety of evidence suggests that fundraising is now the primary task each member undertakes day-to-day. For instance, a leaked presentation by the Democratic Congressional Campaign Committee suggests members spend at least four hours each day calling donors while only two hours on committee and floor work combined, and even less on constituent visits and other responsibilities.⁴⁹

It almost goes without saying that voting behavior and fundraising are intertwined. House members who are heavily funded by donors from outside their districts vote in alignment with those interests.⁵⁰ One study finds that “a Democratic Congressman is 5.5% more likely to vote for a bill for each fundraising event the bill’s sponsor has headlined for them in the past (Republican Congressmen are 2.5% more likely).”⁵¹

This is especially true for legislators in electorally safe districts. Interestingly, legislators whose campaigns rely heavily on a small group of large donors introduce fewer bills, deliver fewer speeches, and serve as witnesses at fewer committee hearings.⁵² Why they do this is not clear. Quite possibly it indicates that legislators are incentivized to shape their activities to align with donors’ interests and that they are not as motivated to engage in the day-to-day work of being a legislator. Legislators’ speeches often reflect the interests of political action committees.⁵³

The Voters

Voters generally do not closely follow Congress’s or individual legislators’ activities. Fewer than 40 percent of Americans have opinions about their individual House members.⁵⁴

This is not a recent development. More than a century ago, Walter Lippmann, an early theorist of public opinion, noted that average citizens had little interest in politics and policy, and even if they did, they would struggle to come to reasoned judgments about public officials’ actions:

I have tried to imagine how the perfect citizen could be produced. . . .

. . . Education has furnished the thesis of the last chapter of every optimistic book on democracy written for one hundred and fifty years. . . .

So I have been reading some of the new standard textbooks used to teach citizenship in schools and colleges. After reading them I do not see how any one can escape the conclusion that man must have the appetite of an encyclopædist and infinite time ahead of him. . . . He is told, in one textbook of five hundred concise, contentious pages . . . about city problems, state problems, national problems, international problems, trust problems, labor problems, transportation problems, banking problems, rural problems, agricultural problems, and so on *ad infinitum*. In the eleven pages devoted to the problems of the city there are described twelve sub-problems.

But nowhere in this well-meant book is the sovereign citizen of the future given a hint as to how, while he is earning a living, rearing children, and enjoying his life, he is to keep himself informed about the progress of this swarming confusion of problems.⁵⁵

This observation was offered when Congress's scope of policymaking and oversight were modest. Judging whether an individual legislator is truly doing a good job is exceedingly difficult for any human being. It requires having a clear idea about what constitutes good performance, accessing accurate accounts of legislators' behaviors in the chamber, and using all this information to come to a summary judgment.⁵⁶

Whatever the founders' aspirations might have been, voters rarely study governance. Public choice theory helps explain why:

In the marketplace, consumers have a strong incentive to examine products and make sure that they get a good deal. By contrast, people know that their individual votes in elections will have almost no effect on outcomes, and so they have little reason to research candidates and policies in detail. As a result, people tend to know more about, say, their favorite television shows than about the workings of the federal government. It

Legislators: Insufficiently Partisan, Too Focused on Their Voters, and Too Partisan

Times change, but criticism of Congress is eternal. In 1950, the American Political Science Association released a report criticizing Congress for being insufficiently partisan.⁵⁷ The Democrats and Republicans lacked distinct identities and policy platforms. The parties could not police their memberships or punish dissent from an established party line, which left them too ideologically heterogeneous: There were liberal and conservative Democrats and Republicans. Voters might be able to render a verdict on the performance of their home-district and home-state legislators, but they had no means to do the same for Congress's collective performance.

Two decades later, scholars criticized legislators for pleasing their voters through constituent service, pork barrel spending, and policymaking that helped local interests. Congress had become the "keystone of the Washington establishment," and legislators behaved like "errand boys" who spent their days helping voters deal with difficult bureaucrats in the executive branch.⁵⁸

Today, Congress has been deemed a "broken branch" crippled by partisan polarization that produces toxic, zero-sum conflict that feeds into a "doom loop" of ever rising partisanship.⁵⁹ "By nearly any measure, Congress is a toxic mess seemingly incapable of rising to the occasion even at a time of existential threats," observed *New York Times* reporter Carl Hulse.⁶⁰

is logical for most people to be "rationally ignorant" about public policy, meaning that it does not pay for them to investigate the issues.⁶¹

Not unreasonably, American voters use various cognitive shortcuts to decide whom to support. Candidates' party affiliations remain powerful cues for decision-making. Voters also choose candidates based on other factors, such as their perception of

the economy, how likable they find candidates, and candidates' values, personality, race, religion, ethnicity, experience, or achievements.

