

## Introduction: *The Right to Vote*

Fundamental to any democracy is the right to an effective vote. All voters should have equal voting power, and, ideally, all voters should have an equally realistic opportunity to elect candidates of their choice. The United States Constitution, particularly its Fourteenth and Fifteenth Amendments, and the Voting Rights Act (VRA) have been the primary means to guarantee the right to an effective vote.

Adopted in 1965, the VRA (see text box) sought to eliminate barriers to African Americans' ability to cast ballots – such as tactics to prevent voter registration – mainly in the South. The law's success in breaking down these barriers led to amendments which extended voting rights protections to other racial and ethnic groups.

In 1982, new amendments to the VRA clarified its power to ensure that protected racial minorities can cast an effective vote. Access to the ballot is obviously fundamentally important, but under certain circumstances it still was not enough to prevent racial minorities from being effectively excluded from representation. The amendments – particularly Section 2 of the VRA – went beyond access to the ballot to the next step: enabling access to representation for protected minorities facing electoral discrimination. The vehicle to achieve this access to representation generally was through drawing “minority opportunity” districts – single-member districts in which members of the protected racial or ethnic group could elect candidates of their choice.

After more than three decades of litigation and change, the VRA arguably has been the most effective piece of civil rights legislation in our nation's history. Its effectiveness can be measured by the in large increases in voter participation of people of color and the rapid growth in numbers of elected officials of color at all levels of government.

The chief target of lawsuits brought under Section 2 of the VRA in order to increase opportunities for racial minorities to elect candidates has been **winner-take-all, at-large voting systems**. (Please see glossary for definitions of all terms used in this manual.) In jurisdictions with these systems, a slim majority of 50.1% of voters has the power to elect all representatives. Candidates compete for a designated number of seats – sometimes with “numbered posts” that result in a series of separate elections for one seat and sometimes “at large” with all candidates competing against one another. In both of these traditional at-large methods, voters have as many votes as there are seats, and those in the majority

have the power to elect every winning candidate and defeat the choices of voters in the minority.

Consider, for example, a town where 60% of the voters are white and 40% are African American. In this town, few white voters will support candidates favored strongly by African American voters. In a race for five seats on the city council using a winner-take-all, at-large voting system, the white majority would have the power to defeat all candidates supported by the African American community, even if those candidates won the votes of every single African American. The white community's 60% of votes likely would result in winning 100% of representation.

To remedy this unfairness, the traditional approach has been conversion of at-large voting systems to **single-member districts**. To elect its five-seat city council, our hypothetical town would be divided into five different geographic areas of roughly equal population. Each area – or “district” – would have one representative. While still a “winner-take-all” system – one where 50.1% of votes wins 100% of representation – districts often can be formed so that a racial minority makes up the majority of voters in one or more districts and thus can elect a representative and hold that representative accountable.

In southern jurisdictions, where African Americans are by far the largest minority, this generally means the creation of “black opportunity” districts – ones with enough black voters to be able to assure their representation (the necessary percentage of black voters can vary depending on the jurisdiction and its history of turnout and polarization). In 1991-1992, congressional districts with majorities of black voters were drawn for the first time in the 20<sup>th</sup> century in states like Alabama, North Carolina, South Carolina and Virginia. It was no accident that in 1992, these states elected their first black members of Congress since the 19<sup>th</sup> century.

***The impact of Shaw v. Reno on minority opportunity districts:*** In 1993, in the *Shaw v. Reno* case involving congressional districts in North Carolina, the Supreme Court ruled that drawing districts primarily based on racial factors could be constitutionally suspect. This ruling threatened to reverse or at least dramatically slow the electoral advances made since 1982 by African Americans and other racial and ethnic groups protected by the Voting Rights Act. In *Shaw* and a series of subsequent decisions, the Court made it more difficult – although not impossible, as most clearly demonstrated in the *Cromartie* case in 2001 – for legislators to create minority opportunity districts

and more difficult for the Department of Justice to act to protect and enhance minority voting rights. The creation of minority opportunity districts has been responsible for electing many more candidates of choice of African Americans, Latinos,

Native Americans and Asian Pacific Americans – resulting in hundreds of victories by candidates from those communities across the nation. Now this strategy is vulnerable to challenges based on the *Shaw* line of rulings.

### **Explaining Sections 2 and 5 of the Voting Rights Act**

The Voting Rights Act of 1965 was an historic piece of legislation that protected African American citizens' right to register and vote. This Act of Congress prevented states (mainly southern) from continuing or implementing discriminatory tactics aimed at preventing African Americans fair opportunities to participate in the voting process. As a result of the Act, the national government has intervened in areas where the right to vote of African Americans – and in the wake of amendments, other racial and ethnic minority groups such as Latinos, Native Americans and Asian Pacific Americans – has been infringed.

Section 2 and Section 5 of the Voting Rights Act are of particular importance.

**Section 2** prohibits laws and practices that dilute the effectiveness of votes cast by racial and ethnic minorities. In particular, Section 2 prevents states and municipalities from engaging in practices designed to make it difficult for racial minorities to elect candidates of their choice. It is enforceable nationwide, empowering both the Department of Justice and citizens to sue jurisdictions for unfair practices anywhere in the nation. Those challenging a jurisdiction under Section 2 must prove that members of the racial minority generally vote for the same candidates and that the majority community generally opposes those candidates. Given that single-member districts have been the typical remedy in Section 2 challenges, success also has required evidence that a reasonably compact single-member district can be drawn in which the racial minority has a large enough share of the vote to elect a representative of its choice. It is enough to show that the challenged practice or policy has the *effect* of diluting minority votes; there is no need to demonstrate an *intent* to discriminate, although doing so strengthens the lawsuit.

***To know whether a Section 2 challenge may be worth exploring in your area, see “How Effective Is Your Election System?” in the Appendix.***

**Section 5** of the Voting Rights Act requires certain areas of the country to obtain “preclearance” from the US Attorney General or the U.S. District Court for the District of Columbia for any changes with reference to voting. These areas are known as “covered jurisdictions.” Thus, any “covered jurisdiction” must obtain approval before any new electoral statutes are enacted or any new electoral practices administered. Section 5 is necessary because the effect of a proposed change may be to weaken the voting strength of minority voters. For example, a change from district/ward elections to an at-large election could reflect the intent of the governing body to make it difficult for minorities to get elected. Other electoral changes that might reflect discriminatory intent include changes in district lines, in the number of candidates to be elected and in location of polling places. All of Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas and Virginia and some parts of California, Florida, Michigan, New Hampshire, New York, North Carolina and South Dakota are covered by Section 5; changes in these jurisdictions thus are subject to preclearance.

***Provisions in Section 5 are due to expire in 2007, which has led to false rumors that the voting rights of African Americans will be lost that year. See “Commonly Asked Questions” in the Appendix.***

In 1975 the Voting Rights Act was amended to include rights for *language minorities*. These amendments mandate bilingual ballots and oral assistance to those who speak Spanish, Chinese, Japanese, Korean and Native American languages.

## What Recourse Do Minority Voting Rights Advocates Have?

The decision to change an electoral system is normally made by elected officials such as state legislators, city council members, county commissioners and school board members. But elected officials are often reluctant to make changes due to concerns that any new rules might cost them their hard-earned elected positions. When a jurisdiction historically has denied racial minorities opportunities to elect candidates of their choice, a change in election laws and practices often demands intervention by members of the minority community through litigation.

Changing a discriminatory election system requires a concerted effort by members of the minority community, voting rights attorneys and research experts. How well their work is coordinated and executed will determine the degree of success in remedying minority vote dilution.

*(Note: in this manual, “black” and “African American” at times are used when the same principle applies for all racial and ethnic groups protected by the Voting Rights Act.)*

### Keys to Changing an Election System

- **RESEARCH**
- **LITIGATION**
- **COMMUNITY MOBILIZATION**

**Research:** To establish a claim of minority vote dilution, it is necessary to carry out factual research. Research tools are becoming both more sophisticated and more affordable. Experts in a voting rights case must address such questions as whether elections are racially polarized (meaning the great majority of white voters vote against the candidate supported by most black voters) and, particularly if a single member district is sought as a remedy, whether black voters can comprise an effective majority in a relatively compact district. Research should include general evidence of racial discrimination in the community, but focus in particular on past elections in which candidates with strong support in the black community, particularly black candidates, were defeated in the election. To win a case, it will be important to show that the white majority nearly always defeated black voters’ candidates of choice.

**Litigation:** Filing a vote dilution claim under Section 2 of the VRA or the 14<sup>th</sup> Amendment is often necessary to bring about desired fairness in the electoral process. Voting rights attorneys also will often submit information to the Department

of Justice when it is evaluating whether to “preclear” electoral changes in a jurisdiction covered by Section 5 of the VRA. Sometimes the filing of litigation can be sufficient to lead to a *consent decree*: a settlement agreed upon by both sides in the lawsuit that involves legislative action to remove discriminatory elements of the electoral process.

**Community Mobilization:** Participation by a range of members of the black community in a voting rights effort is essential for a remedy to be successful. Community mobilization may take many forms, including: education and registration of potential voters; data collection for the litigation effort; identification of plaintiffs; public demonstrations of support during a legal challenge; and citizen pressure for legislative action to change discriminatory election schemes. And ultimately, of course, it is members of the minority community who must take advantage of new opportunities created by a successful voting rights challenge. They must fight for fair district lines, run for office and go to the polls.

## Remedies to Dilution: Single Member Districts and Alternative Approaches

**Overview:** Assuming that there is a factual basis for filing a suit under Section 2 of the Voting Rights Act, this manual focuses on various remedies that are available to a community. It creates tools for a community to weigh the relative merits and limitations of different remedies under a given set of conditions. An intense local analysis must be performed before a community decides what remedy it seeks to enhance its voting power.

The most popular remedy to minority vote dilution has been the adoption of single-member district plans in which racial or language minority groups gain an opportunity to elect candidates of choice in some districts. Hundreds of minority vote dilution lawsuits in the South have resulted in the conversion of at-large systems to single-member districts. As a direct result, black representation on local governing bodies has increased dramatically in the region.

However, in some jurisdictions black voters are not geographically concentrated enough to enable drawing as many black-majority districts as a black community's share of the electorate would seem to warrant. (See *box below*.) Sometimes the black population is too dispersed to draw any black opportunity districts – at least ones that are safe from a legal challenge as a “racial gerrymander” under the logic of *Shaw v. Reno*. More broadly, even when black opportunity

districts can be drawn, they can leave many black voters and potential candidates in districts dominated by white majorities. Choosing which black voters will be empowered to run for office and elect candidates of choice and which will not have that power can be difficult.

Since 1987, more than a hundred cities, counties and school districts have settled minority vote dilution lawsuits by enacting “**modified at-large**”, or **full representation, voting systems**. (These systems are also sometimes called “proportional” and “semi-proportional” systems because like-minded groupings of voters generally elect candidates in proportion to their share of the vote). The three full representation systems currently used for elections in the United States are **cumulative voting, limited voting** and **choice voting**. More than 50 jurisdictions – mostly in Texas and Alabama – have adopted cumulative voting since 1987. Limited voting has been adopted in more than 20 jurisdictions in North Carolina and Alabama, and has been used for decades in many localities in Connecticut and Pennsylvania. Choice voting has drawn attention because of its decades of success in providing for the election of racial and ethnic minorities in local elections in Cambridge, Massachusetts and New York City and in elections in the past in cities like Cleveland, Cincinnati, Kalamazoo and Sacramento.

### A Tale of Two Counties: Limitations to the Single-Member District Remedy

Imagine two adjoining counties in Mississippi: County A and County B. Each county has a five-member county commission, and each has a history of racially polarized voting. In County A, only 12% of the adult population is black, but nearly all black voters live in one neighborhood. It is easy to draw a district with that entire neighborhood in one district, which results in a 60% black district. Given County A's history of racially polarized voting and the ability to draw a black opportunity district, a successful challenge under Section 2 of the Voting Rights Act could be brought.

The black share of the adult population in County B is 21%, nearly twice that of County A, but black voters live in three distinct residential pockets, each comprising about 7% of the county's population. None of these neighborhoods can be connected by a compact district, which means that the black voting-age population is no more than 35% in any district. (While 35% is substantial, it is not enough for black voters to elect a candidate of choice in Mississippi; as one obvious example, the black share of the state population is about 35%, yet no black candidate has come close to being elected as one of the state's two U.S. Senators.)

Given that the traditional *Gingles* criteria (see **Glossary**) governing voting rights challenges includes the requirement of being able to draw a minority opportunity district, black voters in County B likely could not win a voting rights claim – despite having a far greater share of voters than County A and experiencing the exact same degree of racially polarized voting.

If a full representation system like cumulative voting were enacted as a remedy instead of districts, however, County B's black voters could join together to elect at least one representative despite their geographic separation. Using a full representation system, a candidate with the strong support of at least 17% of voters would be sure of winning a seat. While a single-member district system is a better remedy for black voters in County A, a full representation system is a better remedy for black voters in County B.

**Reviewing Traditional Systems:** Most state and local legislative bodies, such as state legislatures, school boards, county commissions and city councils, traditionally have been elected using one of three models: single-member districts, winner-take-all systems in at-large / multi-seat districts or a mix of at-large and single-member districts.

In **winner-take-all at-large systems**, voters have the same number of votes as seats, and a slim majority (50%, plus one) of voters has the power to elect all seats. At-large and multi-seat districts have been used to elect many congressional delegations (usually statewide) and state legislatures (in districts with somewhere between two and nine representatives), but multi-seat district systems are now found only in localities and a handful of state legislatures. In multi-seat district systems, candidates sometimes must run for a "numbered post" – meaning a particular seat position – or against all other candidates simultaneously. Even when coming with a residency requirement (meaning candidates for a given post must live in a particular neighborhood), the numbered post system is the most difficult one for any group in the minority.

*Example:* In a county with five commission seats, all candidates run countywide, and every voter has a chance to give one vote to up to five candidates. Because of the winner-take-all principle, a substantial minority of voters – up to 49.9% – can be denied a chance to elect even one of the commissioners.

In **single-member district systems**, a jurisdiction is divided into geographically-defined districts, each with one representative. Each voter can vote only for the representative in the district where that voter lives. Since 1967, single-member districts have been required by statute for congressional elections, and districts are used to elect most state legislators and most city councils in large cities. Since the one-person, one-vote rulings of the 1960's, district lines must be redrawn after the decennial census to make sure that the number of people (not necessarily the number of adults or registered voters) in each district in a given jurisdiction is roughly the same.

