

# VOTING AND DEMOCRACY REVIEW

*The Newsletter of The Center for Voting and Democracy*

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"Making Your Vote Count"

Fall 1994

## U.S. House Elections: Dubious Democracy

### *Lack of Choice, Low Participation Undercut Vote for Change*

*Forty years of one-party rule came to an end this year, when Republicans gained a majority in the U.S. House of Representatives. Yet the vote for change cannot disguise a fundamental truth: House elections are hardly democratic. Due to partisan gerrymandering and a winner-take-all voting system, most voters lack real choices, leading directly to an absurdly low voter turnout. CV&D's Rob Richie makes the case for adoption of proportional representation.*

The 1994 elections have resulted in Republicans gaining control of the U. S. House of Representatives for the first time since 1954. But the great majority of Americans did not help bring about this change, either not voting for Republicans, voting in barely contested House races or simply not voting at all.

1994 unofficial results show less than 36% of eligible voters voted in House elections. Only 12% of seats changed party, and most elections were won by landslides (over 60%). The 67% "landslide index" for incumbents actually was higher than in 1992, and 91% of all incumbents won re-election -- not too much lower than 1988's 98% rate.

Consistent for decades, such figures are not targeted at Republicans. Their victory in fact was long overdue if our system's defenders have any pretense of sincerity in arguing our system promotes regular changes in power. That the GOP had not won more than 44% of House seats since 1958 despite often winning the presidency had made such defenses ridiculous: the reality is winner-take-all easily can mean one-party domination.

What of 1994, then? Rushing to call the election a major realignment, pundits have failed to grasp the impact of the rules of the game. New polls show that two-thirds of Americans expect little change in Washington and give a higher favorability rating to a theoretical new party than to the Republican party. 1994's vote for "let's-try-the-only-other-option" is hardly a mandate.

Change may happen, but it's a safe bet that it won't make most voters any happier. Their frustration with wage stagnation, crime, bureaucracy and other problems demand far more complex solutions than those in the Republicans' poll-driven "Contract with America."

But as the technology for running winner-take-all campaigns becomes more sophisticated -- with focus groups, polling and opposition research -- complex messages about truly new ideas are harder than ever to deliver in the "zero-sum" world of a two-party system. 1994's campaigns were among the worst in history as far as personal attacks, empty sloganeering and mirror-image messages by both parties targeting the same group of "swing" voters. These problems are all directly connected to voters having only two credible choices.

#### **PR a Real Alternative**

It's clearly time to take a hard look at our winner-take-all voting system. Its survival is due far more to institutional inertia than any reasoned support for its use over proportional representation (PR) systems that maximize voters' ability to elect the candidates they like best.

Many defenders of winner-take-all voting might protest, but very few of them have any real knowledge of PR or the range of ways it could be adopted. Dire warnings about Italy's experience with PR obscure PR's record of success. (see page four)

#### **Democracy 2000: How to Get PR for Congress**

Congress in 1967 passed a statute (2 USCS 2c) that requires states to use single-member districts. But there is a long history of states using multi-member districts for their House delegations: Congress required single-member districts first in 1842 (to allow for more political diversity within states), dropped the requirement in 1852, restored it in 1862 and dropped it again in 1929.

Congress should give states the option to use PR in multi-member districts. Such an amendment to the 1967 law would be quite consistent with its original intent, which was to protect racial minorities by removing the possibility of *winner-take-all* at-large elections after passage of the Voting Rights Act.

Support for PR for Congress is growing, with voices as diverse as Kevin Phillips, Eleanor Smeal, *New Yorker* editors and Clarence Page urging its consideration. CV&D strongly recommends formation of high-level, multi-partisan commissions at national and state levels to review the full range of potential electoral reforms.

## Note from the Director

*Voting and Democracy Review* now will be produced four times a year, due to a sensible decision by The Center for Voting and Democracy's new, highly-qualified Board of Directors (see box to right) to divert some of our resources to several exciting projects. A survey of recent activities indicates how much we seek to do in this time of great opportunity to pursue electoral fairness:

- Within hours of polls closing, CV&D released a report on the **1994 elections**, analyzing the number of votes cast for losing candidates, representation of women, voter turnout and uncompetitive House races. The report was cited in *USA Today*, featured in the *Cleveland Plain Dealer* and led to several radio interviews. A longer report will be released in January.