While partisanship, the economy, and likability continue to serve as voting cues, Americans' decision-making has changed in recent decades. A half century ago, research generally indicated that "congressional elections are local, not national events: in deciding how to cast their ballots, voters are primarily influenced not by the President, the national parties, or the state of the economy, but by the local candidates."⁶² Incumbents won reelection frequently in part because they developed positive reputations by delivering prompt constituent service and pork barrel projects, taking pleasing stands, and engaging in symbolic actions (e.g., introducing bills they knew would not pass).⁶³

Ticket splitting, wherein voters would choose a president from one party and legislators from another party, occurred in more than 100 congressional districts in each presidential election from 1972 through 1996.⁶⁴ (A mere 16 districts split their tickets in 2024.)⁶⁵ Similarly, voters in the same state sometimes sent legislators from different parties to the US Senate. That was the case in 27 states in 1980. Only four states have split Senate delegations today: Maine, Pennsylvania, Vermont, and Wisconsin.⁶⁶

Researchers began detecting signs of change in voters in the 1970s. They were becoming more sensitive to short-term factors such as candidate appeal, campaign messaging, and national conditions.⁶⁷ More Americans began voting based on single issues (e.g., pollution or abortion), which they learned about through the burgeoning media covering federal politics. Polarization among voters and their chosen officials in Congress was clearly visible in the early 1980s.⁶⁸

The percentage of Americans formally affiliating with political parties has declined, and 45 percent of voters now are independents.⁶⁹ Yet many Americans so intensely dislike one of the parties that they vote like reliable partisans. A recent review of election survey data reports, "In 1978, only 9% of Democrats and 7% of Republicans had a really negative opinion of the opposing party (a feeling thermometer

of less than 20). By 2024, vast majorities in both parties—64% apiece—reported such negative opinions."⁷⁰ One poll found that 63 percent of Democrats agree or strongly agree that Republicans are not just bad for the country but downright evil, and 57 percent of Republicans agree with the same sentiment about Democrats.⁷¹

Americans have grown further apart on various political issues, such as access to abortion and environmental protection, and their disputes are especially acute on social and cultural issues.⁷² And as new divisive issues arise, they become absorbed into existing partisan cleavages between citizens. Thus, groups of voters who are polarized on the issues of Americans' access to guns and abortion may become similarly split over an emergent issue, like mandatory vaccination policies.

Well-informed and not-well-informed voters are becoming more ideological. Perhaps one-quarter of American voters are ideological, meaning their views on policy logically follow from core values or principles.⁷³ The rest of them vote based mostly on partisanship. They vote either for the party they prefer (or dislike less) or against the party they most dislike.⁷⁴ The Pew Research Center finds that this same ideological quarter of US voters tends to participate in politics by voting, contributing money to candidates, and the like much more than the average American.⁷⁵

More-ideological voters tend to accept a narrower range of policy ideas and actions, and the two major parties have increasingly realigned around competing policy programs and identities. The Pew Research Center further reports,

The overall share of Americans who express consistently conservative or consistently liberal opinions has doubled over the past two decades from 10% to 21%. And ideological thinking is now much more closely aligned with partisanship than in the past. As a result, ideological overlap between the two parties has diminished: Today, 92% of Republicans are to the right of the median Democrat, and 94% of Democrats are to the left of the median Republican.⁷⁶

The growth in ideology among voters often brings increased antipathy toward the other party and the policy stands associated with it. Ideological voters also have less affection toward fellow citizens who do not share their views.⁷⁷

Voters tend to claim they value bipartisanship and decry legislative gridlock. A poll finds that 65 percent of Democrats, 62 percent of Republicans, and 51 percent of independents agree or strongly agree that politicians need to compromise.⁷⁸ Nonetheless, closer inspection reveals that they reward legislators who cast votes to advance party goals.⁷⁹ In short, they hold that compromise is desirable so long as it is done by individuals with opposing views.

This is especially true in House districts that are more ideologically homogeneous and safe for sitting legislators seeking reelection. Democrats and Republicans alike support their party's obstruction of the opposing side more than they reward cross-party compromise. Even in the Senate, whose members are elected at large from states (which are not gerrymandered), voters often support more ideologically extreme senators.⁸⁰ And for "cross-pressured" legislators—members from split-ticket districts—moderating their votes does not increase their chances of winning.⁸¹

A last significant development in voter behavior is that the growth in the presidency's power and salience has affected voter perceptions. More and more Americans judge legislators in relation to the president. High approval of a sitting president buoys the approval of the legislators in the president's party and lowers the favorability of members of the opposite party.⁸²

"Forty years ago," note Jamie L. Carson and coauthors, "a voter's feelings about the president had little bearing on how they rated opposition-party candidates. Today, the relationship is sharply negative. In 2020, a voter who disliked the president was likely to score the opposing party's candidate 50 points lower than someone who approved of the president."⁸³

Voters are also increasingly divided in their assessments of presidential performance, and they judge legislators' voting records partly on whether they vote for or against presidents' policy proposals and

Top House Republican Topped

Eric Cantor (R-VA) was the second-highest-ranking House Republican when he lost a 2014 primary race. Cantor was not brought down by a personal scandal or subpar fundraising. Rather, he was criticized as too willing to cut deals to make policy. David Brat, the professor who defeated Cantor, tarred Cantor as a supporter of amnesty policies for illegal immigrants.⁸⁴ Brat won the general election, which was expected, as Virginia's Seventh Congressional District had long favored Republicans. He served for two terms before losing to Democrat Abigail Spanberger.

actions.⁸⁵ Voters' perceptions of a president's performance affect even their self-reported partisan identification (in the aggregate).⁸⁶ Voters identifying as Republicans increased as President Joseph R. Biden's approval plunged in 2023, and voters aligning themselves with Democrats grew when President Donald J. Trump's popularity fell in 2025 and 2026.⁸⁷