*Example:* In a county with five commission seats, each candidate runs for election in his or her district, and the candidate who gets the most votes in that district is elected. (Sometimes there is a requirement that winners must receive a majority, requiring a second election between the top two finishers called a "runoff.") Residents in a district can only vote for one of the candidates running in their district and not for candidates running in other districts.

In **mixed systems**, jurisdictions combine features of both at-large and district elections. In one example of a mixed system, each voter might have an opportunity to vote for a representative of a local single-member district and also vote for additional representatives elected at-large. Another mixed system combines single-member districts in one area with multi-member districts in another. For example, North Carolina has some state legislators elected in single-member districts and other state legislators elected in other parts of the state from multi-member districts that elect two or three legislators.

*Example:* In a five-seat county commission, three commissioners are elected from three single-member districts, while all county voters elect two commissioners at-large.

**Single-Member Districts as Voting Rights Remedies:** Single-member districts are an old idea – one going back to the feudal era, in which each local lord would represent his area. They have been used widely throughout the nation since the colonial period and were used in much of the South in the late nineteenth century. During the Progressive Era, at-large election systems were introduced widely for local elections and became common in the South as a substitute for district elections. Although justified as a means to break up "political machines," at-large elections often made it harder for blacks and sometimes poor whites to win elections. The pendulum swung back toward districts in the South in the wake of the 1965 Voting Rights Act. In 1967, Congress passed a law requiring single-member districts for election of representatives to the U.S. House of Representatives – partly to ensure that southern states would not adopt at-large congressional elections as a reaction to the Voting Rights Act.

One of the chief advantages of single-member districts is that they have been a very effective method of affording black voters an equal opportunity to elect candidates of their choice. In communities where there is already considerable residential segregation, drawing single-member districts can help blacks have representation in government. They also ensure that black neighborhoods are likely to have one representative whom residents can seek to hold accountable. Single-member districts are common throughout the country and are easily understood by voters as a method of earning representation and diversifying state and local government.

But districts can have drawbacks. Those drawn with the primary goal of establishing black electoral opportunities have been under legal and political attack following the Supreme Court's decision in *Shaw v. Reno* and subsequent cases. These challenges are particularly problematic in

racially polarized communities or states where the black community is dispersed, as non-compact districts are held to strictest scrutiny. (See *diagram*.) Moreover, single-member districts must be redrawn after every census (as in 2000), thus putting representation of racial and ethnic voters in many communities at risk every ten years. Annexations and population shifts during a decade can also threaten strong representation for the black community by turning black opportunity districts into districts likely to be controlled by white voters. Finally, one-winner districts can make it harder to form bi-racial or multi-racial electoral coalitions than with multi-seat districts in which candidates from different racial groups or communities of interest can run together as a team.

***The Census, Community Activism and Full Representation Voting Systems:*** All legislative districts must be examined and typically redrawn after every census to ensure "one person, one vote" – that each district has roughly equal numbers of people. If there have been population changes in a jurisdiction during the course of a decade, it may be possible after the census to create new minority opportunity districts that could not be drawn after the previous census. At the same time, some current minority opportunity districts may be threatened by shifts in population, by partisan calculations or by the Supreme Court's new limitations on using racial factors in redistricting.

Thus the census offers both opportunities and risks. Without active minority community involvement in redistricting issues after the 2000 census, it is possible that minority opportunity single member districts could be seriously weakened in some localities and states. When single-member districts are used, most black representation will be determined by the way districts are drawn rather than subsequent elections. Voting rights experts estimate that approximately 95% of black representation in the entire decade of 2002-2012 will be won or lost in

the 2001-2002 redistricting. In other words, for every black candidate who runs a particularly effective campaign and wins a winner-take-all election in a constituency controlled by white voters, some 19 black candidates will win primarily because of the creation of a black opportunity district or use of a full representation system.

Because of recent legal challenges to single-member district plans, potential gains for black voters may be limited, or even reversed, unless blacks and other people of color mobilize to defend minority opportunity districts or push for full representation election systems. Community leaders and concerned citizens must be aware of the local situation and be prepared to evaluate which election method will be best for each jurisdiction now that data from the 2000 census is available. Given recent legal challenges to drawing minority opportunity districts, it is only sensible for a locality to learn about how a full representation election method might work when exploring single-member district plans.

It is important to learn whether alternative systems are legal in a locality without special action of the legislature or a lawsuit. In some states, localities are given great flexibility to explore different voting methods. In others, the state legislature must approve any change in local election methods, but typically will do so if legislators representing that area support the change. Some states rigidly prohibit anything other than certain winner-take-all systems. Others provide full representation systems as explicit options. Note that, in general, state legislators play a central role in redistricting; they are responsible for redistricting plans for their state's congressional districts, their own state legislative districts and options available to localities.

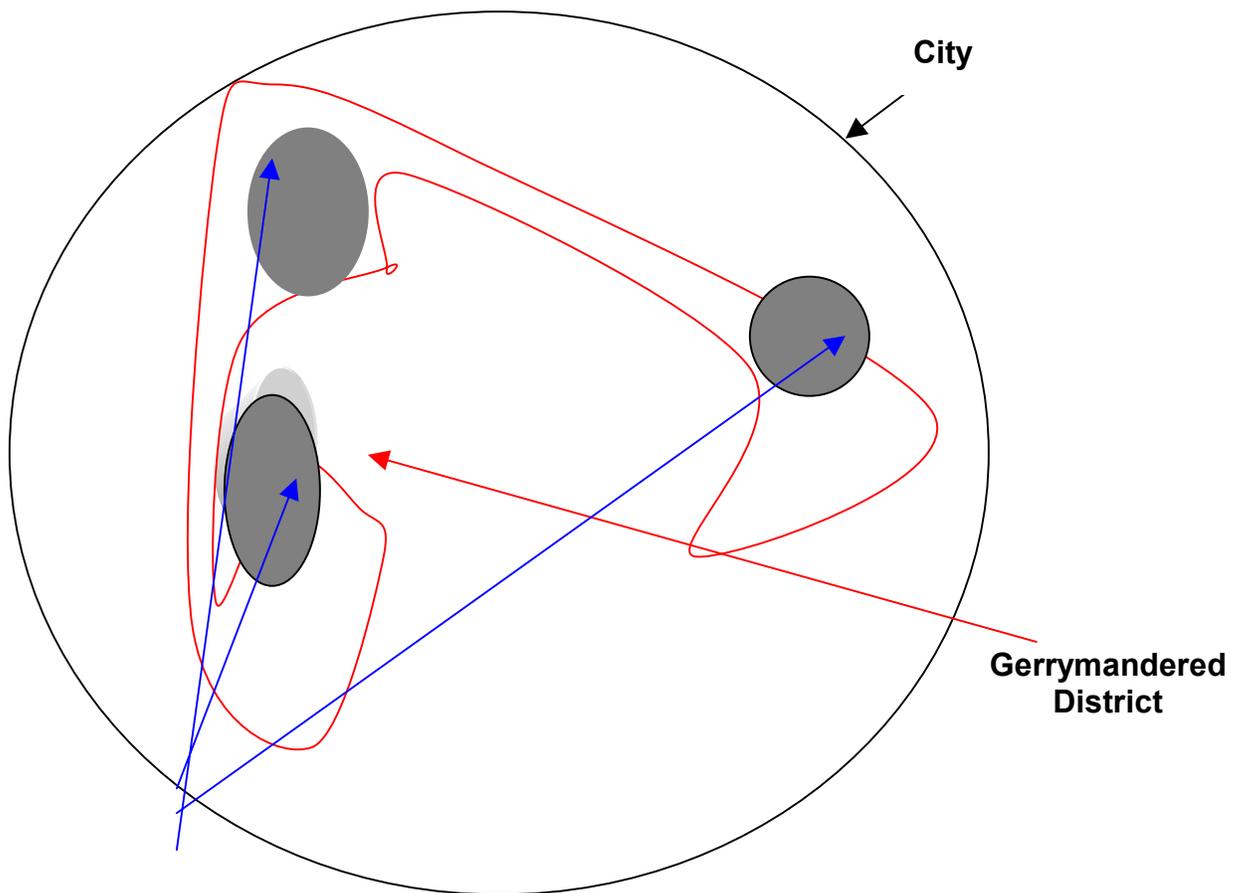
Of course it is possible to seek to change a locality's election method at any time, but the hectic period of redistricting following the census is a particularly good opportunity to involve the community in a debate about alternatives.



## WHY SEEK ALTERNATIVES TO A SINGLE-MEMBER DISTRICT



*What happens if the minority community is too dispersed?*



### **Concentrated African American Communities**

*Note: Gray areas represent concentrations of African Americans. Red lines represent a black opportunity district subject to challenge under the **Shaw** case as a "racial gerrymander". In this community, it is not possible to draw a constitutional, black opportunity district even though African Americans make up a substantial part of the city's population*

**Exploring Alternative Approaches:** Local jurisdictions facing *Shaw*-type legal challenges to black opportunity districts or experiencing other conditions that warrant consideration of alternatives to single-member districts should consider full representation systems such as cumulative voting, limited voting and choice voting. A **full representation** election method can provide an opportunity for black voters to elect candidates of their choice no matter where they live in a jurisdiction, provided that black voters are a sufficiently large percentage of the electorate to meet the threshold of support required by a particular system to earn seats. Full representation systems will now be discussed in detail.

### Test Your Knowledge

- What is the Voting Rights Act's purpose?
- Why have single-member districts been important in the voting rights struggle?
- Why is the Census important and how often does it occur?
- What are the three most common election systems in the United States?
- What important case challenged the creation of black opportunity districts?
- Why are districts redrawn?
- What are important factors involved in changing an election system?
- Why are state legislators such important players in redistricting?

## Full Representation Election Systems

Full representation election systems at first may seem different from traditional American elections, but they are the norm in well-established democracies around the world, are constitutional and have a long history in the United States. They are used in a growing number of American localities, primarily because they provide a natural means to represent minorities – whether those minorities are defined by race, political views or some other factor. They can be understood as systems of “full representation” because the views and interests of the electorate are more fully represented than in traditional elections in which 50.1% of the electorate has the power to control all representation.

In the United States, most elections are decided according to the “winner-take-all” principle. Winner-take-all means that the candidate with the most votes wins the election. There are different variations of winner-take-all elections. In a **plurality voting system**, a candidate with the most votes is the winner, even if that candidate receives less than a majority of votes in a race with more than two candidates. Some jurisdictions require winners to gain a majority, which typically is achieved in a second-round **runoff election** between the top two candidates who won the most votes in the first round. (Runoff elections are common in local and primary elections in the South, but less common in the rest of the country, particularly for state and federal elections. Instant runoff voting, as detailed in the appendix, is gaining attention as an alternative.) Sometimes candidates are elected in single-member districts – which always are winner-take-all rules, as only one candidate by definition can win – while other times candidates are elected at-large or in multi-seat districts.

Regardless of what variations are used, winner-take-all systems are designed to reward the majority group in the constituency in which they are held (that constituency being a city for an at-large election, for example, or a local geographic area when a district system is used). With winner-take-all, the majority can effectively “shut out” a minority grouping in a constituency, even when voters in that minority group make up 49% of the electorate. Winner-take-all elections thus can be a barrier to fair representation unless steps are taken to address their natural tendency to under-represent political minorities.

In most places in the country, people tend to vote along racial lines – when given a range of choices, whites generally vote for white candidates, blacks vote for black candidates, Latinos for Latinos and so on. When such “racial bloc” voting happens, many racial minority groups cannot elect someone of their own choosing because the majority group outnumbers them. When a minority group is only 10%-20% of the population in a community where race strongly influences voting patterns, for example, it is extremely unlikely that its members will elect candidates of their choice – particularly candidates of their racial group. The use of winner-take-all elections explains why some jurisdictions have not had a black representative since Reconstruction. It also explains why, as of 2001, none of our current 50 governors or 100 U.S. Senators is African American or Latino. Even though African Americans and Latinos together make up a quarter of all Americans, they are a minority in each of the 50 states.

Full representation systems reflect a different principle than winner-take-all. With these methods of election, a majority cannot control the outcome

of every seat up for election. A grouping of voters with 51 percent of the vote has the power to win a majority of the seats with a full representation system, but not *all* the seats. Even if the majority controls the election in the sense of winning the majority of seats, it cannot deny substantial groupings of voters a meaningful voice in campaigns, a seat at the table of government and a better reason for their supporters to be politically active between elections.

Full representation systems are sometimes called “proportional” because they allow like-minded groupings of voters – as determined by how people vote – to elect representatives roughly in proportion to their share of the vote in an election. By opening the door to wider representation of the electorate, full representation systems make it possible for most voters to elect someone of their own choosing. Even if voters in a minority group make up only 20 percent of the voting-age population, they still can control election of a representative if a full representation system is used to elect five seats or more.

Even though reflecting a different principle of representation than winner-take-all elections, full representation systems are fully constitutional, as evidenced by countless rulings by the Department of Justice and judiciary. They uphold the one-person, one-vote principle because all voters come to the polls with the same power to elect candidates. Full representation comes in numerous variations that address most concerns skeptics might have. For example, they can be used in combination with single-member district systems if a community seeks to ensure that every neighborhood has at least one representative. They can be structured so that access to representation increases for political and racial minorities, but remains high enough to prevent narrowly ideological extremists from winning seats. The full representation systems used in the United States can be adopted for non-partisan elections because they are based on voting for candidates rather than political parties.

Most well-established democracies use versions of full representation for their national elections. This manual describes three specific systems that are currently used in American localities: cumulative voting, limited voting and choice voting. They are sometimes called “modified at-large” systems because at least some candidates must be elected at-large or in multi-seat districts (meaning districts with more than one representative.) But unlike traditional at-large elections, a grouping of voters well below half of the voting population can win a seat and hold the representative accountable in the next election.

The greater the number of representatives to be elected in a constituency, the lower the share of votes necessary to elect a representative.

To understand how these systems provide increased access to representation, it is first essential to understand the concept of the “**threshold of inclusion**” – that is, the percentage of voters who can elect a candidate no matter what other voters do.