- The National Civic League has held two meetings of a **Voting Rights in Local Governance Project Advisory Committee** to produce a comprehensive handbook for communities on compliance with the Voting Rights Act. I was asked to serve on the committee with leading voting rights experts to provide expertise on modified at-large voting systems. CV&D Board member Ed Still and I will co-author a chapter on these systems for the handbook.

- Ed Still and University of Virginia law professor Pamela Karlan prepared an excellent **amicus brief** on behalf of CV&D to file in a Maryland voting rights case in which a federal judge imposed cumulative voting (see page 3).

- In Ohio, state leaders led by a former Member of Congress, filed an **anti-gerrymandering suit** against the state's 1992 redistricting plan. CV&D Advisory Board Chair John Anderson is co-counsel in the case, and CV&D was consulted on the plaintiffs' suggestion for PR as an alternative approach.

- The **City of Cambridge** gave CV&D a contract to prepare a study on computerizing its preference voting system ballot count. Preliminary reaction to the report has been quite favorable; CV&D answered questions about the report at a well-attended public meeting.

- New York City uses preference

voting for its **Community School Board elections**, and CV&D has organized two meetings among civic and educational leaders to develop an education program on the system before the 1996 elections.

- CV&D members published a range of **books** touching on PR, including Sam Smith's *Shadows of Hope*, Matthew Cossolotto's *Almanac of European Politics*, Douglas Amy's *Real Choices*, *New Voices*, David Kairys' *With Liberty and Justice For Some*, Wilma Rule and Joseph Zimmerman's *Electoral Systems in Comparative Perspective* and Lani Guinier's *Tyranny of the Majority*,

- We continue to edit our quarterly column in the *National Civic Review* and **write articles** for such publications as the newsletters of the Center for Responsive Politics and Poverty and Race Research and Action Council.

- Many CV&D members have been active in their home areas. **North Carolina's** Lee Mortimer served on a city-county merger task force and nearly convinced fellow members to suggest preference voting. Pro-PR groups with CV&D members in **Washington, California** and **Massachusetts** all filed press releases on the 1994 elections, while CV&D members wrote pro-PR columns for publication in **New York, Iowa, Montana, Missouri** and more.

- On a daily basis we respond to **information requests** from professors, city managers, state legislators, voting rights organizations and reformers.

- Looking ahead to the next few months, we shortly will produce our ***Voting and Democracy Report: 1995***, release a graphics series explaining preference voting, present our *Champion of Democracy* awards for 1994, hold events in three cities and write requested articles for several publications.

Yes, we've got a lot to do! We thank you for your volunteer activity and financial assistance that makes our work -- still done on a shoestring budget despite growing prospects for assistance from foundations -- possible.

**Rob Richie**

**The Center for Voting and Democracy (CV&D)** serves as a clearinghouse on voting systems that foster responsive governance, fair representation and voter participation.

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## Voting System Reform Update

➤ **Seattle group starts PR campaign:** Washington CPR is campaigning hard to adopt preference voting for Seattle city council elections. Signature-gathering has begun for a 1995 vote; the campaign's advisory committee includes a former president of the League of Women Voters, Seattle NOW, a retired county commissioner and representatives of the Libertarian Party and Rainbow Coalition. For information, write WCPR at: P.O. Box 20534, Seattle WA 98102.

➤ **Phillips, Jackson, ADA call for national commission to examine PR:** Creation of a national commission to study proportional voting systems was urged recently by Rev. Jesse Jackson in an address to the National Rainbow Coalition's annual conference, by Americans for Democratic Action in a formal resolution and by Kevin Phillips in his new book *Arrogant Capital*.

➤ **Maryland cumulative voting order reversed on narrow grounds:** The Fourth Circuit Court reversed an historic order requiring Worcester County (MD) to implement cumulative voting shortly before a scheduled election. Citing Justice Clarence Thomas' opinion in the 1994 *Holder v. Hall* case that described modified at-large voting systems as viable options in voting rights cases, a three-judge panel described cumulative voting as a legitimate remedy, but said the county should have more of an opportunity to choose a new system.

Cumulative voting is gaining support elsewhere in Maryland. In Salisbury, Republican city council member Bob Caldwell's proposal to adopt cumulative voting led to a request for CV&D's Rob Richie to make a presentation to council members and community leaders.