The Primary System

Every US state elects representatives and senators by holding a primary election in spring or summer, the winners of which advance to a general election in November. States adopted congressional primaries throughout the 20th century. They were designed to be a more democratic means of electing a representative than the previous methods of candidates being chosen by parties' leaders or through party conventions or caucuses.⁸⁸

Primaries, especially the ones that limit participation to registered party members, have received a great deal of scrutiny due to concerns that they are fueling dysfunction in Congress. For one, the primary system forces legislators to fend off fellow members of their own party no matter how the voters feel about their performance. The party does not usually vet their competitors. This arrangement is unusual among representative democracies.⁸⁹

For another, less than 20 percent of American voters cast primary ballots.⁹⁰ Even high-stakes

congressional primary races garner paltry turnout. Turnout in the 2026 Louisiana Republican Senate primary election was a mere 14 percent. Julia Letlow, the winner, received the support of about 6 percent of registered voters.⁹¹ In 15 states, the low primary turnout is partly due to laws forbidding independent voters from participating. There are approximately 15.7 million of these voters.⁹²

The low primary turnout appears to produce unrepresentative voter pools.⁹³ Primary electorates are older, whiter, and more partisan than general electorates,⁹⁴ and participating voters are disproportionately partisans, ideologues, and single-issue voters.⁹⁵ Primary voters tend to reelect legislators who have a strong record of casting partisan votes.⁹⁶

The decline in swing districts, wherein each party has a middling chance to win a general election, has exacerbated the concerns about primaries. In the latter half of the 20th century, it was a political truism that incumbent Republicans must fear challengers from the political right and incumbent Democrats must fend off candidates from the left. Thus, sitting Republicans were advised to campaign to the right and Democrats to the left during the primaries and then pivot their message toward the center during the general election campaign. Doing this would up their chances of winning the support of a majority of voters.⁹⁷ That truism mostly no longer holds true for House legislators.

The number of swing districts has declined precipitously since the 1960s due to demographic shifts, redistricting, and the nationalization of politics in voters' minds. This trend has accelerated over the past few decades. In 1997, 164 House districts (37.7 percent) were electorally competitive.⁹⁸ As of September 2026, according to *The Cook Political Report with Amy Walter*, merely 42 districts (9.7 percent) are competitive, and 83.9 percent of districts are solidly Democratic or Republican.⁹⁹

Similarly, senators face more partisan electorates. As of September 2026, seven of the 35 races (20.0 percent) in 2026 are toss-ups, and two (5.7 percent) only lean toward one party or another.¹⁰⁰ In 1980, 27 states were represented by both a Democrat and a Republican in the US Senate.¹⁰¹ Today, only

four states—Maine, Pennsylvania, Vermont, and Wisconsin—have split delegations, the fewest since direct elections of senators began, in 1913.¹⁰²

The plunge in the number of competitive districts and states has transformed primary elections into effectively the final election more often than not. In 2022, for example, “only 8% of all voters cast ballots in the partisan primaries that determined 83% of House contests.”¹⁰³ That year, Democrats did not have a nominee on the ballot for the Senate race in Utah or House races in South Dakota and North Dakota.

Unsurprisingly, the increasingly partisan path to electoral victory has affected who runs for Congress in the first place. Ideological moderates are deterred from running for the House of Representatives because they do not feel they fit with party orthodoxy.¹⁰⁴ Conservative Republicans, according to one study, are nine to 10 times as likely to run as moderate Republicans, and liberal Democrats are five to six times as likely to run as moderate Democrats.¹⁰⁵

Other factors also deter politically moderate individuals from becoming candidates. The burdens of raising money, the invasions of their personal lives by media and opposition researchers, the not-high pay House members receive, and the hassles of enacting policy in a fractious chamber all impose high costs.¹⁰⁶

Interest groups, campaign donors, and party officials heavily influence who runs in and wins primaries, and they back candidates who commit to supporting their policy positions in Congress.¹⁰⁷ Deep-pocketed interest groups also will bolster particularly outrageous candidates in one party's primary in the hopes they will win and be easier to defeat in the general election.¹⁰⁸

More-polarized districts, states, and candidates entering primaries all are producing more-polarized legislative behavior. According to one recent study,

the majority of the polarization we observe in the U.S. House—defined as the ideological distance between the two parties—is *not* the result of voters choosing extreme candidates for office. . . .

. . . Even if voters chose the most moderate candidate in every election for the U.S. House in

every election since 1980, polarization would still be extremely high.¹⁰⁹ (Emphasis in original.)

The concerns about polarization have spurred a great deal of scholarship and advocacy to alter or abolish primaries and thereby weaken the incentives impeding legislators. Top-four primaries, instant-runoff ballots, Condorcet voting, open primaries, and other reforms differ in important respects, but they all share two objectives: (1) attracting candidates who are less extreme and (2) incentivizing legislators to appeal to a broader range of home-state and home-district voters. Which of these reforms are most promising and whether any of them would meaningfully incentivize legislators to improve their performance (whatever that means) are outside the scope of this report. Our preliminary assessment is that no electoral reform is a silver bullet, and far more experimentation with reforms is needed to

generate more substantial data and analyses of their efficacy and effects.