*“Election reform, including PR [proportional representation systems], is not primarily about electoral rules. It is not simply about getting more people of color and women into office. It is about transforming how power itself is exercised and shared. It is about opening up a different kind of political conversation, as elections become forums for voters to express their ideas and choose their representatives. It is about giving citizens their due... After all, democracy takes place when the silent find their voice, and when we begin to listen to what they have to say.”*

Lani Guinier, **Lift Every Voice** (NY, NY: Simon and Schuster Publishers, 1998)

**Threshold of Inclusion:** With full representation systems, it is relatively easy to estimate the share of the electorate a like-minded grouping of voters must have in order to control election of their preferred candidate. This share of the vote is called the *threshold of inclusion*. Any grouping that makes up this share of voters cannot be excluded from representation as long as its members turn out to vote at the same rate as the majority population and vote cohesively (meaning for the same candidates). That means that in an at-large city council race, black voters are sure to elect at least one council seat as long as: 1) their percentage of the adult population is equal or above the threshold of inclusion; 2) they turn out to vote at the same rate as white residents; and 3) they vote for the same candidate.

If three seats were being elected for a school board using a full representation system, for example, black voters would have to be responsible for ensuring that their preferred candidate received at least one vote more than 25% of the total votes cast. Any three candidates who received more than 25% of the votes would win because together they would have more than 75% of all votes – leaving less than 25% of votes for any remaining candidate.

The threshold of inclusion varies depending on the number of seats contested (see *charts on following pages describing limited and cumulative voting*): the more representatives to be elected, the lower the threshold. Note that the threshold of inclusion is a *worst-case scenario* for the minority

group based on the majority community allocating all of its votes precisely among just the right number of candidates in an effort to win all seats. In reality, a minority grouping of voters often can elect a candidate even when its share of the vote falls below the threshold.

Charts detailing the threshold of inclusion for each system are included on the following pages. This threshold is for a minority-backed candidate

to be sure of winning *one seat*. When using cumulative voting, the one vote system and choice voting, the opportunity to win more than one seat is in direct relation to multiples of the threshold – if the minority-backed community has twice the share of the vote as the threshold of inclusion, for example, it would have the power to elect at least two seats.

## Cumulative Voting

Cumulative voting achieved some national attention in 1993 because it was the full representation voting system recommended by law professor Lani Guinier in her search for a lasting solution to minority vote dilution. Nominated to run the civil rights division of the Department of Justice, Guinier came under harsh attack for her legal writings that laid out the reasons for the Voting Rights Act and explored ideas such as cumulative voting.

The resulting debate about Guinier's writings was misleading and unfortunately led to the withdrawal of her nomination before she could testify before Congress. Since then, however, the actual experience of cumulative voting in a growing number of communities has shown the new power it gives to minority voters and the acceptance it can gain among white voters. Because the equal allocation form of cumulative voting from Illinois is so similar to traditional at-large elections, it is particularly attractive for communities used to at-large elections.

**How it works:** In the most common form of cumulative voting, each voter has as many votes as there are representatives to be elected. Unlike traditional winner-take-all elections, however, voters may distribute their votes in any manner they choose. For example, if there are three seats to be filled, a voter might cast one vote for each of three candidates just as in a traditional at-large election. But they could also choose to give two votes to one candidate and one vote to another, or give all three votes to the same candidate. If voters in a minority were to give all three votes to one candidate, they would triple the chances that their candidate would win. To determine winners, all votes are counted equally; the winners are the candidates with the most votes.

This form of cumulative voting has worked well for black and Latino voters in many localities. To ensure electoral success, like-minded voters in the minority generally "plump" their votes on the same candidate in order to maximize their chances of electing that candidate. Because a minority-backed candidate might not win if minority voters split their votes among more than one candidate, members of that minority group must weigh the potential benefits and risks of seeking to elect more than one candidate.

Another version of cumulative voting makes it easier for a voting group to elect more than one candidate and has other benefits. In Peoria, Illinois voters use the *Illinois method*, sometimes referred to as *equal allocation cumulative voting*. The voters indicate which candidates they support, and their votes are evenly distributed among these candidates. For example, in a three-seat race, a voter who supported just one candidate would provide three votes to that candidate. A voter who supported three candidates would provide one vote to each of those candidates. A voter who supported two candidates would give each of those candidates 1.5 votes.

The Illinois method – used from 1870 to 1980 to elect the Illinois State House of Representatives – facilitates candidates running together because the message to voters can be simple: "vote the team." The Illinois method has the additional advantage of minimizing voter error: ballot design is very simple, and a voters' full voting power is allocated no matter how many candidates they support – undervotes essentially are eliminated.

Even with the Illinois method, however, leaders of the minority group must make strategic decisions in determining how many seats to try to win and how to urge supporters to cast their votes. This strategy should seek to maximize electoral opportunities while avoiding minority-backed candidates splitting the minority vote so that none of them win.

**Where it is used:** More than 50 jurisdictions in Texas adopted cumulative voting between 1991 and 2000, and, in 1995, then-governor George W. Bush signed legislation to allow school districts to adopt cumulative voting and limited voting. The Latino Union of Latin American Citizens (LULAC), the Mexican American Legal Defense and Education Fund (MALDEF) and the NAACP led the way in settling a voting rights suit in Amarillo with cumulative voting in 1999. With a population of more than 150,000 people, the Amarillo Independent School District is the nation's largest political jurisdiction to use cumulative voting.

Amarillo's first cumulative voting election in May 2000 was for four seats. It resulted in the election of the first black ever to win a school board seat in Amarillo and the first Latino to win in more than two decades. Even though both the

### **Does cumulative voting violate the Constitution?**

*No, cumulative voting respects the "one-person, one-vote principle" which guarantees that every voter has equal voting power.*

### **Can only racial minorities cast multiple votes for a single candidate?**

*No, any voter can determine how he/she wants to distribute their votes.*

black and Latino populations were below the threshold of inclusion, community leaders calculated that each candidate could draw some support from the white community while winning the great bulk of the black and Latino vote. They were proven right when both candidates won.

Chilton County, Alabama provides another example of the success of cumulative voting. Before 1988, no black candidate had ever been elected to the county commission. In 1988, cumulative voting was used for first time, and a black candidate named Bobby Agee finished first in the election for seven-seat county commission even though blacks were barely 10% of the population and Agree received little support from white voters and was outspent by more than 15 to one by some of his white challengers. Black turnout was very high, and most blacks chose to allocate all seven of their votes for Agee rather than spread their votes among other candidates. The first black commissioner in Chilton County's history, Agee has been reelected three times and has served several terms as chair of the commission. In 1992, however, when a second

black candidate tried to join Agee on the commission, he had a more narrow victory, and the other candidate was defeated.

Cumulative voting was used in three-seat districts to elect the Illinois State House of Representatives from 1870 to 1980, which resulted in many more victories of black candidates than in winner-take-all elections that took place at the same time to elect the state Senate (see chart in appendix). In July 2001, a task force of prominent Illinois leaders, chaired by former Republican governor Jim Edgar and former Democratic Congressman and federal judge Abner Mikva, called for restoring cumulative voting.

Cumulative voting currently is used in Peoria, Illinois, in various municipalities in Alabama, South Dakota and Texas and for many elections for corporation boards. While not perfect – and of course no system can be perfect in all ways -- cumulative voting has a proven record for producing good government in Illinois, in resolving voting rights lawsuits and in empowering minority voters in many communities.

### Advantages

- ✓ Lowers share of votes needed to win seats
- ✓ Relatively easy to explain
- ✓ Easy voting process (particularly equal allocation system)
- ✓ Has extensive history in U.S.A.
- ✓ Equal allocation system eliminates nearly all undervotes

### Disadvantages

- ✓ Intragroup competition (e.g., candidates from same racial group) may split vote
- ✓ Success depends on running appropriate number of candidates and having voters allocate votes to candidates in right numbers
- ✓ Some find concept hard to accept

## CUMULATIVE VOTING AND THE THRESHOLD OF INCLUSION

Formula: 
$$\frac{1}{1 + (\text{number of seats})} \times 100\%$$

<u>Number of seats</u>	<u>Percentage to guarantee one seat</u>	<u>Percentage to guarantee two seats</u>
2	33.4%	66.7%
3	25.0%	50.0%
4	20.0%	40.0%
5	16.7%	33.4%
6	14.3%	28.6%
7	12.5%	25.0%

*Example:* In a school board election for four seats, any grouping of voters of at least 20% has enough votes to guarantee the election of a candidate if its members give all of their votes to one candidate. The threshold of support necessary to win a seat decreases with the increase in the number of seats to be elected. The threshold to guarantee winning two seats is twice as high as that for winning one seat; it is three times as high for winning three seats, and so on.

*Exercise:* Determine the threshold to guarantee winning two of nine seats and discuss.

## Limited Voting

The most common full representation system currently used in the United States is limited voting. Although its name – “limited voting” – conveys that voters receive less than they do under traditional systems, limited voting in fact ensures that more voters have an opportunity to elect candidates of their choice.

**How it works:** In limited voting, voters cast fewer votes than the number of representatives being elected in a constituency. The greater the disparity between the number of seats and the number of votes to which voters are limited, the greater is the access for those voters in a minority. When voters are limited to one vote – termed the **one vote system** – the threshold of inclusion is as low as with cumulative voting and choice voting. As the number of available votes available to voters increases, the threshold of inclusion rises.

In a seven-member school board elected with limited voting, voters might be restricted to casting only four votes. All candidates would run against one another, and the seven candidates with the most votes would win. By limiting the number of votes to less than seven, it is more difficult for the voting majority to control the outcome of all seats up for election, even if they vote cohesively. In this example, the threshold of inclusion would be 36% – well below the 50.1% threshold it takes to be sure of winning with traditional at-large system, but much higher than the 12.5% threshold of inclusion if cumulative voting, choice voting or the one vote system were used.

Note that when voters can cast more than one vote, the threshold of inclusion is a guide to opportunities to elect *one* seat rather than as many seats as there are votes. Thus, in the example above in which voters have four votes to elect seven seats, 36% of voters can be sure of electing only one out of seven seats – it would take 50.1% of votes to be sure of winning a majority of four seats. There is a complex formula (the “Code to Win”) in the appendix to determine the share of votes necessary to elect more than one seat under different limited voting arrangements.

**Choosing the number of available votes:** Limited voting is particularly easy for voters in a minority when the number of seats they should win based on their numbers corresponds with the number of votes. If the black share of the vote in a town would warrant about three of seven seats, for example, then it would be easy for black voters to elect three seats if all voters were limited to three votes, and three candidates with strong appeal in the black community ran for

office. The only strategic decision necessary in such a situation would come in organizing a team of candidates that the black community would support.

In reality, however, it may not be so easy to know what the realistic chances will be for black voters in a given community over a given period of time. As with cumulative voting, ongoing strategic decisions must be made in determining how many candidates should run and how minority voters should be urged to cast their votes. Decisions must also be weighed about joining forces with some non-minority voters to work together to elect a slate of candidates – a development for which limited voting creates incentives, but one that has some hazards in the minority community’s ability to hold their representatives accountable.

By keeping the threshold of inclusion low, the one vote system provides the most flexibility, but only if the black community can be disciplined in recruiting the right number of candidates and organizing voters to spread their votes among them. Typically, candidates are nominated with a strong neighborhood base, so that if the black community were seeking to elect more than one seat with the one vote system, most black voters in one part of town would be urged to vote for a black-backed candidate from their neighborhood, while black voters in another part of town would be asked to support a candidate from their neighborhood.

Sometimes in partisan elections limited voting is combined with *limited nomination* – meaning that political parties are limited to nominating fewer candidates than representatives to be elected. Limited voting with limited nomination is required of all at-large city council elections in Connecticut, including Hartford, and is used for city council elections in Philadelphia and many Pennsylvania counties. Limited nomination without limited voting is used to elect four at-large seats to the Washington, D.C. city council. Having limited nomination without limited voting is not a system of full representation; it ensures that candidates from more than one party will be elected, but does not prevent the majority party from controlling which candidate from the minority party is elected.

One of limited voting’s clear advantages is that ballot-counting is very easy – all ballot equipment now in use can handle limited voting. One obvious disadvantage is that people initially can perceive that their franchise is being “limited.” Even though people are limited to one vote in a single-member district system, there is a different perception when they cannot vote for all candidates who

might end up directly representing them. Where limited voting has been used over a long time, this perception does not seem to be a problem – as in Japan, where the one vote system is used for nearly all city elections, and in many Connecticut and Pennsylvania localities– but it requires development of a different understanding of representation and legislative accountability.

Since 1987, limited voting has been adopted in more than 20 localities in North Carolina and Alabama to settle voting rights cases. In 1995, Texas passed a law allowing school districts to convert to limited voting and cumulative voting. In these communities limited voting nearly always has been successful in electing minority-backed candidates. It also has tended to increase voter turnout.

### Advantages

- ✓ Easy to administer
- ✓ Simple to understand
- ✓ Creates greater access for minority representation
- ✓ Can encourage cross-racial coalitions under certain conditions

### Disadvantages

- ✓ Strategic decisions often must be made by candidates and voters
- ✓ Voters may view the system as a limitation of their vote
- ✓ Threshold of inclusion may be high depending on number of votes allowed

## CALCULATING THRESHOLD OF INCLUSION FOR LIMITED VOTING

Formula: 
$$\frac{\text{Number of votes given to each voter}}{(\text{Number of votes} + \text{Number of seats})}$$

Number of seats	LIMITED		
	1 vote	2 votes	3 votes
2	33.4%	-	-
3	25.0%	40.0%	-
4	20.0%	33.4%	42.9%
5	16.7%	28.6%	37.5%
6	14.3%	25.0%	33.4%
7	12.5%	22.2%	30.0%

*Example:* In a community with limited voting that elects seven members to the city council, and each voter can only vote for three individuals, any like-minded grouping of voters making up at least 30% of the vote would be sure of electing at least one candidate of their choice (but not necessarily three) With the one vote system, the threshold of inclusion would drop by more than half to 12.5%.

*Exercise:* Determine the threshold of inclusion when voters have three votes in an election for nine seats. Discuss the change when the number of available votes is increased and decreased.

## Choice Voting

Choice voting is the fairest of the three full representation systems described in this manual, but also the most complicated to describe. The voters' job at least is easy – simply ranking candidates in order of choice: “1” for their first choice, “2” for their second choice and so on until they have no preference among the remaining candidates. That simple ranking of candidates enables a ballot-counting process that makes choice voting the only fully “proportional” voting system now used in the United States.

