

**State-Level Elected Officials, National Party Organizations, and Partisan Polarization in  
2020**

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The 2020 election reached new peaks in national partisan polarization. One unique feature of this election cycle was the extent to which state and local partisan elected officials and voters in the states were implicated in election cycles during the campaign season, on Election Day, and even *after* the ballots were tallied. State and local elected officials' governance reflected and reinforced increasing disparate national party brands on critically important issues such as the Covid-19 pandemic response and racial justice protests. Despite the diversity allowed by the United States' federal constitutional design, national partisan attachment structured voter attitudes and choice in state-level races to a significant extent. Lastly, and perhaps most consequentially, state-level actors including states' attorneys general and local elected officials became intimately involved in former President Trump's efforts to challenge the election results.

State-level elected officials and parties were front and center in the 2020 election cycle despite it being a presidential election year and President Donald Trump dominating the news cycle. I argue that the relevance of state-level partisan actors was heightened *because* of the contemporary nationalized political environment. Policies implemented in the states in response to the Covid-19 pandemic and widespread racial justice protests in the aftermath of the death of George Floyd became central tenets of the Democratic and Republican parties' messaging during the campaign, reflecting and reinforcing the national parties' branding on these issues. Polling and election results demonstrate that partisan identification, with some exceptions, continued to structure the voting behavior of the electorate in state races despite candidate-centered campaigns and the autonomy provided to state actors by American federalism. Further, and perhaps one of the most unique features of the 2020 contest, state-level actors featured prominently in the aftermath of the election as pivotal players in grappling with President Trump's accusations of voter fraud.

In this essay, I seek to offer insight into what the 2020 election cycle tells us about the current state of the American party system. 2020 is particularly noteworthy because of the extent to which national partisan warfare has implicated state and local-level elected officials including governors, states' attorneys general, state legislators, and even local election administrators. These actors – who derive their formal authorities from state and local constitutions and laws and their positions within state and local governments and party organizations – became the subjects of intense coverage by the national media because of the perceived importance of their formal and informal powers to national partisan actors. That is, a crucial lens in evaluating the actions of state and local-level elected officials is whether they would use their powers to benefit the national party, in this case former President Trump.

The heightened role of state and local politicians in national partisan competition is rooted in long term changes to the American party system, in particular the rise of the president as party leader, the homogenization of the national party bases in the electorate, and the development of party organizations such as the Democratic and Republican Governors Associations (DGA and RGA) and the Democratic and Republican States Attorneys General Associations (DAGA and RAGA), which, taken together, promote state and local actors to “think nationally” – that is, to consider how their actions are being interpreted by political actors across the country and how the desires of local constituencies are rooted in national partisanship. Put another way, state and local party officials, especially elected officials, are now forced to grapple with what their actions mean for contestation between the parties at the national level despite the party system still being decentralized in a formal sense. I do not mean to argue that state-level elected officials and party organizations have only now become important in shaping national elections. Rather, I argue that the ways in and extent to which state and local actors have been implicated in national partisan contestation has reached a new peak.

I begin by discussing the long-term trends of party nationalization and integration, particularly changes to the organizational form of the parties, the rise of presidents as party leaders, and the nationalization of the American electorate, as historical background in order to situate the case of 2020. I proceed chronologically, first discussing the roles of state-level actors during the campaign season – highlighting how national party affiliation structured policy and rhetoric regarding the pandemic and racial justice protests. State-level responses and rhetoric mirrored the messaging coming from national party actors and national party organizations such as the RGA. I then discuss how partisanship manifested in voting behavior on Election Day. While federalism allowed for heterogeneity across the states, partisanship was still highly

predictive of vote choice in state-level elections. Finally, I explore the ways in which partisan disputes continued after the election, and how states and localities were implicated in this contestation. In particular, Republican officials in the states, with regard to examining claims of voter fraud, had to grapple with a choice between demonstrating loyalty to the national party or asserting state prerogatives.

### **Nationalization and State Governance and Campaigns: A More Integrated Party System**

One of the defining features of the American party system is that it has been organizationally decentralized. The system envisioned by the father of modern political parties, Martin Van Buren, was one in which most party activity occurred at the state and local levels.<sup>1</sup> Power within the parties was dispersed across the political system and rooted in political bosses who controlled local and state party organizations. National party committees largely lacked means of control over state and local committees. Indeed, a classic text on the national party committees was entitled *Politics Without Power*.<sup>2</sup> National conventions were held only once every four years and served more as a mechanism of making decisions over presidential candidates rather than as a governing body for the party as a whole. Within this system, state and local bosses wielded a great deal of power and presidential candidates needed to build broad coalitions among numerous bosses and their respective organizations. In this way, the structure of the party system mirrored 19<sup>th</sup> century American federalism – dispersing power across the polity and limiting the growth of national governing authority.

However, while key elements of a decentralized organizational form are still reflected in the contemporary party system – each party for instance retains a committee within each state –

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<sup>1</sup> Fitzpatrick, John Clement. 2012. *The Autobiography of Martin Van Buren*. Ulan Press. See also Silbey, Joel. 2005. *Martin Van Buren and the Emergence of American Popular Politics*. Rowman and Littlefield; Ceaser, James W. 1979. *Presidential Selection: Theory and Development*. Princeton: Princeton University Press, Chapter 3.

<sup>2</sup> Cotter, Cornelius P. and Bernard C. Hennessy. 2017/1964. *Politics Without Power*. New York: Routledge.

the party-as-organization has undergone several transformations, including the rise of new groups that have brought state and local actors into more intimate and regular involvement with the national parties. This includes the Republican and Democratic Governors Associations, the Democratic and Republican States' Attorneys General Associations, and even national partisan mayoral caucuses.<sup>3</sup>

Scholars of the American party system have long noted a trend towards nationalization and integration, particularly over the course of the 20<sup>th</sup> century. William Luch has noted that “to a much greater extent significant choices in American society are made directly by the national government” and “the crass, but reliable, materialism that was the foundation of the old system is being rendered increasingly obsolete by a politics frequently dominated by abstract ideas that have mobilized a new class of political activists on both the left and right.”<sup>4</sup> And, as Claggett et al note, “the current electorate is seen as more attune to national level events, personalities, and issues, and hence is more homogenous in its behavior than the electorate in the nineteenth or the first half of the twentieth century.”<sup>5</sup>

One element of this trend has been the increasing importance of the president within the party. Klinghard notes, for instance, that presidents have, since Grover Cleveland, sought to increase their authority within the party by increasing the directness of their connection to the party in the electorate, circumventing traditional party organizations, particularly by centralizing control of presidential campaigns.<sup>6</sup> Presidents since Woodrow Wilson have become involved in

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<sup>3</sup> See for instance Sparacino, Anthony. 2021. “The Democratic and Republican Governors Associations and the Nationalization of American Party Politics, 1961-1968.” *Studies in American Political Development* 35 (April): 76-103.