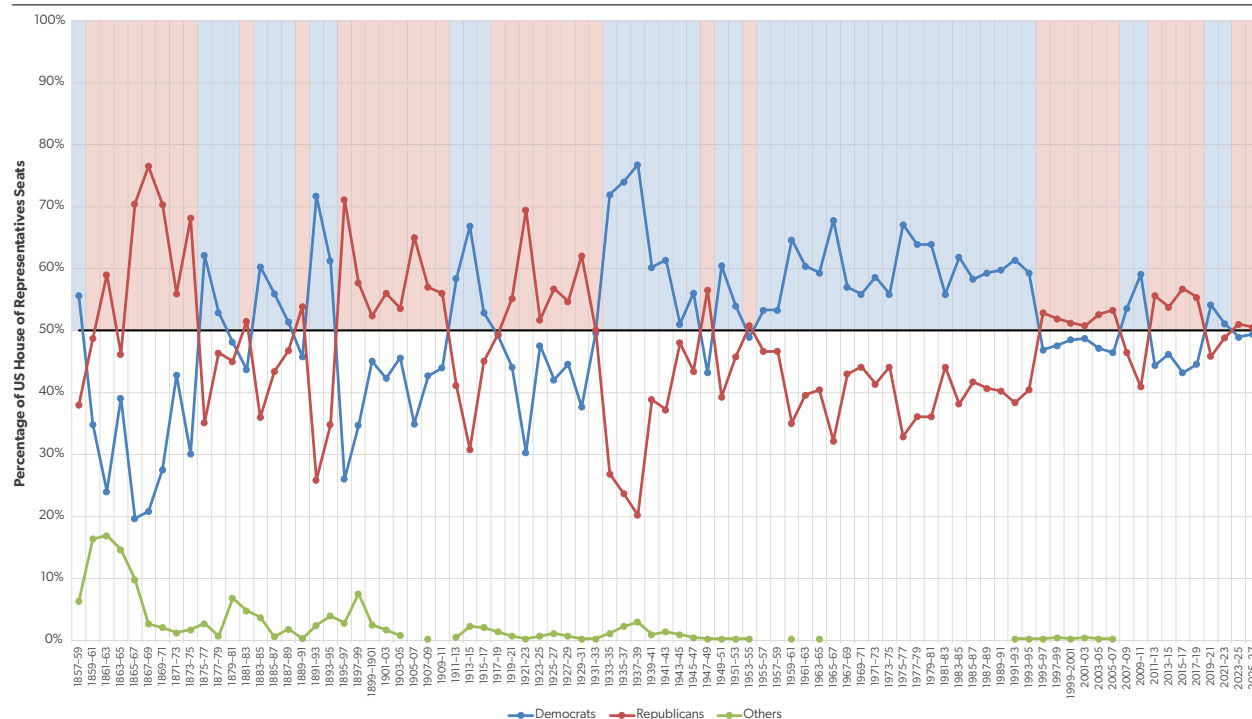
Partisan Electoral Competition

Parties contending for power have been part of Congress since the 1790s. Among other things, they are a vehicle for disparate legislators to team up to win majorities and use the spoils of victory (e.g., agenda setting) to advance their preferred policies and goals (e.g., reelection).

Figure 2 depicts the party majorities in the House of Representatives since the mid-19th century. Control of the chamber switched back and forth between the two major parties frequently from 1865 to 1933. The magnitude of the swings was significant; a party that held only 30 or 40 percent of the seats might suddenly find itself with a 60 percent majority.

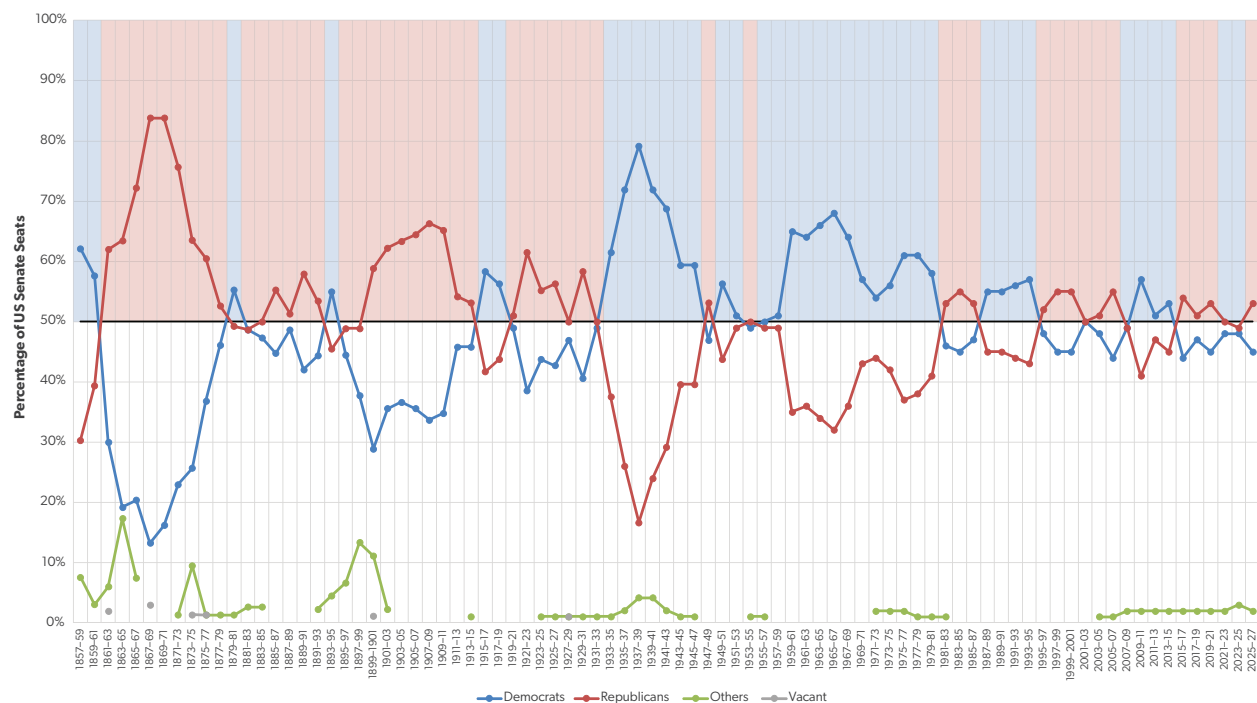
Then everything changed, and partisan electoral competition for control of Congress was almost