Being “proportional” means that like-minded groupings of voters are certain to win seats in close approximation to their share of the vote – at least as long as enough candidates run for office and as long as voters know to rank the candidates they like in order of preference. When used in a partisan setting, choice voting typically will result in parties winning seats in direct proportion to their support among voters – 20% of the vote will win 20% of seats, 40% of the vote will win 40% of seats and so on.

When used in a racially polarized community, choice voting typically results in racial groupings winning seats in direct relation to their support among voters – with that fair result of course depending on equal rates of voter participation and cohesion. By creating incentives for voters to consider and rank candidates outside their race or their party, choice voting also encourages more coalition-building than other full representation systems.

**How it works:** Choice voting is sometimes called the “single transferable vote” or “preference voting,” both of which help explain the system. Voting is literally as easy as 1, 2, 3, but tabulating ballots is more complicated. Each voter has a single vote (as with the one vote system) but ranking candidates in order of preference gives voters more chances to cast an “effective vote” (one that elects someone). Your vote “transfers” to your next choice – meaning that it counts for that choice – if your vote for your first choice does not help that candidate win.

Choice voting eliminates wasted votes because ballots are neither “wasted” on “sure winners” nor on “sure losers.” To determine winners, the minimum number of votes necessary for a candidate to earn office is established – this “victory threshold” is the same as the threshold of inclusion as provided by cumulative voting and the one vote system. After tallying voters' first choices, candidates who have reached the victory threshold are elected. Any votes beyond that threshold do not remain with that candidate, however, as doing so would lead to votes being

“wasted.” (For example, imagine a very popular candidate winning 51% of first-choice votes in an election for five seats. If all those votes remained with that one candidate, then a majority of voters would have only elected one seat, and the remaining 49% of voters would have elected the other four seats in violation of the principle of majority rule.) Thus, “surplus” votes beyond the winning threshold are allocated to second choice candidates as indicated on each voter's ballot (there are different methods of allocating these surplus votes).

If there are more seats to elect and all remaining candidates are below the winning threshold, then the candidate with the fewest votes is eliminated. All of his/her ballots are distributed among the remaining candidates according to the voters' preferences listed on those ballots. This process of redistributing ballots and tallying votes continues until all seats are filled. (See chart in appendix.)

Ranking a candidate after one you like can in no way affect the electoral opportunities of your preferred candidate. Choice voting thus creates incentives for voters to consider “the best of the rest” and form coalitions across racial, ethnic and neighborhood lines.

**History of providing strong representation:** The history of choice voting in the United States and other nations provides clear evidence that it boosts minority representation. When used to elect the New York city council in five elections from 1937 to 1945, for example, it elected the council's first black member, Adam Clayton Powell. When used to elect Cincinnati's city council from 1925 to 1955, the black community was very successful in achieving a fair share of representation and ultimately being wooed by both major parties despite being less than 20% of the adult population at the time.

Choice voting's success in providing representation to racial and ethnic minorities in local school board elections in New York City led the Department of Justice in 1999 to refuse to preclear a statute that would have replaced it with a limited voting system because of choice voting's strong record of providing strong representation to African Americans, Asian Pacific Americans and Latinos. Choice voting is particularly good in complex electorates like New York City because it creates incentives for all significant racial groups to run candidates and for candidates to reach out to voters from other racial groups.

The major drawback for choice voting is that jurisdictions can have difficulty in tallying the ballots. After World War II, that difficulty,

combined with the hostility of some majority communities who were concerned about representation of racial and political minorities, reversed what had been a clear trend toward choice voting. Cambridge (Mass.) is the only holdover from nearly two-dozen cities that have used choice voting in the 20<sup>th</sup> century, including Cleveland, Sacramento (Calif.) and Worcester (Mass). Choice voting has provided steady representation of racial minorities on the Cambridge city council and school board since the 1950's; studies show choice voting was critical for providing that fair representation.

With the rise of new ballot-counting technologies that can eliminate the need for a hand-count, choice voting has gained renewed attention. In 1997, Cambridge converted to an electronic ballot count that makes the ballot-count quick and easy. Charter commissions in the late 1990s recommended choice voting in Kalamazoo (Mich.) and Pasadena (Calif.) Ballot initiatives to adopt choice voting won overwhelming support from black voters in Cincinnati and San Francisco in the 1990s, but both efforts fell short, gaining 45% of the vote.

- | <b>Advantages</b> |  |
|-------------------|--|
| ✓                 | Low threshold to win                               |
| ✓                 | Maximizes number of voters electing someone        |
| ✓                 | Minimizes need for strategic decisions / campaigns |
| ✓                 | Promotes coalitions                                |
| ✓                 | Maximizes voter choice                             |

- | <b>Disadvantages</b> |   |
|----------------------|---|
| ✓                    | Complex to explain                      |
| ✓                    | Cannot be used on older voting machines |

*Note: The threshold of inclusion for choice voting is the same as with cumulative voting. Please see “Calculating the Threshold of Inclusion For Cumulative Voting and Choice Voting” diagram.*

### **Choosing A System to Empower Racial Minorities**

No electoral system is perfect for all conditions, but, given appropriate circumstances, full representation systems often will help ensure fairness and equality in the voting process at least as well as single-member districts. An increasing number of minority voting rights advocates recognize that these systems are a powerful option for enforcing the Voting Rights Act and that considering them does not undermine efforts to win minority opportunity districts; for example, the American Civil Liberties Union in 2001 adopted a policy in favor of removing statutory barriers to full representation systems and using them where appropriate.

Before deciding whether to use single-member districts or a full representation system in a particular city, county, school board or state election, community leaders must consider several factors, including:

- *Is the racial or ethnic minority group geographically dispersed?*
- *Can one or more minority opportunity districts be drawn?*
- *Do willing candidates live in these districts?*
- *Can the minority group attain the necessary threshold of inclusion – or higher levels necessary for winning more than one seat – needed for electoral success with a full representation plan?*
- *Is there a means to educate and mobilize voters? Is there a history of minority voter participation and credible minority candidacies?*
- *Is the minority community united?*
- *Is it possible to form electoral coalitions with some white voters and candidates?*
- *Will representation of political minorities be acceptable to the majority community?*

The significance of these questions is explained in more detail below.

***Is the minority group dispersed? Can one or more minority opportunity districts be drawn?*** To win a voting rights challenge and choose an effective remedy, researchers must analyze where minority voters live in a given community – looking in particular to see whether they are dispersed in such a way that drawing a minority opportunity district is difficult. Under the criteria detailed in the *Gingles* case, to win a voting rights challenge under Section 2 of the Voting Rights Act, plaintiffs must establish that a relatively compact single-member, minority-opportunity district can be drawn.

This standard of course presupposes choosing a district system as a remedy. Until courts modify that standard, however, backers of full representation systems are in what could be described as a “Catch 22”: a voting rights challenge will be successful in court only if a minority opportunity district can be drawn, yet if such a district can be drawn, then plaintiffs will typically accept the traditional remedy of a single-member district.

Nevertheless, there are situations where a full representation system may make the most sense even if a minority opportunity district can be drawn. For example:

- ***Winning more seats with full representation than with districts:*** There are times when a full representation system can increase opportunities for more candidates to win with strong black support. In the state of North Carolina, for example, the Supreme Court’s ruling in *Shaw* has made it difficult, if not impossible, to draw more than two black opportunity districts for the U.S. House delegation. Black voters are geographically dispersed in much of the state – even when black voters are segregated, they are clustered in neighborhoods not big enough to comprise a majority of a congressional district.  
Using a full representation plan in multi-seat “super districts,” however, it is relatively easy to draw three different super districts in which black voters are higher than the threshold of inclusion. (See appendix for an example.)
- ***Allowing two different racial or ethnic minority groups to win seats:*** In 1999, a voting rights challenge against the school

district in Amarillo, Texas, was settled with adoption of cumulative voting for school board elections. One minority opportunity district could have been drawn, but one that depended on African Americans and Latinos voting together and that left significant numbers of racial minorities outside the district.

Cumulative voting was seen as a better way for both African Americans and Latinos to elect candidates of choice. In the first election under the system, both an African American candidate and a Latino candidate were successful.

- ***Anticipating demographics changes during a decade:*** Some communities may experience significant changes in population or residential patterns during the course of a decade -- from people moving in or out of the community or from an annexation. When these changes occur, single-member district systems can be problematic. What might be a minority opportunity district at the start of a decade could turn into a majority-white district, or what could have been drawn as a minority opportunity district in the middle of a decade was not anticipated at the decade’s start.  
By allowing voters to pool their votes together no matter where they live, full representation systems add increased flexibility for protecting minority voting rights in communities that might experience such changes.  
With full representation systems, representation of minorities is also not as dependent on which political party or force controls reapportionment/redistricting. While one political party might draw favorable district lines at the start of one decade, a different one might draw less accommodating districts ten year later. Because full representation systems do not require redrawing district boundaries, they remove this potential barrier to future minority representation.
- ***Boosting minority voter turnout by increasing the number of minority voters positioned to elect representatives:*** As detailed in examples above – North Carolina’s congressional districts and Amarillo’s school district – full representation plans can put far more minority voters in a position to elect candidates than single-member district

plans. In North Carolina, for example, less than half of the state's black voters can be placed in congressional districts where candidates with strong black support have a good chance to win. Under a modest full representation plan – one with multi-seat districts with three representatives – about nine in ten black voters can be in districts where they would be well-positioned to elect candidates of choice. This increase in minority voters who have the potential to elect preferred candidates likely would boost turnout, which would have a positive impact for racial minorities seeking election to other offices at the same time.

- **Broadening the pool of candidates:** In large jurisdictions, it is likely that a strong black-supported candidate can be found to run for office in any black-majority district. But in some smaller jurisdictions, that is not the case. In elections in a small Alabama town for a five-seat school board with one black opportunity district, for example, it might be possible that the best and most willing candidate might live in one of the four white-majority districts. If a full representation plan were used, the best candidate can be recruited to run no matter where that candidate lives in the jurisdiction.

**Can the minority group attain the necessary threshold of inclusion – or greater shares of support if seeking to win more than one seat – needed for electoral success with a full representation plan?** Just as there are times – as with North Carolina's congressional districts – where full representation can provide opportunities for more minority-backed candidates to win than with any district plan, there are times when a district system will boost more minority-backed candidates. The key factors to consider are how dispersed and how large the minority community is. If the community is relatively small, but very concentrated geographically, a district system quite likely is safer for securing minority-backed representation than a full representation system.

The threshold of inclusion is the most important – if not necessarily definitive – guide to determining the likelihood of the election of a minority-backed candidate. When the minority community is below this threshold, winning a seat will require some combination of high turnout in the minority community, crossover votes from the

### Summary: Factors to Weigh in Choosing a Remedy for Vote Dilution

- Racial/ethnic composition of voting age population
- Voter registration by race
- Voter turnout by race
- Geographic concentration of minorities
- Community mobilization
- Candidate recruitment
- Level of voter education
- History of cross-racial coalitions

majority community or splitting of the majority community's vote among majority-backed candidates.

If the minority community's share of the adult population is higher than the threshold of inclusion, it may be able to elect more than one seat. Multiplying the threshold of inclusion by the number of seats to be sought provides a standard to weigh the potential of electing this number of seats. If choice voting is used to elect a five-member school board, for example, and a third of the voters are black, the black community is in a strong position to elect two candidates; in this case the black share of the vote (33.4%) is twice that of the threshold of inclusion (16.7%).

**Is there a means to educate and mobilize voters? Is there a history of minority voter participation and credible minority candidacies? Is the minority community united?**

Voter turnout often rises when major changes in an election system are implemented. More candidates run for newly competitive seats and often seek to mobilize supporters. For minority-backed candidates to be successful, high minority turnout is particularly important in the first election under a new system.

In district elections, however, a minority-backed incumbent can settle into office and be less likely to face serious competition over time. All black-majority congressional districts currently are represented by black candidates who rarely face serious competition, while more than a third of all state legislators in the 1990's faced no major opponent in a given election. Such political security can be earned in a full representation system, but only if minority-backed incumbents turn out their supporters. All candidates run against one another in each election, and if turnout were to rise only in the white community – or to

drop only in the black community – a black-backed incumbent could be defeated.

Depending on which system is used, minority-backed candidates also could lose if the community divides its support among too many candidates. By allowing votes to coalesce around the strongest minority-backed candidates, choice voting is the only system that can avoid any problems with competition within a minority group. But even under choice voting, it is important for voters and potential candidates to be informed about how to use the new system and how to target their campaign energies.

If successful, this community education and mobilization can have benefits beyond electing candidates. It can lead to community-based organizations playing a more active role in defining the community's interests and monitoring the governing body.

***Is it possible to form electoral coalitions with some white voters and candidates?***

Drawing minority opportunity districts has led to considerable electoral gains for minority voters and candidates. Districts clearly are a safe and tested approach for minorities, albeit one facing legal challenges in the wake of the *Shaw* line of rulings. However, the flip side of the political security of black-majority districts is that white-majority districts typically are “safe” for whites – and often safe for candidates who oppose many policies supported by black voters. What sometimes happens is that white moderates and white liberals – with political views similar to the majority of black voters – are unable to elect candidates of choice in these heavily white-majority districts. The resulting group of elected officials can thus under-represent the “political center” – those white and black voters whose positions are between the majority views of the black community and the majority views of the white community on the political spectrum.

By providing all voters with the increased power to elect candidates, full representation systems can better represent these centrist voters. On elected bodies, their increased representation can lead to opportunities for minority-backed candidates to join with them to form governing coalitions. Such governing coalitions can also form when district systems are used, but the degree of polarization between black and white voters – and the potential moderating role of the white and black minorities in governance – is an important factor to consider in choosing a remedy to vote dilution.

***Will representation of political minorities be acceptable in the majority community?***

Most voting rights challenges are brought in communities where fair representation of racial minorities must be won through the courts due to some degree of discrimination toward racial minorities by the majority community. But the degree of racial hostility can differ. In some communities covered by the Voting Rights Act, some degree of coalition-building across racial lines can occur; in others, it is nearly impossible. In some communities, minority-backed representatives will be given substantive opportunities to influence policy in the legislative body; in others, they may be excluded from power.