<sup>4</sup> Luch, William M. 1987. *The Nationalization of American Politics*. Berkeley: University of California Press. 3.

<sup>5</sup> Claggett, William, William Flanagan and Nancy Zingale, “Nationalization of the American Electorate.” *The American Political Science Review* 78.1: (1984): 77.

<sup>6</sup> Klinghard, Daniel. 2005. “Grover Cleveland, William McKinley and the Emergence of the President as Party Leader.” *Presidential Studies Quarterly* 35.4: 736-60.

efforts to discipline the party in order to promote the executive's agenda, perhaps most notably during FDR's purge campaign in 1938, in which he sought to solidify support for the New Deal by attempting to block conservative incumbent members of the party from receiving the party's nominations, mainly congressional Democrats.<sup>7</sup> These efforts largely failed but set a broader historical precedent. Presidents and national party elites have become increasingly involved in party nominations and general election contests in congressional and later state and local races. They have sought to promote unity within the party in order to more easily achieve their goals.<sup>8</sup> This was true in 2020 in the GOP under Trump, which saw some states cancel presidential primaries and alter their selection procedures despite former Governors Bill Weld of Massachusetts and Mark Sanford of South Carolina and former Congressman Joe Walsh of Illinois formally entering the race for the nomination.<sup>9</sup>

Huckshorn et. al. have, relatedly, noted increased involvement by national party organizations in state and local elections. They argue that "integration involves a two-way pattern of interaction between the national and state party organizations. Integration implies

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<sup>7</sup> See, in particular, Milkis, Sidney M. 1993. *The President and the Parties: The Transformation of the American Party System Since the New Deal*. New York: Oxford University Press. Daniel Klinghard argues that the rise of president as party leader goes back further and is rooted in intraparty contestation during the 1880s and 1890s. See for instance Klinghard, Daniel. 2010. *The Nationalization of American Political Parties: 1880-1896*. Cambridge: Cambridge University Press. Klinghard, Daniel P. 2005. "Grover Cleveland, William McKinley, and the Emergence of the President as Party Leader." *Presidential Studies Quarterly* 35.4: 736-760.

<sup>8</sup> See for instance Milkis, Sidney M. 1993. *The President and the Parties: The Transformation of the American Party System Since the New Deal*. New York: Oxford University Press; Milkis, Sidney M. and Jesse H. Rhodes. 2007. "George W. Bush, the Party System, and American Federalism." *Publius: The Journal of Federalism* 37.3: 478-503; Milkis, Sidney M. and John Warren York. 2017. "Barack Obama, Organizing for Action, and Executive-Centered Partisanship." *Studies in American Political Development* 31.1: 1-23; Galvin, Daniel J. 2010. *Presidential Party Building: Dwight D. Eisenhower to George W. Bush*. Princeton: Princeton University Press; Doherty, Brendan J. 2012. *The Rise of the President's Permanent Campaign*. Lawrence: University of Kansas Press.

<sup>9</sup> On this point see Sparacino, Anthony. 2021. "Laboratories of Resistance?: #NeverTrumpers and the Opportunities and Limits of State and Local Autonomy in a Polarized Era. In *The Republican Resistance: #NeverTrump Conservatives and the Future of the GOP*. Andrew L. Pieper and Jeff R. DeWitt Eds. New York: Lexington Books. 56. See also Galvin, Daniel. 2010. *Presidential Party Building: Dwight D. Eisenhower to George W. Bush*. Princeton: Princeton University Press.

interdependence in the sense that neither level of party is necessarily subordinate to the other. Thus, conceptually, integration must be measured both in terms of state party involvement in national party affairs and national party involvement in state party affairs.”<sup>10</sup> Aldrich has discussed these developments in terms of the rise of the “party-in-service.”<sup>11</sup> The RNC, and to a more limited extent the DNC, moved to provide resources to candidates for state and local offices including by providing assistance in fundraising, staffing, campaign schools, and polling. State party organizations adopted many of these reforms and became more professionalized and organizationally complex. Party organizations across the country hired more full-time staff, invested in permanent headquarters, and adopted new fundraising tactics.

A concurrent development over the course of the mid-late 20<sup>th</sup> century was the emergence of new organizations within the broader party apparatus. Governors, mayors, and states’ attorneys’ general launched their own national groups. The governors established their own national caucuses in the 1960s, the mayors in the 1970s, and the states’ attorneys general in the 1990s and early 2000s. These groups supplemented the party-in-service, expanding access to campaign resources to their members. Thus, the emergence of these organizations underscores that state and local elected officials have constituencies outside the formal boundaries of their states. They must be responsive to out of state donors and national party leaders with whom they engage through these organizations. These groups also provided state and local officials with new leadership roles within the national party infrastructure and allowed members of these organizations to meet annually, sometimes more often, with each other and with national party elites – presidents, congressional leadership, administration officials, and leaders of the national

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<sup>10</sup> Huckshorn, Robert J., James L. Gibson, Cornelius P. Cotter, and John F. Bibby. “Party Integration and Party Organizational Strength,” *The Journal of Politics* 48.4 (1986): 978.