Figure 2. Party Control of the US House of Representatives



Source: US House of Representatives, "Party Divisions of the House of Representatives, 1789 to Present," <https://history.house.gov/Institution/Party-Divisions/Party-Divisions/>.

Note: Data points reflect the composition of the House of Representatives according to the general election results. Blue and red shading indicate Democratic and Republican control, respectively.

Figure 3. Party Control of the US Senate

Source: US Senate, "Party Division," <https://www.senate.gov/history/partydiv.htm>.

Note: Data points reflect the composition of the Senate according to the general election results. Blue and red shading indicate Democratic and Republican control, respectively. For Congresses without a partisan majority, the number of independents caucusing with each party and the vice president's tiebreaking vote may determine control.

nonexistent for much of the 20th century. Democrats took control of the House of Representatives in December 1931 and held it until 1995, relinquishing it only from 1947 to 1949 and 1953 to 1955. Often their margins were enormous; Democrats outnumbered Republicans 282 to 153 in 1959.¹¹⁰

Something similar occurred in the US Senate, albeit with smaller swings in partisan margins (Figure 3): The Democrats established hegemony in 1933 and held control for much of the next six decades.

During this period, congressional Democrats were widely presumed to be a permanent majority thanks to demography. They were the party of the common people, who were more numerous than the affluent Americans represented by Republicans. This operating assumption suffused Congress and incentivized Republicans to work collaboratively with

Democrats.¹¹¹ Individual GOP legislators sought reelection through a range of legislative activities, such as making policy, helping constituents, and taking positions on issues that resonated with voters. But the Republican Party coordinated little to try to win the chamber, which seemed implausible.

Today, the situation is quite different. Figures 2 and 3 show the rapid oscillation of partisan control in the Senate (since 1981) and the House (since 1995). The two parties have spent the past four decades battling for control of the two chambers, a contest that occurs every two years. Each party operates under the assumption that the current majority is insecure and therefore considers each of its actions within the framework of the question "Does this help or hurt our party's odds of winning the next election?"

The Electoral Incentive Structure and Legislators' Responses

The founders appear to have hoped that elected officials would pursue reelection by developing reputations for honorable conduct and sound policy-making in the service of their voters' and home states' long-term interest. As a summary assessment, the present Congress is falling short in part due to misalignment between electoral incentives and the duties of governance.

Voters do reward legislators who are good at law-making. Legislators who introduce legislation and move it through the chamber face significantly fewer high-quality challengers and are more likely to win their primaries. Incumbents won at a 99.7 percent rate when they faced no high-quality challengers and an 89 percent rate when faced with one good challenger.¹¹²

The preponderance of evidence, unfortunately, suggests legislators face strong incentives to do things other than make judicious policy and engage in diligent congressional oversight. The United States' candidate-centric (as opposed to party-centric) system and primaries, along with the rising cost of campaigns, lead legislators to worry about reelection far more than elected officials in other nations do. As Anthony King writes,

The American electoral system places politicians in a highly vulnerable position. Individually and collectively they are more vulnerable, more of the time, to the vicissitudes of electoral politics than are the politicians of any other democratic country. Because they are more vulnerable, they devote more of their time to electioneering, and their conduct in office is more continuously governed by electoral considerations.¹¹³

And with reelection comes the need to spend considerable amounts of time raising money from organized interests and lobbyists, which may deter legislators from making innovative policies and reforming or abolishing old, ineffective ones.¹¹⁴ That legislators assign increasingly larger numbers of their

personal staffs to media outreach and constituent service indicates the pressure they feel to bolster voters' (especially primary voters') affection for them.¹¹⁵

To be clear, few legislators lose their bids for reelection. In the past five House elections, between 91.0 and 96.9 percent of incumbents pursuing reelection kept their seats.¹¹⁶ In the Senate, 95 to 98 percent of legislators won reelection between 2016 and 2024.¹¹⁷

Nonetheless, legislators act as if they are under threat.¹¹⁸ As Richard F. Fenno Jr. wrote, "No matter how secure their electoral circumstances may seem, members of Congress can always find reasons to feel insecure."¹¹⁹ This may be due to them seeing other legislators being defeated or distrusting the polling that tells them they are leading comfortably. It also may flow from the enormous price of being too confident about the odds of winning.¹²⁰

This fear profoundly shapes their legislative conduct. For much of the 20th century, legislators contended with their reelection anxieties by using the powers and perks of their official positions. They promoted themselves by sending more and more mail to constituents, courted media, and held celebratory public events in their home states and districts. They engaged in symbolic politics through position taking and speechmaking and by introducing bills their voters loved (that were highly unlikely to become law) and casting votes against bills that they thought wise but that were unpopular with their constituents.¹²¹

Representatives and senators also professionalized their constituent casework operations to please voters who were upset about not receiving their Social Security or other federal benefits checks or who had some other troubles. Legislators also pleased voters by delivering pork barrel benefits to their home districts and states.¹²²

Dispensing pork barrel spending and casework, research indicates, may be a more electorally savvy choice than policymaking.