Communities also can differ in their attitudes toward the consequences of a new system. For example, communities with a history of at-large elections may prefer maintaining an at-large structure and thus like the option of settling a case with a full representation system. One particularly important factor is the majority community's attitude toward political minorities. If one political group has dominated the community, that majority group may be more comfortable with a district system because it is less likely to provide a voice to other political groups. On the other hand, communities with a recent history of balanced political competition among different groups of white voters may be particularly open to full representation systems that will ensure ongoing representation for these groups.

Full representation generally does have the effect of better representing political minorities and other traditionally disenfranchised communities. In Chilton County, Alabama, Republicans and women joined with African Americans in winning far more seats under cumulative voting than in the old winner-take-all system. Women generally run more often and win more often with full representation plans, as evidenced in many of the communities where full representation has been used in the United States – and with women now making up a majority of the electorate, this attribute can be very helpful to advocates of change.

In New York City in the 1940s, on the other hand, left-leaning parties won a few city council seats under choice voting – which led to a cry to replace it as the Cold War intensified later in the decade. Some might argue that tolerating representation of dissenting views is a sign of political maturity, but if a community does not have that maturity or is unlikely to develop it, a district system can be a safer remedy.

## Addressing Common Concerns about Full Representation Systems

Given that single-member districts are accepted as “tried and true,” there certainly are likely to be legitimate concerns to address about full representation voting systems. Some of these questions are addressed in the appendix. Among other potential concerns are the following:

- *Will it cost too much to run for office?*
- *Will it foster polarization?*
- *Will it be hard to hold representatives accountable?*
- *Will it be too difficult to implement?*

### **Will it cost too much for black candidates to run for office and be true to black voters?**

No. Campaign expenses for local elections can vary according to the size of the area. District elections often are less costly than traditional at-large elections because fewer votes are needed to win and because campaigning can be in a concentrated fashion – often door-to-door – rather than through radio or television. The difference often is less than one might think, however. Studies of legislative elections show that candidates in districts with two or three representative typically spend no more money than candidates in districts with a single representative.

Moreover, in full representation election systems, fewer votes are needed to win than in traditional at-large elections. True, more votes are needed to win than with district elections, but candidates can seek that support from a much greater pool of potential supporters than with districts and can win with a far lower *percentage* of the vote. Depending on the system, they can also save money by running as a team with other candidates and sharing campaign expenses.

With both black opportunity districts and full representation, the greatest impact of campaign spending may be on the choice among candidates *within* the black community rather than between a black-supported candidate and a white-supported candidate. As long as there is a black majority district or as long as black voters are above the threshold of inclusion with a full representation system, a minority-backed candidate is quite likely to win. But the winning minority-backed candidate can gain an edge over other minority-backed candidates by having greater amounts of campaign cash. Campaign finance thus is a factor with either black-majority districts or full representation, but is unlikely to change the reality of a black-supported candidate winning as long as black voters are above the threshold of inclusion.

### **Will it foster polarization and extremism?**

No. A common concern about full representation election systems is that they could fracture representation into competing groups and give too much power to ideologically extreme voters. This concern can be answered both theoretically and factually.

Despite the use of full representation in hundreds of elections in the United States, there is no history of it leading to ineffectual legislatures. Choice voting, for example, was used to elect two dozen city councils in the 20<sup>th</sup> century, and these city councils nearly always were seen by civic observers and students of legislatures as more effective than councils elected before the adoption of choice voting. There was increased diversity, certainly, and often more vigorous debate, but that diversity and debate seemed to contribute to better government. Civic groups like the League of Women Voters nearly always were strong backers of choice voting in these cities during the many repeal attempts – attempts that were led by factions that wanted to restore their dominance, not good government.

The single longest use of a full representation system in the United States was for elections to the Illinois House of Representatives from 1870 to 1980. Due in part to the high threshold of inclusion (with three-seat districts, the threshold was 25%), Democrats and Republicans dominated representation, although representation within the parties was widely considered to be broader and more diverse than under winner-take-all elections. Currently, many political and civic leaders in Illinois – including former governor Jim Edgar (R), former Congressman Abner Mikva (D), the Democrats' senate leader Emil Jones (an African American first elected by cumulative voting in a white-majority district), the *Chicago Sun Times* and the *Chicago Tribune* – support restoring cumulative voting. Their chief argument is that cumulative voting contributed to a better policy-making process that flowed from both parties representing nearly every district in the state.

Some also fear that full representation will lead to racial polarization – with whites only voting for whites and racial minorities only voting for racial minorities. In any community where a voting rights challenge has proven successful, one obvious answer to this charge is that the voting rights case could only have been won if there *already* was racial polarization. Creating the means for both communities to elect representatives who represent the same area and need to make policy together should only serve to help decrease that polarization. Bobby Agee, first elected under

cumulative voting in 1988 and the only black county commissioner in the history of Chilton County, Alabama, has several times been elected by his white colleagues to be chair of the county commission even as he continues to have strong support in the black community

Some full representation systems arguably encourage more coalition-building among racial and ethnic groups than winner-take-all elections. For example, in New York City, Cincinnati and other cities that used choice voting for city council elections, successful black candidates with strong support in the black community ran on the same candidate slate with white candidates. These slates typically included candidates who appealed to a range of different ethnicities and races that, together, represented well the voters that the slate was seeking to attract. Successful slates in choice voting elections combine representing diversity with support for a common agenda that holds the slate together.

In contrast, creating a series of single-member districts that are designed to elect one race or another is considered by some observers to be more polarizing – although one often sees a candidate who wins initially with the votes of one race reaching out beyond their race as an incumbent and eventually winning more votes from other races.

As to extremist groups, there is no evidence to suggest that those fostering racial hatred have been successful in full representation elections. It is true that these systems lower the percentage of votes needed to win (although a threshold can be kept relatively high if a community so chooses), but the total number of votes needed to win actually is higher than with a district system. When a range of choices is available, extremist views are usually not popular even in areas demonstrating a history of racism. Some of our most polarizing political figures – such as former Ku Klux Klan leader David Duke in Louisiana – benefited from being seen as the only “protest” alternative for white conservative voters. When given a choice, many Duke supporters have been shown to prefer more mainstream conservatives. Full representation systems would regularly give them that expanded choice. True extremists almost certainly would be more clearly politically isolated than they sometimes are in winner-take-all systems that limit voters' choices.

**Will it be hard to hold representatives accountable?** No. In a single-member district system, minority opportunity districts create a clear mechanism for racial minority voters in that district to hold their representative accountable – they know who is supposed to be representing

them and can judge whether that person is doing so effectively. But there are important limitations to this accountability. First, many black voters might live in surrounding white-majority districts and have no electoral influence over the representative living in the black opportunity district. Second, incumbents have major advantages in our system and are rarely defeated. A particularly ineffectual or corrupt incumbent might lose, but typically a merely adequate incumbent can stay in office because of high name recognition and a history of winning votes in the area. Even when they face vigorous challenges, they sometimes can win due to votes being split among opposing candidates.

Full representation systems are clearly different in that every voter has more than one representative. In a five-seat school district elected by the one vote system, for example, each voter has five representatives. In another sense, however, each voter has one *primary* representative – the one representative that the voter helped elect with his or her one vote. If there is no organized civic group or newspaper providing information to voters about the actions of representatives, it might be hard to know just what “your” representative is doing. But this in turn creates incentives for organized civic groups to form and monitor incumbent performance, which is all to the good for citizen participation.

Even without this increased organization, however, it often can be possible to determine whether one's policy interests are being met – and if those interests are not being met, a voter is much more likely to have credible alternative choices in the next election with full representation than with a district system.

**Will it be too difficult to win and implement?** Since 1987, nearly 100 American jurisdictions across the country have adopted a full representation voting system to settle a voting rights challenge – in those communities, therefore, a lawsuit triggered the incentive for the existing leadership to change their election system, but that leadership decided to accept a full representation system rather than continue fighting the challenge in court. Cumulative voting and limited voting in Texas, North Carolina and Alabama have been largely successful for providing minority voting rights and generally acceptable to the majority community. After several adoptions of cumulative voting, Texas in 1995 went so far as to change its state law to allow school districts to adopt cumulative voting or limited voting without a lawsuit.

But despite the relatively narrow losses for choice voting in citywide ballot measures in

Cincinnati and San Francisco, lawsuits or the threat of lawsuits are likely to be necessary for most localities to gain a full representation system in the short term, given incumbents' typical preference for the status quo.

The Alabama Democratic Conference (ADC) and its legal defense team provide a model. After winning a broad voting rights challenge against a number of small localities, the ADC has pursued a concerted effort to get jurisdictions to adopt either minority opportunity districts or full representation voting plans and, once the change has been made, help black leaders and voters make the system work.

One helpful step is to seek to modify state law in order to make full representation systems an option, as doing so can make it easier for localities to adopt full representation in a consent decree. Given that localities sometimes can get full representation election plans passed through state legislatures and/or through local ordinances and

initiatives, any group or citizen interested in full representation should review their local and state laws and determine the most politically viable approach.

Once any new system is in place, it almost certainly will work if the community is ready to make it work. In any election under a new voting system there is a need for voter education and get-out-the-vote efforts. This is especially important when applied to full representation voting systems. These systems require strong minority-backed candidates and high voter participation if they are to maximize their potential for providing fair representation. One can never overlook the importance of community involvement and strong grassroots efforts to get people interested and involved. That increased participation can of course have important long-term implications for minority empowerment.

### **Conclusion: Participation Counts**

A voting system translates people's votes into seats in a legislative assembly. Many different voting systems can produce different results. The selection of a voting system has a powerful impact on governance, representation and participation.

This manual may be used as a tool to assist individuals, elected officials and community groups in addressing voting rights concerns and choosing a system that best fits their goals. An abundance of assistance is available to help ensure fairness in the

election process. However, no matter what community leaders and civil rights attorneys do to create an opportunity for minority-backed candidates, voters are the key to the success of the new system. In order for any election system to work, participation is key. The voting rights and election reform community encourages citizens to become activists. *CITIZENSHIP TAKES WORK! THE REWARDS ARE GREAT!*

***How effective is your election system? Take our community survey on the next page. Get involved now to "Make Your Vote Count!"***

# Appendix

## HOW EFFECTIVE IS YOUR ELECTION SYSTEM?

Voting Systems Checklist

\_\_\_\_\_  
City, State

\_\_\_\_\_  
**Election position/office** [city/town council, county /board/commission, school board, state house of representatives, state senate]

\_\_\_\_\_  
**What is the current system being used? [at-large with posts, pure at-large, districts, mixed system (at-large and districts), multi-seat districts (more than one individual elected within a district.)]**

Please provide a yes or no response to each question.

- |       |   |
|-------|---|
| _____ | 1. Is the minority community adequately represented in this system?   |
| _____ | 2. Do minority candidates find it difficult to win elections?   |
| _____ | 3. Is race the predominate factor in election outcomes?   |
| _____ | 4. Do minorities in these elections tend not to vote?   |
| _____ | 5. Do minorities in your community basically live in the same area?   |
| _____ | 6. Are most of your officials elected from districts where only one candidate can win?  |
| _____ | 7. Does this election require a runoff?   |
| _____ | 8. Is there (or could there be) effective voter education in your area?   |
| _____ | 9. If every eligible minority voted for the same candidate, would that candidate probably get elected under the current system? |
| _____ | 10. Is there a history of bi-racial or multi-racial coalitions in your community?   |

Once you have completed this survey, please review your responses. Pay particular attention to responses to the questions numbered one, four, six and nine and to the questions numbered two and three. If you answered “No” to most of the first set of questions and “Yes” to the second group, there may be a particularly good chance for a voting rights lawsuit.

Look also at responses to questions five, eight and ten. If the racial minority population is dispersed throughout the community, **full representation election systems may be the answer to your current voting rights problem.** Full representation systems also should be considered if the minority population lives mostly in the same areas, but still has been unable to elect a representative of their own choice; full representation systems at times have promoted coalition-building among racial groups even in areas where race is a dominant factor in election outcomes.

## Commonly Asked Questions

### **Is it realistic to consider full representation systems? If so, how can they be enacted?**

Most full representation systems have been adopted in recent years through a voting rights lawsuit. Historically, all three of the major systems - limited voting, cumulative voting and choice voting - have been adopted through the political process. Research your city charters and state constitutions to determine if their adoption requires action by your state legislature. Consult with potential allies in political reform organizations and women's organizations. (We can provide assistance in this analysis.)

### **Are these systems the “best” way to elect racial minorities?**

There is no “best” way to ensure representation of racial minorities, as political and demographic conditions can vary. Full representation does not guarantee that racial minorities get elected. However, given the appropriate conditions and community education and mobilization efforts, they have been very successful for racial minorities. By definition, these systems are the best way to represent “minorities” when broadly defined. Winner-take-all systems are by definition designed to represent the majority. When the majority in a given area is a grouping of voters who overall are a minority, then they provide “minority” representation. But full representation boosts representation of minorities no matter where they happen to live and what attribute (be it race, political views or other characteristics) makes them a “minority.”

### **Can present voting machines be used with these systems?**

Yes. Every voting machine can be used with at least one of these systems. Cumulative voting and limited voting are easy to administer with current voting equipment. Choice voting can be most easily used with new optical scan and "touchscreen"-style voting equipment.

### **Can full representation systems be used in congressional districts?**

As recently as 1967, a state could have used a full representation system to elect its U.S. House Members, but a law passed that year requires that single-member districts be used to elect members of the U.S. House of Representatives. However, in every session of Congress since 1995, at least one Member of the Congressional Black Caucus (like Reps. Melvin Watt, D-NC, and Cynthia McKinney, D-GA) has introduced legislation to allow states once again to use full representation.

### **What have been successful educational tools for communities that have changed to full representation election systems?**

Many community groups distribute sample ballots demonstrating what voters must do to successfully elect a candidate of their own choosing, and conduct workshops. It also is important for community leaders to be in touch early in the election process because a united strategy is particularly important with limited voting and cumulative voting.

### **Do they violate “one-person, one-vote”?**

No. “One-person, one-vote” means that voters have equal voting power, not that those voters have only one vote. Full representation is constitutional and has repeatedly been upheld by federal judges and the Department of Justice.

### **Do these systems mean that neighborhoods might not be represented?**

When all representatives are elected at-large, some neighborhoods might not be represented. With full representation, however, it is less likely that a neighborhood will be ignored because far more voters will have the power to elect a candidate. If voters feel ignored, they can turn to a new candidate who can win with their votes.