<sup>11</sup> Aldrich, John H. 2011. *Why Parties?: A Second Look*. Chicago: University of Chicago Press. See Chapter 8.

party committees. That is, these organizations promoted coordination by state and national party officials amongst each other, particularly on questions of party messaging or branding.<sup>12</sup>

While the emergence of these organizations signifies a more integrated form of partisanship, and perhaps a diminution of the autonomy and independence of state and local actors, it must be noted that these organizations served the electoral interests of their members. These organizations expanded the resources available to state-level actors within the context of elections, provided venues for these actors to coordinate and exchange ideas regarding policy and electoral messaging, and provided ample opportunities for press coverage, thus allowing numerous ambitious politicians to elevate their national profiles, sometimes in pursuit of national office. Ultimately, as Hopkins notes, it is “a mistake to treat state and local politics as independent and autonomous when many of the same voters, candidates, parties, and interest groups are politically active across multiple levels of the federal system simultaneously.”<sup>13</sup> “Nationalization,” he argues, “is likely to influence everything from how campaigns are run to who wins elections and how politicians are held accountable for their actions in office.”<sup>14</sup>

### **Before Election Day: State Governance but National Brands**

2020 demonstrates the significance of national partisanship on state and local politics in several ways. Policies implemented within the states before Election Day were but one area where this importance manifested. For one, despite the pandemic being a truly national, even global, crisis and reaching every county across the country the response to the crisis was structured in no small part by the United States federated constitutional structure. Despite

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<sup>12</sup> On party branding see Heersink, Boris. 2018. “Party Brands and the Democratic National Committees, 1952-1976. *Studies in American Political Development* 32. 79-102.

<sup>13</sup> Hopkins, Daniel J. 2018. *The Increasingly United States: How and Why American Political Behavior Nationalized*. Chicago: University of Chicago Press. 3.

<sup>14</sup> *Ibid.* 7.



guidance coming from national agencies including the Center for Disease Control (CDC) and constant meetings among governors and administration officials through organizations such as the National Governors Association (NGA) states had a great deal of latitude in terms of crafting their own responses to the pandemic. There were, in effect, fifty distinct responses to the pandemic across fifty states, and even more diversity among localities within states.

However, patterns quickly emerged across the states based on which party controlled formal governing institutions, especially state executive office. That is, the party-in-government at the state-level had important implications for the pandemic response. States controlled by Democrats, for instance, tended to implement stay-at-home or shelter-in-place orders earlier and keep those policies in place for longer than states controlled by Republicans.<sup>15</sup> All 24 Democratic governors instituted such orders in March and April 2020. Only 19 of the 26 Republican governors implemented such orders.<sup>16</sup> California, led by Democratic Governor Gavin Newsom, became the first state to issue a statewide stay-at-home order on March 19<sup>th</sup>. By March 23<sup>rd</sup> nine states had done so and only one, Ohio, had a Republican governor, Mike DeWine. According to data from Ballotpedia, nine states ended their stay-at-home before the end of April, six had unified control of government by Republicans, two had divided control, and only one had unified Democratic control (Colorado). Of these states, only two (Colorado and Montana) had Democratic governors. South Dakota Governor Kristi Noem, a Republican, declined to institute any closures of non-essential businesses.<sup>17</sup>

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<sup>15</sup> See for instance “See Reopening Plans and Mask Mandates Across 50 States.” The New York Times. 1 July 2021. <<https://www.nytimes.com/interactive/2020/us/states-reopen-map-coronavirus.html>>

<sup>16</sup> “States that Issued Lockdown and Stay-at-home Orders in Response to the Coronavirus (Covid-19) Pandemic, 2020.” Ballotpedia. <[https://ballotpedia.org/States\\_that\\_issued\\_lockdown\\_and\\_stay-at-home\\_orders\\_in\\_response\\_to\\_the\\_coronavirus\\_\(COVID-19\)\\_pandemic,\\_2020](https://ballotpedia.org/States_that_issued_lockdown_and_stay-at-home_orders_in_response_to_the_coronavirus_(COVID-19)_pandemic,_2020)>

<sup>17</sup> Ibid. <[https://ballotpedia.org/Status\\_of\\_lockdown\\_and\\_stay-at-home\\_orders\\_in\\_response\\_to\\_the\\_coronavirus\\_\(COVID-19\)\\_pandemic,\\_2020#Orders\\_by\\_governor\\_party\\_affiliation](https://ballotpedia.org/Status_of_lockdown_and_stay-at-home_orders_in_response_to_the_coronavirus_(COVID-19)_pandemic,_2020#Orders_by_governor_party_affiliation)>

States controlled by Democrats were also more likely to institute mask mandates than those controlled by the GOP, most of which were implemented by executive order. By the end of August 2020, only Alaska, Arizona, Florida, Idaho, Iowa, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, Utah, and Wyoming did not have some form of mask requirement imposed by state government though it should be noted that many states and health departments were recommending masks as tools that could slow the spread of the virus even if the state did not require masking.<sup>18</sup> All of these states had Republican governors. This trend continued after the election. As of the end of July 2021, as the Delta variant led to a surge in cases, only California, Connecticut, Hawaii, Illinois, Nevada, New Mexico, Rhode Island, Washington State, Virginia, and Washington D. C. had some indoor mask requirement, either still in effect or reimposed at some point. All of these states had Democratic governors. Thus, patterns that manifested in 2020 based on partisanship have continued into 2021.

The response to the pandemic also manifested in decisions regarding the voting process itself because of concerns that polling places could become venues for the virus to spread. Numerous states postponed their primaries in the spring. More broadly, states instituted a number of changes to balloting procedures in order to limit in person contact at polling places including dramatic expansions of voting by mail, setting up outdoor drop boxes at local election board offices, and expansions of early in-person voting options. According to the Brennan Center for Justice, 29 states instituted legislative reforms leading into Election Day, most of which were originally considered temporary. Eight states increased eligibility for mail-in balloting in some way. Only two, Missouri and South Carolina, had unified control of government by the GOP. Maryland, Massachusetts, New Jersey, Virginia, and Washington D. C.