From the standpoint of capturing voters, the congressman's lawmaking activities differ . . . from his pork-barrel and casework activities. First, programmatic actions are inherently controversial.

Unless his district is homogeneous, a congressman will find his district divided on many issues. . . .

In contrast, the pork barrel and casework are relatively less controversial.¹²³

It is far easier for lawmakers to claim credit for procuring funding for home-district and home-state projects than major laws. “Maybe he can’t claim credit for the 1965 Voting Rights Act,” observes one scholar, “but he can take credit for Littletown’s spanking new sewage treatment plant.”¹²⁴

Legislators could do all these things precisely because they had passed rules, laws, and appropriations bills to enable and augment their electoral prospects. Expanding their staffs and stationing more of them in their home districts and states was a means for them to curry voter favor through constituent service. Allowing amendments to be offered on the floor enabled legislators to claim they had tried to (and sometimes did) improve legislation.

When it comes to policymaking, legislators’ actions occur in the context of reelection concerns. Representatives and senators “generally pursue self-interested goals, just as the rest of us do.” Yet “those incentives often steer legislators toward policies counter to the general public interest.”¹²⁵ They see electoral incentives to grow federal programs and benefits to satisfy voters and interest groups in their home states and districts. Elections, in many if not most instances, discourage them from enacting fiscally responsible policy and culling failing government programs.

“Voters routinely punish lawmakers who try to do unpopular things, who challenge them to face unpleasant truths about the budget, crime, Social Security, or tax policy,” noted former Representative Timothy J. Penny (D-MN), who served in the House from 1983 to 1995. “Similarly, voters reward politicians for giving them what they want—more spending for popular programs—even if it means wounding the nation in the long run by creating more debt.”¹²⁶

Today’s legislators still do many of these things; however, they face additional incentives. The

Electorially Minded Symbolic Action

The long-serving Senator John Cornyn (R-TX) found himself facing a well-financed primary challenger during the 2026 election. He was concerned that President Trump would endorse his opponent, Ken Paxton. One of the defensive actions Senator Cornyn took was to introduce legislation to name a road for the president. The bill would officially designate US Route 287 as Interstate 47, Trump being the 47th president.¹²⁷ “Texas is Trump Country, and this bill cements that legacy,” Cornyn stated in a press release. He added that the bill would honor “the most consequential president of our lifetime.”¹²⁸

The maneuver did not work, the president supported Paxton, and Cornyn lost his primary. Shortly thereafter, the senator suggested he would deprioritize enacting the road-renaming legislation.¹²⁹ When asked by a reporter whether losing reelection provided him with more freedom to vote his conscience, Cornyn called the date of his defeat “my liberation day.”¹³⁰

nationwide adoption of congressional primaries (1899–1970) and the rise of partisan polarization and intense partisan competition (1980–present) have further distorted policymaking incentives. “The changes from when I served in the ’70s to now are dramatic,” stated Representative Rick Nolan (D-MN), who served from 1975 to 1981 and 2013 to 2019.¹³¹

The diminution of swing districts and states and the perils of being primaried have consequences on the incentives legislators perceive. Representative Charlie Dent (R-PA), who served in the House from 2005 to 2018, remarked,

Since most members overwhelmingly represent very safe districts, their need to seek bipartisan compromise creates enormous political risks. The few members in swing districts must demonstrate a capacity for bipartisan compromise to survive politically.

House caucus leaders tend to represent very safe districts and share the same instincts as their safe seat members.¹³¹

The narrow, partisan, “insecure majorities” increase the pressures legislators feel to vote with their parties. “Polarization, combined with the intense competition for majority status in an era of slim majorities and the nationalization of politics, creates strong incentives for teamanship that make it very difficult for cross-party cooperation,” a prominent scholar has observed.¹³³

Thus, incumbents increasingly have felt pressure to modify their legislative behavior to “anticipate trouble” in the form of a primary challenger. They do this by casting votes, making statements, and engaging in symbolic activities (e.g., post office-naming bills) to please primary voters. They also cultivate relationships with advocacy groups who fund primary candidates and who issue scores or report cards grading candidates’ fealty on select issues. Plenty of evidence exists that legislators alter their behavior to reduce their odds of being primaried.¹³⁴

The competition to turn out the reliably partisan voters and impress the few voters who can be swayed incentivizes legislators to devote substantial energy to partisan messaging, their public profiles, and strategic and symbolic confrontations on high-salience wedge issues.¹³⁵