### **Will minorities lose the vote in 2007?**

No. The 14<sup>th</sup> amendment of the Constitution ensures that no one can be denied the right to vote based on race, creed, ethnicity, etc. Section Five of the Voting Rights Act will expire, however, which would affect the need for jurisdictions covered by Section Five to preclear changes to election laws and practices.

### **Will these systems increase racial division?**

Full representation systems have been implemented successfully in many areas that had experienced extreme racial polarization in elections. They allow all significantly sized racial groupings to win seats despite this existing polarization. For example, in the first school board election in Amarillo, Texas with cumulative voting, the winning candidates included a black man with strong support in the black community, a Latino woman with strong support in her community and two white candidates with support in the white community; all four winners were accepted as legitimate representatives, and both the black and Latino candidate received votes from whites. Full representation systems, particularly choice voting, have been shown to promote coalition-building across racial lines even when there is polarization.

## Limited Voting, Cumulative Voting and Choice Voting: A Comparison of Three Alternative Voting Systems

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*This sheet examines the pros and cons associated with the three most commonly used proportional / semi-proportional systems in the United States: limited voting, cumulative voting (in its two major variations) and choice voting.*

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**Summary:** *Choice voting* has a complex vote-counting procedure that can be difficult to administer and explain, but it is an easy system for voters and reduces demands for complex voting strategies like bullet voting. Choice voting promotes proportional representation, thus allowing minority and majority perspectives to win representation in proportion to their relative voting strengths.

*Limited voting* and *cumulative voting* are more transparent in how they work and are easier to administer, but can require more complex strategies both for individual voters and for parties/organizations to win representation. Vote-splitting and bullet-voting can lead to under-representation for some constituencies, but the two systems still are likely to provide fairer representation than at-large "winner take all" systems and sometimes single-member districts.

**Cumulative Voting (traditional version).** In free cumulative voting, voters have the same number of votes as there are seats in a multi-seat district. Voters can allocate their votes in any manner they choose, be it one vote each to several candidates or multiple votes to one highly favored candidate. Pooling votes on one candidate allows voters in a political minority to express a strong preference for their candidate. Winners are the highest vote-getters (plurality).

### Pros

- relatively simple for voters to understand
- ballot counting is straightforward on most voting equipment
- permits majority rule and more minority representation than "winner take all"

### Cons

- vote-splitting can distort representation - for example, like-minded voters might split their votes among two candidates, causing both to lose, or they might concentrate their ballots on only one candidate even though they had enough votes to elect two candidates
- problem of potential vote-splitting encourages parties/organizations to limit their nominations
- strategic voting becomes important, and it is necessary to manage voters to make sure they allocate their ballots correctly
- more difficult to form electoral coalitions than with choice voting or equal allocation cumulative voting

**Cumulative Voting (equal allocation).** The equal allocation form of cumulative voting, also known as the Illinois model, acts much like traditional cumulative voting, but with one important difference: votes are allocated equally among the candidates chosen by a voter. For instance, if a voter has five votes and votes for two candidates, each candidate receives 2.5 votes. Winners are the highest vote-getters (plurality).

### Pros

- shares most of the same pros as free cumulative voting system, including relative ease of use and of administration and more minority representation than with "winner take all"
- allows voters to limit number of candidates they support without losing voting power
- easier for parties/organizations to run teams of candidates than free cumulative voting

### Cons

- is more complex to explain than either limited voting or free cumulative voting
- the problem of split votes still exists, and parties/organizations must still be careful to limit the number of candidates they nominate/support
- more difficult to form coalitions than with choice voting

**Limited Voting.** Like the other systems described in this comparison, limited voting uses multi-seat electoral districts -- meaning districts that elect two or more representatives to a legislature. With limited voting, voters have fewer votes than there are seats. For example, in a five-seat district, each voter might be allowed to cast two votes, and the winners are the five candidates who receive the highest totals of votes. With limited voting, the fewer votes each voter has, the more likely political minorities will win fair representation when voters are limited to one vote, the victory threshold is as low as it is with cumulative voting and choice voting.

### Pros

- both casting and counting ballots in limited voting is simple and easy
- provides majority rule while providing more minority representation than "winner take all"

#### Cons

- can fall short of full representation due to vote-splitting
- constituencies or parties must limit the number of candidates they run or risk splitting their vote, leading to under-representation
- the nominating process can be open to manipulation by party leaders and a primary may be necessary to ensure fair representation
- more difficult to form electoral coalitions - both among like-minded candidates and among different political groupings - than with choice voting

**Choice Voting.** Choice voting (also known as preference voting, the single transferable vote and the Hare system) allows voters to rank candidates in order of preference: one for their favorite candidate, two for their second favorite, and so on. Candidates earn election when they reach the victory threshold. For instance, in a nine-seat district, a candidate must earn about 10% of the vote to earn one seat and a political party / slate needs more than 50% of the vote to win a five-seat majority.

To determine winners, ballots are counted in a series of rounds of elections. First-choices are counted, and any candidate who reaches the victory threshold is elected. In the next round, "surplus votes," those votes beyond the victory threshold obtained by any winning candidate, are counted for the second choices of voters as indicated by their ballots (for fairness, all ballots are counted for second choice candidates at an equally reduced value). If not all seats are filled at this point, as is typical, then the candidate with the fewest votes is eliminated, and ballots cast for that candidate are counted for the candidate listed next on each voter's ballot.

These rounds of election continue until all seats are filled or the number of remaining candidates equals the number of seats.

#### Pros

- a fully proportional voting system that is likely to ensure both majority rule and fair representation of political minorities
- voters' ballots are used efficiently, with most voters having the same number of effective votes (votes that elect someone)
- designed to ensure that as many voters as possible elect a preferred candidate
- the role for the voter is simple -- ranking candidates in order of preference, 1, 2, 3 etc.
- encourages coalition-building among allied groupings hoping to be ranked highly by supporters of the other grouping
- most adaptable of full representation systems to demographic shifts in the electorate
- since a lower ranking can never defeat a higher ranking, there is no incentive to limit the number of candidates, to bullet-vote, or to manipulate the order of rankings
- no need for primary elections or runoffs

#### Cons

- vote counting mechanism is difficult to explain -- voter education is necessary to ensure that voters understand the importance of rankings candidates
- complexity of count can lead to perceptions of manipulation of the system that can taint the process, even if based on misconceptions
- ballot-counting often requires the modification of current election administration, possibly including the purchase of new voting systems and ballot-counting software
- requires like-minded candidates to compete amongst one another for first-choice votes - essentially combining primary election competition and general election competition in a single round of voting

**Cumulative Voting Elections and Voting Rights Compliance, Non-Texas localities, 1987-1999**

<i>City/County</i>	<i>Year of Election</i>	<i>Office</i>	<i>Seats Filled</i>	<i>Seats Won By Minority</i>	<i>V.A.P.*, % Minority</i>	<i>Minority Group</i>
Chilton County (AL)	1988	Commission	7	1	11.8%	Black
Chilton County (AL)	1988	School Board	7	1	11.8%	Black
Chilton County (AL)	1992	Commission	7	1	<12%	Black
Chilton County (AL)	1994	School Board	7	1	<12%	Black
Chilton County (AL)	1996	Commission	7	1	<12%	Black
Chilton County (AL)	1998	School Board	7	1	<12%	Black
Centre (AL)	1988	City Council	7	1	10.97%	Black
Centre (AL)	1992	City Council	7	0	-	Black
Centre (AL)	1996	City Council	7	1	-	Black
Guin (AL)	1988	City Council	7	1	10.30%	Black
Guin (AL)	1992	City Council	7	1	10.30%	Black
Guin (AL)	1996	City Council	7	1	10.30%	Black
Myrtlewood (AL)	1988	City Council	5	(no candidate)	27.78%	Black
Myrtlewood (AL)	1992	City Council	5	(no candidate)	27.78%	Black
Myrtlewood (AL)	1996	City Council	5	(no candidate)	27.78%	Black
Peoria (IL)	1991	Council	5	1	20.9%	Black
Peoria (IL)	1995	Council	5	1	20.9%	Black
Peoria (IL)	1999	Council	5	1	20.9%	Black
Alamogordo (NM)	1987	City Council	3	1	24.0%	Latino
Alamogordo (NM)	1990	City Council	3	1	>24.0%	Latino
Alamogordo (NM)	1994	City Council	3	1	>24.0%	Latino
Alamogordo (NM)	1998	City Council	3	1	>24.0%	Latino
Sisseton (SD)	1989	School District	3	1	34%	Indian
Sisseton (SD)	1990 (3)#	School District	3 (3)	1 (3)	<30%	Indian
Sisseton (SD)	1991	School District	3	0	<30%	Indian
Sisseton (SD)	1992	School District	3	0	<30%	Indian
Sisseton (SD)	1993	School District	3	0	<30%	Indian
Sisseton (SD)	post-'93	School District	3	Unknown	<30%	Indian

*\*Voting age population      # Three elections to fill 3 seats each on nine-member school board*

## Black Representation Under Cumulative Voting in Illinois

Year	House	Senate
1894	3	0
1896	1	0
1898	2	0
1900	2	0
1902	2	0
1904	1	0
1906	1	0
1908	1	0
1910	1	0
1912	1	0
1914	2	0
1916	2	0
1918	3	0
1920	3	0
1922	3	0
1924	4	0
1926	4	1
1928	4	1
1930	5	1
1932	4	1
1934	4	1
1936	5	1
1938	4	1
1940	4	1
1942	5	1
1944	5	1
1946	5	1
1948	4	1
1950	4	1
1952	4	1
1954	6	1
1956	9	1
1958	9	1
1960	9	1
1962	9	1
1964	9	1
1966	11	4
1968	13	4
1970	13	5
1972	14	5
1974	15	5
1976	14	6
1978	15	6
1980	15	6

From 1870 to 1980, Illinois used cumulative voting to elect members of the State House of Representatives. Candidates ran in three-seat districts. These three-seat house districts also were used to elect a single state senator. Cumulative voting was used in both the general and primary elections.

This chart records how many black legislators were elected in each election between 1894 and 1980. Cumulative voting clearly provided a powerful gateway for black representation: black candidates were elected earlier than likely would have happened with single-member districts and, for most of the period, likely in bigger numbers. The state senate lagged far behind in black representation until the mid-1960s, when reapportionment in the wake of Supreme Court rulings on "one person, one vote" led to more equitable representation of Chicago.

These numbers alone do not provide details about these black representatives and their district. Based on the state senate results, however, it is likely that most black members of the House of Representatives in 1954-1964 were elected in white-majority districts. After 1964, blacks in the state senate and house probably were represented in comparable proportions because there were so few districts outside of Chicago where blacks made up at least 25% of the adult population (25% being the threshold vote necessary to ensure winning a seat). Put into a 21st century context, the history of cumulative voting in Illinois suggests that dispersed populations -- such as blacks in much of the South and Asian Americans and Latinos in much of the country -- would do well with cumulative voting and proportional systems.

*Notes: 1) Three black state legislators served a total of 14 terms from 1877-1895. 2) There were also interesting patterns of black legislators' service. In the senate, all legislators served consecutive years of service. In the house, however, numerous legislators had discontinuous service, likely indicating competition -- probably in primaries.*

**CHOICE VOTING AND MINORITY REPRESENTATION**  
**New York City Community School Boards**

	By population (1975) <sup>1</sup>	Percent of Seats Won								By registered voters (1993) <sup>2</sup>
		1977	1980	1983	1986	1989	1993	1996		
<b>Women</b>	--	42%	39%	41%	48%	49%	54%	54.5%	50.7%	--
<b>Blacks</b>	<b>21</b>	20	24	25	28	26	30	32.2	31.9	<b>27.3</b>
<b>Latinos</b>	<b>15</b>	14	12	20	17	17	16	17.3	21.5	<b>16.4</b>
<b>Asians</b>	<b>0.3</b>	1	0.7	--	--	0.7	1.4	2.4	3.8	<b>2.3</b>
<b>Minorities</b>	<b>37</b>	35	37	45	45	44	47	51.9	57.2	<b>46</b>
<b>Whites</b>	<b>63</b>	65	63	55	55	56	53	48.1	42.8	<b>54</b>

1. U.S. Census. 2. New York Voter Assistance Commission. Other sources: Leon Weaver and Judith Baum, "Proportional Representation on New York City Community School Boards," in *United States Electoral Systems: Their Impact on Women and Minorities*, Wilma Rule and Joseph Zimmerman (eds.), Greenwood Press, 1992.

**Summary of Racial/Ethnic Representation, 1993 and 1996 Elections**

*New York City has 32 Community School Boards. Each board has nine seats, and elections take place every three years, using choice voting. The threshold of representation for one seat is 10%, and every 10% jump in a voting group's share of the electorate means the opportunity to win another seat. Thus, in the following analysis, a racial/ethnic group having 21% will gain proportional representation by electing at least two candidates of choice, one that is 31% will gain proportional representation by electing three.*

- **Blacks:** In 1996, black candidates were elected in proportion to black voting age population in 26 of 32 districts, down from 28 districts in 1994. Three school boards were one black representative short of proportional representation; two boards were two representatives short. Citywide, blacks were represented far above their share of the voting-age population.
- **Asians:** Asians in 1996 were elected in proportion to their voting age population in 30 of 32 districts, as was true in 1993. Asian voters do not make up 20% of voting age population in any school district in the city, yet Asian candidates won at least one seat in 7 districts and 11 of 15 Asian candidates won overall.
- **Latinos:** In 1996 Latino candidates were elected in proportion to their voting-age population in 18 of 32 districts, up from 13 districts in 1993. Latinos are under-represented by only one seat on 12 of the 14 school boards where they do not have proportional representation. They are two representatives short in the other two districts. Latinos have at least one seat in 16 districts, more than one seat in 12 districts and have at least one seat in districts that are at least 16% Latino in every district except District 24.

## Choice Voting In Action

While the role for the voter in a choice voting election is straightforward, the counting of ballots is more complex. This example shows a sample ballot-count: the principle driving the ballot-count is that as many voters as possible should help elect a preferred candidate.