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<sup>18</sup> Ibid. <[https://ballotpedia.org/State-level\\_mask\\_requirements\\_in\\_response\\_to\\_the\\_coronavirus\\_\(COVID-19\)\\_pandemic,\\_2020-2021.](https://ballotpedia.org/State-level_mask_requirements_in_response_to_the_coronavirus_(COVID-19)_pandemic,_2020-2021.)>

changed their laws to provide prepaid postage for such ballots. While Maryland and Massachusetts had Republican governors, both states are Democratic strongholds and Larry Hogan and Charlie Baker are two of the most moderate GOP governors in the country. California went as far as mailing ballots to all registered voters. Ultimately, “Laws enacted to expand voting access were passed primarily in states where Democrats have full control of state government.”<sup>19</sup>

The states are, as Louis Brandeis once noted, “laboratories of democracy.” However, partisanship seems to have affected the nature of policy experimentation – which states adopted which policies - and the interpretations and evaluations of the results of these experiments. States, in short, acted more as what Bulman-Pozen labels “laboratories of partisan politics.”<sup>20</sup>

State-level responses to the pandemic became a significant component of the Democrats’ campaign messaging, mirroring and building upon critiques of the Trump administration’s national response. For instance, days before the election, the DGA issued a press release attacking North Carolina Republican gubernatorial candidate Dan Forest after reports that someone attending a live, in person, largely maskless rally tested positive for the virus. DGA spokesperson David Turner argued that Forest’s “entire campaign has been a public health hazard – spreading disinformation, refusing to listen to science, and holding these large, maskless rallies that have now been tied to at least one COVID-19 infection.”<sup>21</sup> In a similar statement regarding the gubernatorial race in Missouri, the DGA attacked Republican incumbent Mike Parson for allegedly

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<sup>19</sup> The Brennan Center for Justice. 8 December 2020. “Voting Law Roundup 2020.”

<<https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-2020-0>>

<sup>20</sup> Bulman-Pozen, Jessica. 2014. “Partisan Federalism.” *Harvard Law Review* 127.4: 1078-1147.

<sup>21</sup> The Democratic Governors Association. 29 October 2020. “Run From Forest’s Rallies.” Democratic Governors Association. <<https://democraticgovernors.org/updates/run-from-forests-rallies-run/>>

hosting public events and appearing maskless after visiting a state government building that had a recent coronavirus outbreak.<sup>22</sup>

These statements paralleled critiques of the campaign activity of President Trump who by summer had begun to host large in-person events, sometimes indoors, including one in Tulsa originally scheduled for “Juneteenth.” This marked a stark contrast from the Biden campaign, which drastically scaled back the number and size of in-person events, particularly during the summer months, in favor of virtual events. This difference was on full display during the national party conventions. The DNC was nearly fully virtual. Joe Biden delivered his acceptance speech from Wilmington, Delaware despite Milwaukee serving as the host city of the convention. Biden became the first person to accept his party’s presidential nomination remotely since FDR in 1944. Kamala Harris also delivered her acceptance speech from Delaware. The roll call voting of delegates was also held virtually.

President Trump, while not holding a “normal” convention, held an in-person event at the White House. The RNC was originally planned for Charlotte, North Carolina but the GOP had to, like the Democrats, modify their plans in light of the pandemic. However, President Trump pushed for a more “normal,” even if somewhat scaled down, event. This led to a public spat with North Carolina Governor Roy Cooper, a Democrat, who insisted that the RNC follow state and city public health guidelines. The GOP considered, and at one point announced, plans to move part of the convention to Jacksonville, Florida which would have allowed more in-person attendees. Florida Governor Ron DeSantis had taken a laxer approach to coronavirus restrictions, potentially allowing

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<sup>22</sup> 23 October 2020. “ICYMI: Missouri Gov. Mike Parson Knowingly Visited State Office with a Covid Outbreak, then Appeared Maskless at Events in the Following Days.” Democratic Governors Association. <<https://democraticgovernors.org/updates/icymi-missouri-gov-mike-parson-knowingly-visited-state-office-with-a-covid-outbreak-then-appeared-maskless-at-events-in-following-days/>>

for larger in person events. These plans were, however, scrapped after a surge in coronavirus cases in the state.

Additionally, a curious feature of the 2020 RNC was that the convention adopted the 2016 party platform nearly as is. No significant changes were made despite the pandemic and the significant impact the virus had on the activities of the White House and politicians at all levels of government.<sup>23</sup> One resultant criticism of this decision was that it would not allow the party to highlight successes of the administration since Trump came into office. This included the passage of significant tax reductions, criminal justice reform, and the launch of Operation Warp Speed. While there is debate over the extent to which party platforms matter in addition to all the other messages coming out of campaigns and the parties, the decision to not adopt a new platform is striking and a significant departure from precedent. For our purposes, this could be due to the disrupted nature of the planning of the convention, but also points to a potential lack of diversity of opinions within the party as to policy goals. Indeed, the lack of a more active role for state-level actors in crafting the platform marked a stark departure from, for instance, the GOP gubernatorial involvement in such efforts during the 1960s.<sup>24</sup>

Critiques of the Trump administration's response to the pandemic were front and center in the Democratic party platform. The document's first substantive section was dedicated to the public health response to the pandemic. The party noted that Trump's "reckless disregard for the advice of public health experts made it harder for mayors and governors to protect the American people."<sup>25</sup> In short, the platform noted the Trump administration's delegation of many decisions to state and local

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<sup>23</sup> Orr, Gabby. 11 June 2020. "Republicans Across the spectrum slam RNC's decision to keep 2016 platform." *Politico* <https://www.politico.com/news/2020/06/11/republicans-rnc-decision-314172>

<sup>24</sup> See for instance, Sparacino 2020. "The Democratic and Republican Governors Associations and the Nationalization of American Politics."

<sup>25</sup> The 2020 Democratic Party Platform. 18 August 2020. 9. <https://democrats.org/where-we-stand/party-platform/>

governments, which Democrats could then sell as leadership by governing officials at these levels. At the convention, New York Governor Andrew Cuomo gave a speech tying polarization in the US to perceived weaknesses in the federal government's response to the pandemic, noting that "Only a strong body can fight off the virus, and America's divisions weakened it. Donald Trump didn't create the initial division. The division created Trump. He only made it worse. Our collective strength is exercised through government. It is in effect our immune system and our current federal government is dysfunctional and incompetent. It couldn't fight off the virus. In fact, it didn't even see it coming."<sup>26</sup>

For his part, President Trump blasted Democratic governors for their "lockdown" policies. In now infamous tweets made in mid-April, President Trump called for Virginia, Minnesota, and Michigan to be "liberated" despite his administration still being in the midst of the "30 Days to Slow the Spread" campaign.<sup>27</sup> Demonstrations across the country echoed the emphasis on liberty that has come to dominate resistance to public health measures from the right. One organization, ReOpen Virginia, noted that "Government mandating sick people to stay home is called quarantine. However, the government mandating healthy citizens to stay home, forcing businesses and churches to close is called tyranny."<sup>28</sup>

In sum, Democratic governors and the DGA touted their responses to the pandemic as saving lives and being more consistent with the desires of public health experts while the RGA and Republican governors emphasized how their responses were more consistent with upholding individual liberty and allowing for more economic activity which had plummeted in the spring of

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<sup>26</sup> Cuomo, Andrew. NY Gov. Andrew Cuomo DNC 2020 Speech Transcript.