Partisan jockeying for electoral advantage frequently involves exploiting bicameralism. The majority in one chamber (usually the House) will pass a bill to please its base voters with full knowledge that the other chamber will not enact it. The majority then will campaign on the vote they took and ask for contributions to help it win a large enough majority in the other chamber to get the legislation to the president’s desk. House Republicans, for example, voted dozens of times to repeal or defund portions of the Affordable Care Act (Obamacare) despite the Senate lacking a majority who agreed. Many of these attempts occurred when President Barack Obama—who claimed the law as a signature and historic achievement—was still in office and able to veto any repeal legislation.¹³⁶

The insecurity of majority status spurs parties and individual legislators to bend, change, and break the norms and rules of the House and Senate in pursuit of short-term victories.¹³⁷ The rise in the threat of filibusters, and the subsequent creation of legislative processes exempted from filibustering, is but one symptom.¹³⁸

Electoral incentives encourage individual legislators to further empower their party’s chamber leadership. House and Senate majority leaders’ acute interest in maintaining a majority encourages them to structure the legislative agenda and schedule votes to boost the party’s brand and protect its electorally vulnerable members from taking votes that would upset primary voters.¹³⁹

The Speaker and Senate majority leader—and the House and Senate minority leaders—also “structure the legislative process in such a way that makes Democrats and Republicans appear more extreme than they really are and thus amplifies the appearance of polarization in our politics.”¹⁴⁰ Leadership allows less debate and fewer amendments on legislation to hedge against possible electoral risk.¹⁴¹

Both majority and minority party leaders tend to view party unity as critical to electoral victory and therefore shape the legislative processes to produce party-line votes that unfortunately obscure the heterogeneity of opinion in their parties. In 2025, for example, 70 percent of the votes in the House and nearly 94 percent of the votes in the Senate had a majority of each party voting in opposition to each other.¹⁴²

The totality of the electoral incentive structure—which encourages excessively partisan and ideological individuals who are good at raising money to run for Congress and rewards legislators for partisan and performative behavior—appears decreasingly aligned with the duties of lawmaking and oversight. The electoral incentives’ negative effects on the day-to-day operations of the House and Senate encourage some legislators to quit. Legislators who have retired have cited the intense partisan environment inside the chambers, the mounting fundraising responsibilities, and the difficulty of enacting legislation through regular order.¹⁴³ Other legislators have said the duress

caused by threats to their lives and their families from rabid partisans among the public was a factor in their decision to quit Congress.¹⁴⁴

Conclusion

The studies reviewed for this report indicate that elections shape Congress's behavior in myriad ways. The incentives are created by various factors, such as the US Constitution's stipulation of two-year terms for representatives, states' adoption of primaries, and shifting voter beliefs.

Some of the legislative behavior flowing from electoral incentives may be unobjectionable. For instance, it might be shrugged off as a little unsavory but entirely rational that elected officials seek out friendly media coverage and publish self-congratulatory press releases touting their positions and actions.

Other electorally driven legislative behavior is more concerning. For example, senators' and representatives' fears of being primaried have left Congress collectively unwilling to debate and vote on bills to reform the nation's immigration policies and address the soaring national debt, or even enact annual government spending bills on time. The same may be said for the campaign fundraising incentives that sap legislators' work time and reward candidates who refuse to compromise to enact policy.

Yet here it must be noted that when we judge Congress's functioning we inevitably are operating from normative assessments. Our judgments flow from our answers to two philosophical questions: "What should Congress do?" and "What are the attributes of a well-functioning Congress?" Researchers and reformers too rarely discuss and debate these normative presuppositions, and they rely on implicit

assumptions but not explicit definitions of what an effective Congress would look like.

Here we also must note that this report made no effort to assess the extent to which electoral incentives drive the full range of legislative behaviors. Obviously, other variables encourage and discourage what representatives and senators do. To cite only three of them, (1) the change in media coverage of Congress and its fragmentation and polarization indubitably affect legislators' perceptions and behaviors, (2) Congress's insufficient institutional capacity limits its performance, and (3) the growth in the president's salience and the executive branch's power to unilaterally make policy has altered how legislators behave.

Moreover, potent as electoral incentives are, they do not effectively explain why Congress bothers to pass so many laws on matters that *lack* electoral salience. Legislators obviously were not trying to please primary voters by passing the Federal Register Modernization Act or the Fishery Improvement to Streamline Untimely Regulatory Hurdles post Emergency Situation (FISHES) Act with bipartisan majorities in both chambers.¹⁴⁵ Despite the charges of Congress being crippled by partisan gridlock, bipartisan majorities pass minor and major laws every year.¹⁴⁶ Additionally, Congress does continue to conduct policy-focused oversight hearings, and majority parties will reverse the actions of a president from their own party.

Finally, many of the studies reviewed in this report analyze electoral incentives' effects on roll call voting in the chamber. Roll call voting on bills and resolutions is not the only form of voting in Congress, and voting is but one of many legislative duties. Further research is needed to better assess the nexus between electoral incentives and the full range of actions that our constitutional system and we voters desire.