**Election scenario:** In this sample choice voting election, six candidates run for three seats elected at-large. To show how choice voting allows like-minded groupings of voters to win a fair share of seats, the candidates are divided into two "parties": Yellow and Blue. Three Yellow party candidates - Garcia, Brown and Jackson - run for the seats, matched by three Blue party candidates - Charles, Murphy and Wong. There are 1,000 voters.

**Setting a winning threshold:** The first step is to determine the number of votes needed to win a seat termed "the winning threshold." If no such winning threshold were set, then a very popular candidate might obtain far more votes than necessary to win, resulting in an unfair (a "disproportional") result. For example, in an election for three seats, suppose one candidate obtained 51% of first-choices votes meaning enough votes to earn two seats, which would be a majority. Setting a winning threshold provides a mechanism to allocate those 51% of votes such that those voters indeed can elect a majority of seats rather than just one.

With 1000 voters and three seats, the threshold of votes needed to win election is 251. **Note that the fewest number of votes that only the winning number of candidates can obtain is 251.** This winning threshold always can be determined by the "Droop formula":

$$1 \text{ vote} + \frac{\text{votes}}{(\text{seats} + 1)}$$

In this case, the Droop formula is: (1000 votes / 3 seats + 1) + 1 more vote = 251 votes.

**Ballot-Count:** The ballot-count occurs in a series of rounds. In each round a voter's ballot always counts toward that voter's top-ranked candidate who remains in the race. A chart follows, with an explanation provided below. The three winners are in **bold**.

Candidate	Party	1st Round	2 <sup>nd</sup> Round	3 <sup>rd</sup> Round	4 <sup>th</sup> Round	5 <sup>th</sup> Round
<b>Brown</b>	Yellow	175	+10 = 185	+10 = 195	+150 = <b>345</b>	-94 = <b>251</b>
<b>Garcia</b>	Yellow	<b>270</b>	- 19 = <b>251</b>	<b>Elected</b>	<b>Elected</b>	<b>Elected</b>
Jackson	Yellow	155	+6 = 161	+6 = 167	Loses	
<b>Charles</b>	Blue	130	+2 = 132	+75 = 207	+14 = 221	+44 = <b>265</b>
Murphy	Blue	150	+0 = 150	+30 = 180	+3 = 183	+5 = 188
Wong	Blue	120	+1 = 121	Loses		
(Exhausted)		0	0	0	0	45

**First round:** Yellow candidate Garcia has won 270 first choices and wins on the first count by surpassing the victory threshold of 251 votes.

**Second round:** Garcia has 19 surplus votes - those votes beyond 251. In the most precise method of allocating those surplus votes, all 270 of Garcia's ballots are counted for second choices at an equally reduced value. A little more than half of Garcia's supporters rank fellow Yellow candidate Brown second, about a third rank the other Yellow candidate Jackson second and the rest rank a Blue candidate second. (Voters are not restricted to ranking candidates of one party.) The allocation of surplus votes results in ten more votes for Brown, six more votes for Jackson, two for Charles and one for Wong.

**Third round:** There are no more surplus votes, and two seats still are unfilled. Thus, the candidate with the least support -- the Blue candidate Wong, who has 121 votes -- is eliminated. All of Wong's votes now count for the next choices on her supporters' ballots, with the exception of votes for Garcia; because Garcia already has

won, those votes move onto the next choice after Garcia. The bulk of Wong's votes go to fellow Blues, with a few going to Yellows. After this round of counting, no new candidate reaches the victory threshold.

**Fourth round:** The candidate who now has the least support, the Yellow candidate Jackson with 167 votes, is eliminated. Jackson's votes now count for his supporters' next choices mostly for fellow Yellow candidate Brown. Brown now is over the threshold, and she is elected.

**Fifth round:** Brown has 94 surplus votes, which are allocated to next choices on these ballots. Note that 45 of Brown's 345 voters chose not to rank either Charles or Murphy, which "exhausts" their ballots. Voters always have the option not to express any preference among remaining candidates. But most of Brown's supporters prefer the Blue candidate Charles to the Blue candidate Murphy, enabling him to earn the third and final seat. The election is over.

**Results and Analysis:** The Yellow party candidates Brown and Garcia and the Blue party candidate Charles win. More than 75% of voters directly elect a candidate, and many others rank one of the winning candidates highly. Having won 60% of first choice votes, Yellow candidates almost certainly would have won all three seats with a traditional, at-large "winner take all" system. Based on the results after the counting of first-choices, they also would have won all three seats even if voters had been limited to casting just one vote, as in "the one vote" version of limited voting. The two-to-one split of seats among winners is a fairer reflection of the voters' opinions.

Despite greater initial support, the Blue candidate Murphy loses to fellow Blue candidate Charles because Murphy had a ceiling of support. He was not ranked highly on the ballots of supporters of other candidates. Choice voting rewards having a combination of core support (measured by the capacity to be voters' first choice) and crossover support (measured by being ranked highly by supporters of other candidates).

## Instant Runoff Voting (IRV)

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*Instant runoff voting is a winner-take-all system that in a single election ensures the winning candidate has majority support.*

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Instant runoff voting (IRV) is a winner-take-all system that both protects majority rule and allows minority participation. It is a sensible alternative to both the plurality voting system and the two-round runoff system used in most American elections for offices held by a single representative, such as a president, governor, mayor or district representative.

In plurality voting, a voter casts one vote for a candidate, and the candidate who obtains the most votes wins the election. If more than two candidates run, however, the winner may receive less than 50 percent of the vote, and one of the candidates may be perceived as a "spoiler." In two-round runoffs, the top two candidates face off in a second round to produce a majority winner. But runoffs are expensive for both taxpayers and candidates who must pay for two elections. Instant runoff voting shares the advantage of plurality voting of only requiring a single election, but shares the advantages of two-round runoffs in ensuring a majority winner and eliminating fear of "spoilers."

**How IRV works:** When voters go to the polls, they cast a vote for their favorite candidate, but also specify their runoff choice. Voters specify these choices by ranking preferred candidates in order of choice: first choice, second choice, third choice and so on. If a candidate wins a majority of first choices, that candidate has earned victory with majority support. But if no candidate has such strong support, the candidate with the fewest first choices is eliminated, and a second round of counting takes place. The votes of supporters of the eliminated candidate are not "wasted." Instead, their vote counts for their next favorite candidate as indicated on their ranked ballot, just as if they were voting for their second choice in a runoff. In each round of voting, a voter's ballot counts for whichever remaining candidate is ranked highest on the ballot. Eventually one candidate emerges as a majority winner.

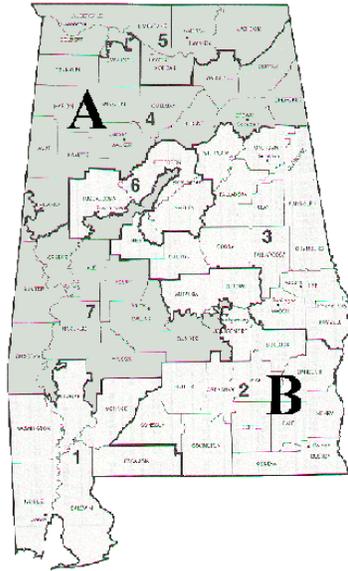
**Arguments for IRV:** IRV is like holding a two-round runoff, but all with one vote. In addition to saving taxpayers millions of dollars in election costs, the instant runoff has several other important benefits:

- IRV promotes positive, issue-oriented campaigns and coalition-building because candidates know that winning may require being the runoff choice of their opponents' supporters.
- When replacing two-round runoff elections, IRV is effective campaign finance reform because candidates won't need to raise more money for a second election
- IRV removes the "spoiler effect" whereby minor party or independent candidates knock off major party candidates, thereby increasing the choices available to the voters.
- IRV maximizes voter turnout because it encourages more candidacies (candidates don't have to be concerned about being tagged as "spoilers"), and voters don't have to return to the polls for special runoff elections.
- IRV all but eliminates the "lesser of two evils" problems, since voters can vote for their favorite candidate, knowing that if their first choice doesn't win, their vote will not be wasted.

While IRV can appear on paper to be a sensible solution to the problems of plurality voting or two-round runoffs, certain problems can arise. First, the system is simple for voters, but there is an initial education hurdle to explain the importance of ranking candidates. Second, voters accustomed to plurality elections might be disturbed if the candidate with the largest share of first choice votes was defeated in a later round of counting. Third, many older voting machines cannot be used for IRV, and upgrading vote-counting equipment to handle ranked ballots can be costly. Still, IRV is gathering more attention in the United States as a simple and cost-effective solution to the defects of plurality and two-round runoff elections.

**Where IRV is used:** IRV has been used for many years to elect Australia's Lower House, the Republic of Ireland's president, and a number of other official bodies. IRV is also used to elect the mayor of London and in 1998 was recommended by the Jenkins commission to elect the United Kingdom's House of Commons. In the United States, IRV has been considered in a number of states and municipalities. In Vermont the League of Women Voters and Common Cause have endorsed it for statewide elections, while in 2002, Alaska and San Francisco will vote on adoption of IRV for their major elections. IRV is used to elect the president of the American Political Science Association.

**Alabama**  
**What A Super District Might Look Like**



<u>Northern District A (3 seats)</u>		<u>Southern District B (4 seats)</u>	
Winning Percentage:	25%	Winning Percentage:	20%
Black % of VAP (1990):	26.9%	Black % of VAP (1990):	19.5%

*\*Note: Super Districts were created by combining existing U.S. House districts. As a result, the district line looks more “gerrymandered” than we would otherwise draw.*

**Voting Rights Analysis:** Black voters likely would elect candidates of choice in both districts. Under this system, the great majority of Alabama voters would elect a representative of their choice.

This map is an example of how full representation voting systems -- such as choice voting, one-vote voting and cumulative voting – can be vehicles for providing fair representation for black voters. Existing U.S. House districts, numbered 1 through 7, have been combined into two larger "super districts", A and B.

The voting-age-populations (VAP) and black share of these populations are shown above. The percentage of votes necessary to win is based on use of a full representation voting system.

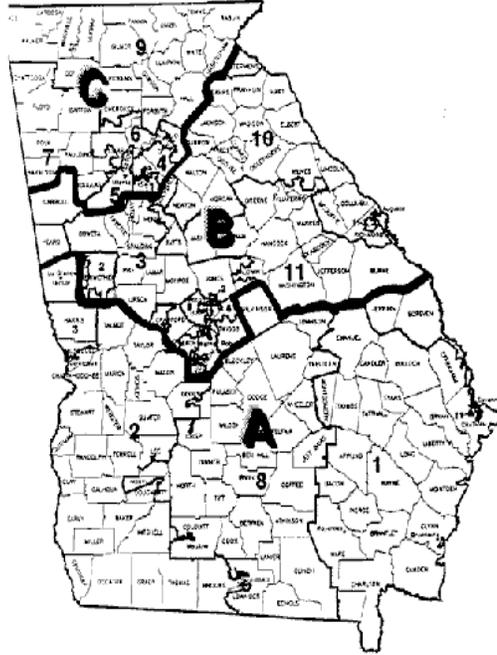
Note how a state with currently one black-majority district and one black House member might easily have two black members with this plan. Using a similar technique, we were able to draw super-district plans that likely would increase the number of black U.S. House representatives from Louisiana, Mississippi, North Carolina, South Carolina and Virginia.

Notice districts 6 and 7, gerrymandered into a puzzle-shape by politicians creating safe seats. The gerrymanders are diluted when the puzzle shapes are combined with their neighbors into larger districts. The super districts lead to more competitive elections and more choices for all voters.

Note that these figures are based on 1990 Census data and this analysis represents what likely would have happened in elections over the last decade.

In 1967, Congress passed a law requiring states to use one-seat U.S. House districts. In 1999, hearings were held on Congressman Mel Watt’s bill (HR 1173, the States' Choice of Voting Systems Act) that would lift this requirement. Similar super-district plans could be used for local and state redistricting plans in 2001-2. Many states and localities have no statutory barriers to using super district plans.

**Georgia**  
**What a Super District Might Look Like**



Southern District A (3 seats)  
 Winning Percentage: 25%  
 Non-white % of VAP (1990): 32.6%

Central District B (3 seats)  
 Winning Percentage: 25%  
 Non-white % of VAP (1990): 27.7%

Northern District C (5 seats)  
 Winning Percentage: 16.7%  
 Non-white % of VAP (1990): 24.6%

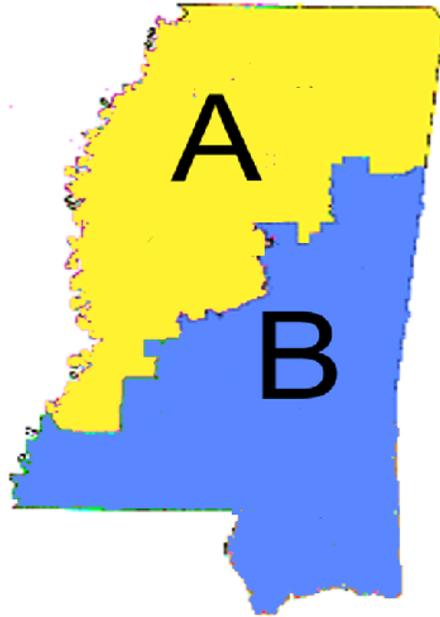
*\*Note: Super Districts were created by combining existing counties.*

**Voting Rights Analysis:** Black voters likely would elect representatives of their choice in each of the three districts. Under this system, most of Georgia's voters would elect a representative of their choice.

Existing U.S. House districts, numbered 1 through 13, have been replaced by three larger "super districts": A, B, and C. Notice the one-winner districts gerrymandered into puzzle-shapes by politicians, creating "safe seats." The gerrymanders are ineffective when the puzzle shapes are combined with their neighbors into one district. The super districts lead to more competitive elections and more choices for all voters.

This map is an example of how full representation voting systems -- such as choice voting, one-vote voting and cumulative voting -- can be vehicles for providing fair representation for black voters. The voting-age-populations (VAP) and black share of these populations are shown above.