<<https://www.rev.com/blog/transcripts/ny-gov-andrew-cuomo-dnc-speech-transcript>>

<sup>27</sup> Torres, Ella. 17 April 2020. "Trump tweets to 'liberate' some states, as Virginia joins growing list with protests to stay-at-home orders." ABC News. <<https://abcnews.go.com/US/trump-tweets-liberate-states-virginia-joins-growing-list/story?id=70205441>>

<sup>28</sup> Ibid.

2020 with unemployment rising to double-digits from record lows in a matter of weeks. And these differences reflected national partisan discourse regarding the Trump administration's response to the pandemic.

Another issue on which partisan messaging diverged considerably concerned issues of crime and racial justice in the aftermath of the killing of George Floyd. RGA press releases available through the organization's website demonstrate that law and order was a central theme of Republican campaign messaging across the country, in the presidential contest as well as down-ballot races. Of the 35 press releases between September 1<sup>st</sup> and Election Day, nine specifically focused on crime and seven of these were negative in tone, focusing on the failures of Democratic governors in managing the issue. This reflected the messaging coming out of the White House from President Trump who castigated "Democrat-run cities" for the nation's noticeable uptick in crime, including rioting and looting occurring after protests in a number of cities. In his speech accepting the GOP nomination, Trump noted that Americans' votes "will decide whether we protect law-abiding Americans, or whether we give free rein to violent anarchists, agitators and criminals who threaten our citizens."<sup>29</sup> Republican candidates went on to emphasize their commitment to "back the blue" and resist efforts to "defund the police."

National party organizations did more than contribute to the messaging and branding efforts in state and local races. They provided significant resources to candidates for state and local offices across the country. The RGA Right Direction PAC, a new SuperPAC associated with the RGA, for instance, spent over \$20 million dollars.<sup>30</sup> The RGA, then chaired by Texas Governor Greg Abbott, invested over \$10 million in Montana alone in support of Greg

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<sup>29</sup> Donald J. Trump. 2020 Acceptance Speech. <<https://abcnews.go.com/Politics/full-text-donald-trumps-2020-republican-national-convention/story?id=72659782>>

<sup>30</sup> <https://www.fec.gov/data/committee/C00490730/?cycle=2020>

Gianforte.<sup>31</sup> The DGA, for its part, invested heavily in boosting its online fundraising, a move mirroring the Democratic Party's general shift away from in-person events and live canvassing activities.<sup>32</sup> In sum, significant resources were channeled into state and local races through these organizations demonstrating that state and local actors can go well beyond the geographic constituencies they represent in building their campaign infrastructure. That is, the 2020 campaign season saw a high level of integration of the parties in terms of policies enacted at the state level, overlap between campaign rhetoric emerging at the national and state parties, and a high level of coordination within party organizations.

### **Election Day 2020 and the Nationalization of the Electorate**

A second indication of the nationalization of the parties in the 2020 contest can be seen in voting behavior and voter attitudes expressed in polling. American elections have often been characterized as “candidate-centered.” Candidates are able to build personal constituencies within their districts distinct from simply their party affiliation. Federalism complements this feature of American elections for state and local elected officials who derive their authorities from state constitutions and law and therefore have *some* degree of autonomy from partisan politics in Washington. However, the degree to which voters are splitting their tickets on Election Day has decreased over time. Gary Jacobson recently noted that “the [2020] election set new records for electoral continuity, party loyalty, nationalization, polarization, and presidential influence on the down-ballot vote choices, to the point where local factors such as incumbency, candidate quality, and campaign spending barely registered in the congressional election

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<sup>31</sup> The Republican Governors Association. “2020 Election Results.” <<https://www.rga.org/republican-governors-association-post-2020-election-memo/>>

<sup>32</sup> Montellaro, Zach. “DGA Builds Online Money Machine to Replace In-Person Fundraisers.” 11 September 2020. Politico. <<https://www.politico.com/news/2020/09/11/democratic-governors-association-online-fundraisers-412148>>



results.”<sup>33</sup> He finds, for instance, that the correlation between the presidential vote and House district votes “reached its highest point ever in 2020, an astonishing .987.”<sup>34</sup> In the Senate the equivalent figure was .95.<sup>35</sup>

State	Trump Vote Share	Republican Gubernatorial Candidate Vote Share	Difference	Republican Attorney General Candidate Vote Share	Difference
Delaware	39.8	38.6	1.2	N/A	N/A
Indiana	57.0	56.5	0.5	58.3	-1.3
Missouri	57.6	57.2	0.4	59.5	-1.9
Montana	56.8	54.1	2.7	58.5	-1.9
New Hampshire	45.4	65.1	-19.7	N/A	N/A
North Carolina	49.9	47.0	2.9	49.9	0
North Dakota	65.1	65.8	-0.7	N/A	N/A
Oregon	40.4	N/A	N/A	41.3	-0.9
Pennsylvania	48.8	N/A	N/A	46.3	2.5
Utah	58.1	64.3	-6.2	54.0	4.1
Vermont	30.7	68.5	-37.8	25.6	5.1
Washington	38.8	43.1	-4.3	43.5	-4.8
West Virginia	68.6	64.9	3.7	63.4	5.2

<sup>33</sup> Jacobson, Gary C. 2021. “Driven to Extremes: Donald Trump’s Extraordinary Impact on the 2020 Elections.” *Presidential Studies Quarterly* 1.

<sup>34</sup> *Ibid.* 13.

<sup>35</sup> *Ibid.* 23.

State-level races did see some more variance in the levels of split-ticket voting relative to congressional races (see Table 1). Indeed, state-level elections were the concession prize for the Republican party which ultimately lost control of national governing institutions after two close losses in Georgia Senate races in January.