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5. See, for example, Lee Drutman, *Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America* (Oxford University Press, 2020); and Katherine M. Gehl and Michael E. Porter, *The Politics Industry: How Political Innovation Can Break Partisan Gridlock and Save Our Democracy* (Harvard Business Review Press, 2020).
6. For example, there is a trade-off between the goals of an effective Congress that makes policy promptly and a deliberative Congress that tries to pass laws with bipartisan support.
7. Bernard Manin et al., "Elections and Representation," in *Democracy, Accountability, and Representation*, ed. Adam Przeworski et al. (Cambridge University Press, 1999).
8. The US Constitution empowers Congress to override a president's veto (Article I, Section 7, Clause 2) and impeach and remove him from office (Article II, Section 4). The president cannot override the Congress, nor can he remove representatives or senators.
9. The Constitution establishes periodic congressional elections and forbids Congress from "abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." US Const. art. I, §§ 2–4; and US Const. amend. I.
10. "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States." US Const. art. I, § 2. Legislators have a term shorter than that should they replace a sitting member of the House who has resigned, been removed by the chamber, or died. For example, Representative James Gallagher (R-CA) was sworn into office on June 11, 2026, to replace Representative Doug LaMalfa, who passed away in January. Gallagher must face voters five months after beginning his term.
11. "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years." US Const. art. I, § 3.
12. US Const. art. II, § 2.
13. US Const. pmbl.
14. *Federalist*, no. 57 (James Madison or Alexander Hamilton).
15. James Madison, "Vices of the Political System of the United States," 1787, <https://constitutioncenter.org/the-constitution/historic-document-library/detail/james-madison-vices-of-the-political-system-of-the-united-states-1787>.
16. "But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controuls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to controul the governed; and in the next place, oblige it to controul itself. A dependence on the people is no doubt the primary controul on the government." *Federalist*, no. 51 (James Madison or Alexander Hamilton).
17. *Federalist*, no. 53 (James Madison or Alexander Hamilton).
18. US Const. art. I, § 7. Only the House could originate legislation to fund the government through tariffs and taxation.
19. *Federalist*, no. 52 (Alexander Hamilton or James Madison).

20. Publius wrote, “No man can be a competent legislator who does not add to an upright intention and a sound judgment, a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lie within the compass of men in private as well as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it. The period of service ought therefore in all such cases to bear some proportion to the extent of practical knowledge, requisite to the due performance of the service.” He further added,

It is an inconvenience mingled with the advantages of our frequent elections even in single states, where they are large, and hold but one legislative session in a year, that spurious elections cannot be investigated and annulled in time for the decision to have its due effect. If a return can be obtained, no matter by what unlawful means, the irregular member, who takes his seat of course, is sure of holding it a sufficient time to answer his purposes. Hence a very pernicious encouragement is given to the use of unlawful means for obtaining irregular returns. Were elections for the federal legislature to be annual, this practice might become a very serious abuse; particularly in the more distant states. Each house is, as it necessarily must be, the judge of the elections, qualifications and returns of its members, and whatever improvements may be suggested by experience for simplifying and accelerating the process in disputed cases, so great a portion of a year would unavoidably elapse, before an illegitimate member could be dispossessed of his seat, that the prospect of such an event would be little check to unfair and illicit means of obtaining a seat.

All these considerations taken together warrant us in affirming that biennial elections will be as useful to the affairs of the public as we have seen that they will be safe to the liberty of the people.

Federalist, no. 53 (Madison or Hamilton).

21. In 1913, the Constitution was amended to authorize voters to select their two senators. US Const. amend. XVII.

22. *Federalist*, no. 6 (Alexander Hamilton); *Federalist*, no. 71 (Alexander Hamilton); *Federalist*, no. 10 (James Madison); and *Federalist*, no. 49 (Alexander Hamilton or James Madison).

23. *Federalist*, no. 62 (Alexander Hamilton or James Madison). Publius further elaborates that a senate with longer-serving members “may be sometimes necessary, as a defence to the people against their own temporary errors and delusions. . . . There are particular moments in public affairs, when the people stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn.” *Federalist*, no. 63 (Alexander Hamilton or James Madison).

24. US Const. art. I, §§ 5, 7, 9. “A popular Government, without popular information, or the means of acquiring it,” James Madison later wrote, “is but a prologue to a Farce or a Tragedy; or perhaps both. Knowledge will for ever govern ignorance: and a people who mean to be their own Governours, must arm themselves with the power which knowledge gives.” James Madison to W. T. Barry, August 4, 1822, Library of Congress, https://www.loc.gov/resource/mjm.20_0155_0159/.

25. US Const. art. I, § 4. Over the past two centuries, additional constitutional amendments, statutes, and court decisions have curbed state authority that has been abused. For example, the 15th Amendment forbade the federal and state government from denying or abridging the right to vote “on account of race, color, or previous condition of servitude.” US Const. amend. XV. Congress has used its limited authority to enact various statutes that set rules around congressional elections, such as the requirement that states must elect each representative from a district rather than choosing their members in a statewide at-large election. Uniform Congressional District Act, Pub. L. No. 90-196, 81 Stat. 581 (1967).

26. US Const. art. I, § 2, cl. 3.

27. Concerns over shifting population sizes within states due to immigration appear to have played a role in Congress’s decision to not further expand the size of the House. Lee Drutman et al., *The Case for Enlarging the House of Representatives*, American Academy of Arts and Sciences, 2021, https://www.amacad.org/sites/default/files/publication/downloads/2021_Enlarging-the-House.pdf.

28. Drutman et al., *The Case for Enlarging the House of Representatives*, 9, table 2, 11–12.
29. The polarizing Trump, Biden, Obama, and George W. Bush presidencies have further fueled concerns and fears about the governance our elections produce and Congress’s apparent enfeeblement and dysfunction.
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