**Mississippi**  
**What A Super District Might Look Like**



<u>Northern District A (2 seats)</u>		<u>Southern District B (3 seats)</u>	
Winning Percentage:	33%	Winning Percentage:	25%
Black % of VAP (1990):	38.1%	Black % of VAP (1990):	27.2%

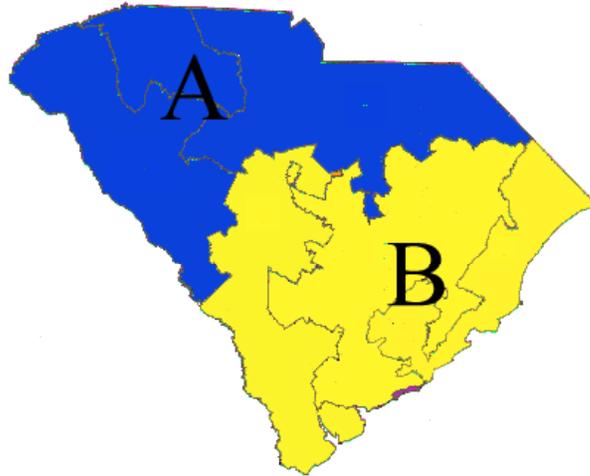
*\*Note: Super Districts were created by combining existing U.S. House districts. As a result, the district line looks more “gerrymandered” than we would otherwise draw.*

**Voting Rights Analysis:** Black voters likely would elect candidates of choice in both District A and District B. Under this system, the great majority of Mississippi voters would elect a representative of their choice.

This districting plan is an example of how full representation voting systems — such as choice voting, the one-vote system and cumulative voting — can be vehicles for providing fair representation for black voters in voting rights cases. U.S. House districts with one representative have been replaced by two "super districts," District A and District B. The lower percentage of votes necessary to win a seat is based on use of a full representation voting system.

Currently, Mississippi has one black-majority district and one black House Member. Since only a third of the state’s black voters live in that district, most African Americans in Mississippi have little chance to elect a black Representative. Under this plan, Mississippi might easily have two black Members. Using similar methods, the Center for Voting and Democracy has drawn super-district plans that likely would increase the number of black U.S. House representatives elected from Alabama, Louisiana, North Carolina, South Carolina and Virginia. Black voters likely would benefit in other states as well.

**South Carolina  
What A Super District Might Look Like**



Northern District A (3 seats)

Winner Percentage: 25%  
Black % of VAP (1990): 21.3%

Southern District B (3 seats)

Winner Percentage: 25%  
Black % of VAP (1990): 32.4%

*\*Note: Super Districts were created by combining existing U.S. House districts. As a result, the district line looks more “gerrymandered” than we would otherwise draw.*

**Voting Rights Analysis:** Black voters in District A could elect a candidate with support of white voters, and black voters in District B could elect a candidate of choice. Under this system, most of South Carolina’s voters, both black and white, would elect representatives of their choice.

This map is an example of how full representation voting systems — such as choice voting, the one-vote system and cumulative voting — can be vehicles for providing fair representation for black voters in voting rights cases. U.S. House districts with one representative have been replaced by two larger “super districts,” District A and District B. The percentage of votes necessary to win a seat is based on use of a full representation voting system (see above).

Currently, South Carolina has one black-majority district and one black House member. Since only a portion of the state’s African Americans live in that district, the rest do not elect a black House member. Under this plan, the state might easily have two black members. Using a similar technique, the Center for Voting and Democracy was able to draw super-district plans that likely would increase the number of black U.S. House representatives elected from Alabama, Louisiana, Mississippi, North Carolina and Virginia. Black voters likely would benefit in other states as well.

## ORGANIZATIONAL RESOURCES

### Legal

American Civil Liberties Union  
125 Broad St., 18<sup>th</sup> Floor  
New York, New York 10004-2400  
(212) 549-2500  
[www.aclu.org](http://www.aclu.org)

Asian American Legal Defense and Education Fund (AALDEF)  
99 Hudson Street, 12<sup>th</sup> Floor  
New York, NY 10013  
(212) 966-5932 Fax: (212) 966-4303  
[www.aaldef.org](http://www.aaldef.org)

Brennan Center for Justice  
161 Avenue of the Americas, 5<sup>th</sup> Floor  
New York, New York 10013  
(212) 998-6730 Fax: (212) 995-4550  
[www.brennancenter.org](http://www.brennancenter.org)

Department of Justice, Civil Rights Division  
950 Pennsylvania Ave., NW, Room 5642  
Washington, DC 20530  
(202) 616-2732 Fax: (202) 514-0293  
[www.usdoj.gov/crt/](http://www.usdoj.gov/crt/)

Lawyers Committee for Civil Rights Under Law  
1401 New York Ave, NW Suite 400  
Washington, DC 20005-0400  
(202) 662-8320 Fax: (202) 583-7130  
[www.lawyerscomm.org](http://www.lawyerscomm.org)

Leadership Conference on Civil Rights  
1629 K Street, NW, Suite 1010  
Washington DC 20006  
(202) 466-3311 Fax: (202) 466-3435  
[www.civilrights.org](http://www.civilrights.org)

Mexican American Legal Defense and Education Fund  
634 South Spring St., 11<sup>th</sup> Floor  
Los Angeles, CA 90014  
(213) 629-2512 Fax: (213) 629-0266  
[www.maldef.org](http://www.maldef.org)

NAACP Legal Defense and Education Fund  
1444 I ("eye") St., NW, 10<sup>th</sup> Floor  
Washington, DC 20005

(202) 216-5568 Fax: (202) 682-1312  
www.ldfla.org

National Asian Pacific American Legal Consortium  
1140 Connecticut Avenue, Suite 1200  
Washington, DC 20036  
(202) 296-2300 Fax: (202) 296-2318  
www.napalc.org

Puerto Rican Legal Defense and Education Fund  
99 Hudson Street, 14<sup>th</sup> Floor  
New York, New York 10013  
(212) 219-3360 Fax: (212) 431-4276  
www.igc.org/IPR/

Native American Rights Fund  
1506 Broadway  
Boulder, CO 80302  
(303) 447-8760 Fax: (303) 443-7776  
www.narf.org

Southern Poverty Law Center  
400 Washington Ave.  
Montgomery, AL 36104  
(334) 264-0286 Fax: (334) 264-0629  
www.splcenter.org

### **Community Organizing, Public Policy and Political Education**

Alabama Democratic Conference  
P.O. Box 6233  
Montgomery, AL 36106  
(334) 263-4040 Fax: (334) 265-6116

Advancement Project  
1100 17<sup>th</sup> Street, NW, Suite 604  
Washington, DC 20036  
(202) 728-9557 Fax: (202) 728-9558  
www.advancementproject.org

Center for Voting and Democracy  
6930 Carroll Ave., Suite 901  
Takoma Park, MD 20912  
(301) 270-4616 Fax: (301) 270-4133  
www.fairvote.org

Demos  
155 Avenue of the Americas, 4<sup>th</sup> Floor  
New York, NY 10013

(212) 633-1405 Fax: (212) 633-2015  
www.demos-usa.org

League of Women Voters  
1730 M St., NW  
Washington, DC 20036  
(202) 429-1965 Fax: (202) 429-0854  
www.lwv.org

National Association for the Advancement of Colored People  
4805 Mt. Hope Drive  
Baltimore, MD 21215  
(410) 358-8900 Fax: (410) 358-9350  
www.naacp.org

National Coalition on Black Civic Participation  
1629 K St., NW, Suite 801  
Washington, DC 20006  
(202) 659-4929 Fax: (202) 659-5025  
www.bigvote.org

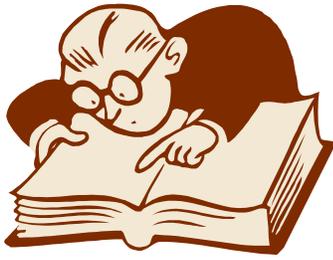
Southern Center for Studies in Public Policy  
223 James P. Brawley Dr., SW  
Atlanta, GA 30314  
(404) 880-8085 Fax: (404) 880-8090  
www.scspp.org

Southern Echo, Inc.  
P.O. Box 10433  
Jackson, MS 39289  
(601) 352-1500 Fax: (602) 352-2266

Southern Regional Council  
133 Carnegie Way, NW, Suite 900  
Atlanta, GA 30303-1024  
(404) 522-8764 Fax: (404) 522-8791  
www.src.w1.com

Southwest Voter Registration Education Project  
403 E. Commerce, Suite 220  
San Antonio, TX 78205  
1-800-404-VOTE Fax: (210) 222-8474  
www.svrep.org

*There are number of other national and local organizations that specialize or have a dedicated interest in voting rights. Many national organizations also have state and regional offices. This is not designed to be a complete list of these organizations. Please refer to local, state and national directories for organizations that may offer similar services.*



## GLOSSARY

**Alternative Election System** – Alternative election systems – specifically, cumulative voting, limited voting and choice voting – are methods of electing people whereby the majority does not control the outcome of every seat up the election. Groupings of voters can elect candidates in rough proportion to their share of voters – 20% of voters generally can win one of five seats, for example. These systems are different from most American elections, but are constitutional and reflect the one-person, one-vote principle.

**At-Large Election** – Candidates are elected from the entire area, not from geographically-defined districts within the area.

**Choice Voting** – A method of voting where voters maximize their one vote’s effectiveness through ranking candidates. Voters rank as many candidates as they wish, knowing that lower choices will not count against higher choices. Maximizes opportunities for minority representation and establishes strong incentives for voter and candidate participation. (Also called “single transferable vote” and “preference voting”).

**Constituent** – A citizen who resides in a particular representative’s area or district.

**Cumulative Voting** – A voting method in which voters have the same number of votes as there are representatives to be elected, but are able to allocate their votes however they wish – including putting more than one vote on one candidate. Promotes full representation.

**Cumulative Voting: Equal Allocation** – Cumulative voting system used in Illinois in which a voter’s votes are equally distributed among the candidates they support. For example, if voter has 5 votes and votes for two candidates, each/receives 2.5 votes.

**Descriptive Representation** – Descriptive representation describes the situation when representatives share the same racial or ethnic heritage as the majority of their constituents.

**District Election** – Candidates run for office

representing certain geographically-defined districts. Only one candidate can be elected from the district.

**Full Representation** – Voting systems that more fully represent the concerns and views of more voters than winner-take-all systems. Alternative election systems such as cumulative voting, limited voting and choice voting are American examples of full representation systems. (Also called *proportional representation*.)

**Gingles Test** – Standards by which plaintiffs win Section 2 cases under the Voting Rights Act. Plaintiffs typically can force creation of a minority opportunity district if there are positive answers to these three questions: (1) Is the minority racial group sufficiently large and geographically compact to constitute a majority in a single-member district? (2) Is the minority group politically cohesive? (3) Does the majority vote as a bloc to defeat the minority’s preferred candidate?

**Limited Voting** – A voting method in which voters cast fewer votes than the number of seats in a race. The greater the difference between the number of seats and the number of votes allowed, the greater the opportunity for representation of political and racial minorities. Can be used in conjunction with *limited nomination*, where in a partisan election parties must nominate fewer candidates than representatives to be elected. See *one vote system*.

**Minority Vote Dilution** – Condition in which the voting strength of minority groups is weakened and largely ineffective.

**Mixed System** – An election system combining single-member districts and either multi-seat districts or at-large elections.

**Multi-Seat District** – District in which more than one candidate is elected. Can be used with winner-take-all elections or with a full representation system.

**Numbered Posts** – Positions for a legislative

body, where candidates run from a particular “post” but still have to be elected at-large. Some numbered posts require that the candidate be a resident of a particular geographical area.

**One-Person, One-Vote Principle** – Law stipulating that everyone’s vote must be counted equally. This principle was behind the ruling that single-member districts in a legislature should have approximately the same number of people.

**One Vote System** – Limited voting system in which every voter has one vote no matter how many representatives are being elected.

**Plumping** – In cumulative voting, plumping describes how voters can allocate all of their votes to one candidate rather than distribute them among several candidates.

**Plurality** – The person, or persons, with the most votes win, even if less than a majority of the vote.

**Polarization** – In voting rights, polarization describes a division in the manner which groupings of voters cast their vote along racial lines. For example, an area would exhibit polarized voting if most white voters support a particular candidate and most black voters support another candidate.

**Preclearance** – Requirement that states and jurisdictions covered by Section Five of the Voting Rights Act must seek approval from the U.S. Justice Department for changes in election laws or practices to ensure that they do not dilute the voting strength of racial minorities.

**Preference Voting** – See *choice voting*.

**Proportional Representation** – Proportional representation (PR) describes a range of voting systems used in most democracies. The principle of PR is that parties or like-minded individuals should win seats in legislatures in proportion to their share of the popular vote.

**Racially Polarized Voting** – Consistent relationship between the race of the voter and candidate whereby race is the determinant factor in the manner in which the voters vote; “whites vote for whites ... blacks vote for blacks.” See *polarization*.

**Representation** – Governing structure in which a few individuals make decisions for a political jurisdiction— in general, elected individuals from specific areas make governmental decisions for individuals who reside in those specific areas.

**Close Up Runoff Elections** – Election method used in most local and primary elections in the South in which the top two candidates face off in a second round of voting if no candidate wins a majority (or a pre-prescribed lower percentage) in the first round.

**Semi-Proportional System** – Full representation election systems like cumulative voting and limited voting where proportional outcomes (groups winning seats according to their population percentage) in elections may be produced, but are not guaranteed.

**Shaw Case** – U.S. Supreme Court ruling in 1993 that established that using race as a primary factor in redistricting may be unconstitutional.

**Single-Member District** – A specific boundary of an area where only one individual can be elected to represent that area in a given office.

**Substantive Representation** – A principle describing the degree of responsiveness of a representative to his/her constituency.

**Threshold of Inclusion** – The percentage of the vote a grouping of voters must obtain in order to have a guaranteed chance of electing someone of their own choosing.

**Voting Rights Act** – 1965 federal law ensuring equal opportunity and fairness in voting – initially for African Americans, protections were later added for other racial and ethnic minorities.

**Section 2 and Section 5** of the Voting Rights Act are important for representation. Section 2 prohibits minority vote dilution due to laws or practices that weaken the voting strength of protected racial minorities. Enforceable nationwide, it prevents municipalities from enacting practices that would deny minorities a fair chance to elect candidates of their choice. Section 5 of the Voting Rights Act requires certain areas of the country to obtain “preclearance” from the US Attorney General or the US District Court for the District of Columbia for any changes with reference to voting. These areas are known as “covered jurisdictions.”

**Winner-Take-All System** – Describes most American election systems where 50.1% of voters can win all representation. Contrasts with full representation systems where seats are distributed according to the share of the vote won by a like-minded grouping of voters.