In 2020 there were eleven gubernatorial races. Republicans were defending seven seats including incumbents Phil Scott of Vermont and Chris Sununu of New Hampshire, two states in the Northeast that cast their electoral votes for Joe Biden. Scott and Sununu both won their races by large margins and were able to win over independents and even some Democrats in their reelection bids. Sununu, for instance, won Independents in the state by a roughly two-to-one margin and was supported by roughly one-fifth of Democrats according to exit polls.<sup>36</sup> The margins for independents in the presidential race were flipped and Trump won only six percent of self-identified Democrats. Sununu won virtually all voters who said it was more important to reopen the economy (95 to 4) but also won support of 40 percent of voters who felt containing the coronavirus was more important.<sup>37</sup> Scott easily won his bid for reelection by a nearly forty-point margin in one of the most Democrat-leaning states in the country. Republicans Mike Parson of Missouri, Eric Holcomb of Indiana, Jim Justice of West Virginia and Doug Burgum of North Dakota also easily won reelection in red states. Gary Cox of Utah also replaced retiring and fellow Republican Gary Herbert in conservative Utah. Democratic incumbents John Carney of Delaware and Jay Inslee of Washington state were also reelected by double digit margins in reliably blue states.

The two most competitive gubernatorial races occurred in Montana and North Carolina. In North Carolina, incumbent Roy Cooper held onto his seat, defeating lieutenant governor Dan

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<sup>36</sup> Exit Polls. New Hampshire. CNN. <<https://www.cnn.com/election/2020/exit-polls/governor/new-hampshire>.>

<sup>37</sup> Ibid.

Forest with 51.5 percent of the vote. Cooper’s “media omnipresence with daily COVID-19 updates and a popular pandemic response, in addition to Forest’s inability to fundraise during shutdowns or become a more authoritative voice on the global health crisis than the state’s chief executive, made it nearly impossible to catch up.”<sup>38</sup> According to exit polls, Cooper led voters who were confident their votes would be counted accurately by 7 points but trailed Forest among those who lacked confidence in the voting process by 11 points. Cooper led voters who favored containing the virus over reopening the economy by a 4 to 1 margin. Forest won those who favored reopening the economy by a similar margin. Approval of President Trump was also strongly correlated with vote choice in the governor’s race with Cooper winning 97 percent of those who disapproved of Trump but Forest winning 89 percent of those who approved of the President.<sup>39</sup>

In Montana, Greg Gianforte defeated Democrat Mike Cooney to replace popular Democratic Governor Steve Bullock, who lost a bid for a Senate seat against incumbent Republican Steve Daines. Gianforte won despite reportedly attacking a reporter in 2017. The Montana race was the only contest in which a state flipped from one party to another, giving Republicans control of 27 of the states’ governors’ mansions. According to exit polls, approval of President Trump was strongly predictive of the decision to support Gianforte with 86 percent of those approving of Trump backing Gianforte and 89 percent of those disapproving supporting Cooney. Cooney was supported by 76 percent of those who said containing the coronavirus was

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<sup>38</sup> McGowan, Mary Frances. “Governors and State Legislature.” In *A Return to Normalcy?: The 2020 Election that (Almost) Broke America*. Larry J. Sabato, Kyle Kondik and J. Miles Coleman. Eds. Lanham; Rowman and Littlefield. 137.

<sup>39</sup> Exit Polls. North Carolina. CNN. <<https://www.cnn.com/election/2020/exit-polls/governor/north-carolina>>

more important while Gianforte won the support of 87 percent of those favoring reopening the economy.<sup>40</sup>

There were ten states' attorneys general races in 2020. Only in North Carolina did the results of these races deviate from the outcomes of the presidential contest and even in this race the Democrat Josh Stein, and incumbent, won by less than 15000 votes with over five million ballots cast in the state. Generally, as seen in Table 1, the percentages of the total vote received by Trump and Republican gubernatorial and attorney general candidates were fairly close (less than 5 points apart in 16 of the 21 races). Moreover, the biggest outlier occurred in Vermont where Phil Scott has cultivated a reputation as a moderate Republican in line with other deep-blue state governors Charlie Baker of Massachusetts and Larry Hogan of Maryland. That is, the most noteworthy outlier occurred in a state in which the Republican had the largest incentive to run away from the national party brand.

Republicans also outperformed expectations in state legislative races. After 2020, they controlled 67 of the nation's 99 state legislative chambers, holding 55 percent of state legislative seats across the country. They netted two legislative chambers, both in New Hampshire. They also now hold unified control of 23 state governments compared to 15 for Democrats. This is particularly important given that states will be redrawing congressional district lines going into the 2022 midterm elections.

Ultimately, despite the candidate-centered nature of American elections, state-level races generally reflected national partisan divisions in terms of the geographic representation of the parties as well as vote choice in the electorate. In other words, party divisions at the national level generally reflected those seen at the state-level in terms of voting behavior.

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<sup>40</sup> Exit Polls. Montana. CNN. <<https://www.cnn.com/election/2020/exit-polls/governor/montana>.>

### **After the Election: “Will you fight with us?”**

Perhaps the most contentious element of state politics in the context of the 2020 election concerned the aftermath of Election Day. In the United States, elections are run at the state and local levels and most of these activities – processing voter registrations, managing polling places, tabulating ballots, etc. – are typically invisible elements of the voting process to most voters. That was not true in 2020 with the ballot counting process being scrutinized to an unprecedented degree.

Two elements of the GOP response to the election stand out in this regard. The first of these concerns the use of state resources by states’ attorneys general to challenge the election results in the courts. GOP state attorneys general joined a broader challenge by Trump loyalists to have the courts intervene in the certification of election results. The second was the call by GOP state legislators for audits of the election results, some of which, including one in Arizona, have been accused of doing more to sow distrust in the electoral process rather than rebuild it. Ultimately, the court cases and audits of the election illustrate that state powers – legal and investigatory – could be used to further national political agendas and branding efforts.

Regarding the former, the most-high profile, though ultimately unsuccessful, case in this regard was that of *Texas v. Pennsylvania* in which Texas, led by State Attorney General Ken Paxton, along with sixteen other states, all with Republican states’ attorneys general, challenged the election results of Pennsylvania, Georgia, Wisconsin, and Michigan on the grounds that election laws were unconstitutionally altered by executive officials and courts and therefore the results could be voided. In the initial motion to file a Bill of Complaint, Paxton noted that he and the other plaintiffs were challenging “non-legislative actors’ purported Amendments to States’ duly enacted election laws, in violation of the Electors Clause’s vesting State legislatures with

plenary authority regarding the appointment of presidential electors.”<sup>41</sup> In this case, all of the states whose results were being challenged not only were states which Biden won but which had Republican controlled state legislatures. Plaintiffs also argued that there were “intrastate differences in the treatment of voters, with more favorable allotted to voters – whether lawful or unlawful – in areas administered by local government under Democratic control and with populations with higher ratios of Democratic voters than other areas of Defendant states.”<sup>42</sup> Therefore, the plaintiffs were suing in part based on perceived violations of the Equal Protection Clause of the 14<sup>th</sup> Amendment.

The case was deemed a “hail-Mary pass” by many legal experts and ultimately the Court refused to hear it despite a 6 to 3 conservative majority, with three justices having been appointed by President Trump. The Court, in an unsigned ruling, declared that “Texas has not demonstrated a judicially cognizable interest in the manner in which another State conducts its elections.”<sup>43</sup> Justices Alito and Thomas did issue a statement declaring that they felt the Court was obligated to hear the case, but noted that they “would not grant other relief.”<sup>44</sup> Effectively, the Court refused one state’s desire to block the outcome of an election run by another state. Indeed, Texas based its standing in the case on the idea that because the election was for president the outcome would affect all states, not just the defendant states in this particular case. The motion notes that “Voters who cast lawful ballots cannot have their votes diminished by states that administered their 2020 presidential elections in a manner where it is impossible to distinguish a lawful ballot from an unlawful ballot.”<sup>45</sup>

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<sup>41</sup> Texas v. Pennsylvania. 220155.

<sup>42</sup> Ibid.

<sup>43</sup> Texas v. Pennsylvania.

<sup>44</sup> Ibid.

<sup>45</sup> Bill of Complaint. 15.

One criticism of the case was that it was filed merely as a publicity stunt. Richard L. Hasen, a law professor at the University of California, Irvine, was quoted as saying that Paxton’s action was “a press release masquerading as a lawsuit.”<sup>46</sup> Again, I do not wish to relitigate the legitimacy or strength of the arguments presented in this or any of the cases brought before the judiciary here. Rather, I wish to point out that the case captured public attention and elevated the national profile of those involved in the case. For one, state governmental resources went into these lawsuits. At a minimum, state attorneys general dedicated time, staff, and their budgets to craft the legal briefs that were submitted to the Court. State resources were, thus, channeled toward partisan ends.

Relatedly, the *informal* resources associated with elected officials were mobilized for these cases. This case played out in the court of public opinion just as much, if not more so, than in the judicial system. Despite the slim odds of the case being successful, or even heard, the case captured media attention, and therefore the attention of other elected officials and voters. For instance, over 120 Republican House members signed onto an amicus brief in support of the case. Texas Senator Ted Cruz went as far as to offer to argue the case in front of the Court if the filing was accepted. President Trump promoted the case on Twitter and other social media platforms, calling it “the big one.”<sup>47</sup> And the fact that attorneys general were willing to put their names on this lawsuit signaled an air of legitimacy, at least to voters within the Republican party. Ultimately, this case went beyond what Bulman-Pozen has labeled “uncooperative” federalism.<sup>48</sup>

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<sup>46</sup> Cited in Liptak, Adam. 8 December 2020. “Texas Files an Audacious suit with the Supreme Court challenging the election results.” The New York Times. <https://www.nytimes.com/2020/12/08/us/politics/texas-files-an-audacious-suit-with-the-supreme-court-challenging-the-election-results.html>

<sup>47</sup> Merchant, Nomaan and Alanna Durkin Richer. 12 December 2020. “Supreme Court re <https://www.chicagotribune.com/election-2020/ct-republicans-texas-supreme-court-election-lawsuit-20201211-gnoqqkepqbfxiuoc3b5oqnjvy-story.html>jects backed by Trump and most House GOP members – to overturn election results.” Chicago Tribune.

<sup>48</sup> Bulman-Pozen, Jesssica. “Partisan Federalism.” See 1105-8.

The plaintiffs in the case challenged state laws and practices rather than federal laws or guidelines.

A second feature of the post-2020 election environment is the extent to which partisan challenges to the results proliferated and became markers of loyalty to and affiliation with the Republican party, and to former President Trump in particular. Republican legislators have promoted “audits” of election results, mainly but not exclusively in swing states won by President Biden. The highest profile of these efforts has been in Arizona where the State Senate, again controlled by Republicans, launched an audit of Maricopa County, which includes the city of Phoenix, and its more than 2 million votes cast. Despite multiple audits, certification of the results by the county’s Republican controlled Board of Supervisors and the Republican governor, Doug Ducey, a hand recount, and an AP report finding less than 300 potential cases of fraud, the state Senate hired a little-known firm, Cyber Ninjas, headed by Doug Logan, who had previously promoted conspiracy theories regarding the election, to conduct the audit. The audit’s funding, as of this writing, remains somewhat speculative. The Arizona State Senate appropriated \$150,000 toward the endeavor but the bulk of the funding seems to have come from private donors including groups associated with former General Michael Flynn and Overstock CEO Patrick Byrne.<sup>49</sup>

Again, the party in power, in this case in the Arizona Senate, has been able to utilize its position to elevate the issue in the media. One way that this has occurred is through hearings held by the chamber. In July 2021, the Senate held a hearing during which Logan presented preliminary findings from his still ongoing investigation. Election officials from Maricopa

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<sup>49</sup> Reimann, Nicholas. 29 July 2021. “These Trump-Backing Groups are Largely Funding the Arizona Audit.” Forbes. <<https://www.forbes.com/sites/nicholasreimann/2021/07/29/these-trump-backing-groups-are-largely-funding-the-arizona-audit/?sh=16ca33c328ae>>



County quickly disputed Logan’s findings but many Republican officials latched onto the findings and discussed them on social media outlets. President Trump even went as far as to participate in a “Rally to Protect Our Elections” shortly after the hearing.<sup>50</sup>

According to the Brennan Center for Justice, more audits are either ongoing or being litigated in Georgia, Michigan, Pennsylvania, and Wisconsin. Like Arizona, non-accredited contractors have been granted access to voting machines in Michigan and Pennsylvania, and may be granted access to such technologies in Wisconsin and Georgia.<sup>51</sup> The report finds that “the ‘auditors’ themselves fail to meet basic standards of objectivity. Specifically, in each state, the actual or proposed partisan reviews fail to meet at least some of the following components: including transparency, objectivity, pre-written, comprehensive procedures, competency, and security.”<sup>52</sup>

The audits and the perpetuation of claims of fraud have occurred in tandem with proposals to change election laws by Republican state legislatures across the country and critics have argued that the former are being used to legitimate the latter. By June 21<sup>st</sup>, 2021 seventeen states had passed 28 laws that the Brennan Center for Justice found to have restricted access to the vote in some way.<sup>53</sup> All of the states enacting more restrictive measures, which include restrictions on mail-in and early applications and balloting, strengthened voting ID requirements, and fewer voting hours, with the exception of Georgia and Arizona, were carried by former President Trump and both Arizona and Georgia had unified GOP control of government.

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<sup>50</sup> Duda, Jeremy. 23 July 2021. “Damage Done: Audit Leader’s Testimony Sets of Nationwide Wave of Misinformation.” Arizona Mirror. <<https://www.azmirror.com/2021/07/23/damage-done-audit-leaders-testimony-sets-off-nationwide-wave-of-misinformation/>>

<sup>51</sup> <<https://www.brennancenter.org/our-work/research-reports/partisan-election-review-efforts-five-states>>

<sup>52</sup> Ibid.

<sup>53</sup> <<https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-may-2021>>

Many states also enacted new provisions that would make voting easier. And here there is a bit more variance to consider, though partisan control of the state is still predictive. Twenty-eight bills expanding access to voting in some respect had passed in fourteen states by the end of May. Only five of these states were carried by former President Trump and only four had unified GOP control of government at the state-level.

The dispute over election security and voting rights has become a hallmark issue dividing the parties at the national level. President Trump, in 2017, issued Executive Order 13799, establishing a Presidential Commission on Election Integrity which was headed by former Kansas Secretary of State Kris Kobach. Democrats in Congress have attempted to frame Republican legislative efforts at the state-level as an assault on voting rights and proposed the For the People Act (HR 1). A previous version of the bill in 2019 passed the House by a vote of 234-193 on a party line vote. On March 3<sup>rd</sup>, 2021 the current version of the bill passed the House 220-210. Action on the bill stalled in the Senate. In the final analysis, if passed the For the People Act would constitute a major increase in the role of the federal government relative to the states in the conduct of elections, perhaps the most significant development since the Voting Rights Act of 1965. And while race remains a major element in the conflict over election procedures the degree to which the battlelines are partisan is distinctive in the current era.

It should be noted that changes to the rules of the game regarding elections are nothing new. Indeed, the Federalists and Jeffersonian Republicans were not above the fray of partisanship and experimented with different arrangements regarding the size and shape of election districts, single-member vs. multimember districts for local, state and national races, among other elements of the balloting process.<sup>54</sup> However, the extent to which the results of the

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<sup>54</sup> See for instance, Lampi, Joseph. 2013. "The Federalist Party Resurgence, 1808-1816." *Journal of the Early Republic* 33: 255-281.

previous election are being targeted as illegitimate go beyond mere regular jockeying for electoral advantages through rule changes. These challenges also seem to be motivational forces for the events of January 6<sup>th</sup>.

### **Conclusion: State Parties, National Partisanship**

The 2020 election cycle is one in which state and local politics mattered a great deal but this was because the actions of state and local party actors and the voting behavior of state and local constituencies reflected national partisan priorities and conflict to an unprecedented degree. The actions taken by governors and mayors in terms of the coronavirus pandemic, rising crime, and racial justice protests were actions with significant implications at the state and local levels. However, despite the autonomy inherent in executive office and the diversity of policies enacted allowed by the United States federal constitutional design, national partisan affiliation became reflected in the policy prescriptions and approaches taken by local and state officials in response to these challenges.

These differences were reflected during the 2020 campaign season. In particular, national party organizations, including the DGA and the RGA, incorporated the disparate responses of Democratic and Republican governors in their messaging with GOP governors attacking lockdowns, mask mandates, and economic restrictions and Democrats critiquing their Republican counterparts for not taking the pandemic seriously enough. This messaging reflected the rhetoric emerging from the Trump White House. Likewise, the Biden campaign emphasized a commitment to public health and racial justice, and included critiques of President Trump's response to the pandemic, in particular the president's perceived disdain for mitigation measures to slow the spread of the virus. Moreover, support for Democrats and Republicans at the state-level reflected national splits over President Trump, responses to the pandemic, and attitudes

toward issues of race. That is voting behavior of the public mirrored the differences in approaches to national crises seen during the campaign season.

The partisanship of the campaign did not ease after Election Day. Rather, Trump's refusal to concede the race resulted in the prolonging and amplification of partisan warfare. State and local officials became implicated in this contestation of election results to an extent not seen since 1876. What makes this element of the 2020 election cycle unique is the extent to which state and local officials became agents not in preserving the role of states in the electoral process but in challenging the results of the election in other states, though certain officials including GA Secretary of State Brad Raffensberger and AZ Governor Doug Ducey did defend the voting process and results in their respective states. This was especially true in the case of *Texas v. Pennsylvania* where Republican states' attorneys general sought to overturn the election results of *other* states. That the partisan audits have dragged on into 2021 also indicates that believing President Trump's interpretation of the election, and willingness to act upon them, have become tied to identification with the Republican party.

It has become commonplace for political scientists to quote former Speaker of the House Tip O'Neill who once noted that "all politics is local" and then to either embrace, reject or somehow qualify the statement based on their findings. I feel compelled to do so here: increasingly state and local politics constitute state and local venues for national politics. The homogenization of the party's voters across geographic jurisdictions, the integration of party organizations, among other factors, have resulted in a partisan landscape defined by high polarization and out-partisan hostility, often referred to as negative partisanship.<sup>55</sup> State and local actors remain incredibly important in the American political system. They retain constitutional

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<sup>55</sup> See for instance Abramowitz, Alan and Steven W. Webster. 2018. "Why Americans Dislike Parties but Behave Like Rabid Partisans." *Political Psychology* 39: 119-135.

and statutory authorities that are impactful. In the final analysis, the integration and nationalization of the American party system has not diminished the importance of these actors. Rather, this trend has redefined these actors' roles within the political system and the contours of political contestation between the parties. State and local elected officials are members of national political parties and their powers are perhaps now more than ever being interpreted in light of national politics.