➤ **PR plans draw attention in several communities:** Leaders in several cities and counties now are talking about cumulative voting and preference voting.

In Durham (NC), a Republican city council member and Democratic county commissioner joined many community

leaders and the *Durham Herald-Sun* in supporting PR as part of a proposed city-county merger. A task force voted by a one-vote margin not to recommend preference voting, but the plan may be resurrected if merger plans continue.

In Florida, a *St. Petersburg Times* editor has advocated cumulative voting for school board elections, while Miami Beach's Blue Ribbon Committee on Diversity hosted CV&D's Rob Richie for a well-received presentation on PR.

➤ **Courts send mixed messages on voting rights:** In June the Supreme Court upheld "majority minority" districting in the Florida *De Grandy v. Johnson* case, but put limits on how many such districts should be drawn. Federal judges in North Carolina's much-watched congressional districting case approved black majority districts, but judges in Georgia, Texas and Louisiana threw out similar districts. The Supreme Court likely will rule on these cases during its current term.

➤ **German elections earn points for PR:** October elections in Germany showed the strength of its "mixed member PR" system. Helmut Kohl's ruling coalition retained power and 80% of voters supported the major parties, but the option to vote for other parties gave the system the flexibility to respond to pressures from the Green Party and eastern Germans adapting to a new economy. Neo-fascists were rejected.

The role of PR can be demonstrated by comparing district and PR elections. Kohl's coalition won 67% of single-member district seats with its 48.4% of the vote, but the PR seats allowed other parties to win their fair share.

➤ **Women fare well in PR elections in Germany, Sweden:** Women won 41% of seats in Sweden's September elections after women threatened to form a new party if major parties did not nominate more women. In Germany's election, women won 26% of seats, including 39% of seats elected by PR.

### Notable Quotes

"[A] far-reaching reform that deserves more attention is modifying our electoral system in the direction of proportional representation with an eye to opening up the parties and increasing voter participation.... Americans should at least begin thinking about how to modify our system in a proportional direction."

Political commentator Kevin Phillips, in his 1994 book **Arrogant Capital**

"The system of proportional representation ensures that virtually every constituency in the country will have a hearing in the national and provincial legislatures."

Bishop Desmond Tutu, in 1994 book **The Rainbow People of God**

"There is no issue that is more sensitive to politicians of all colors and ideological persuasions than redistricting. It will determine who wins and loses for eight years."

Ted Harrington, political science chair, UNC-Charlotte, quoted during *Shaw v. Hunt* trial, March 1994

"Another change that could have a positive outcome [on voter turnout] is the addition of more political parties and candidates....[T]he one way to assure more diversity on the ballot is to change the electoral system and adopt proportional representation."

Seymour Lipset, 2/94 **Insight** article "Why Americans Refuse to Vote"

"There may have been a time when our interests were more or less tied to our geography. But in the highly mobile society that America has become, political viewpoint certainly seems worth considering in drawing the boundaries of a district....One interesting proposal would cut the Gordian knot by eliminating districts altogether in favor of a proportional representation scheme."

William Raspberry, October 1994 column in *Washington Post*

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## ***"Making Your Vote Count"***

### **DUBIOUS DEMOCRACY (continued from page 1)**

in most democracies using it and overlook the many forms of PR that lie between the polar extremes of Italy's old form of PR and American winner-take-all voting.

Consider this example of a modest PR plan for North Carolina. The 12 current single-member districts would be replaced by four districts electing three members. Candidates would be elected by preference voting, in which voters rank candidates in order of preference. Campaign costs easily could decrease, a "stable" 25% of the vote would be needed to win a seat and geographic interests still would be represented.

More ambitious PR plans include preference voting in larger districts or the adoption in a large state like California of a German-style "mixed member proportional" system -- with half of seats elected from single-member districts and half from party lists to correct winner-take-all's inevitable distortions. State legislative elections allow for even more creative options.

But it won't happen with continued short-sighted thinking by legislators and public interest leaders. The year 2000 may seem far off, but the fight over redistricting -- and thus, control over most legislative seats until 2010 -- already has begun. Rather than buy into this elitist struggle fought behind closed doors, we should demand that legislators in the new century give the power to choose representatives back to the voters.

For those new to the case for PR, here are key arguments:

**Voter choice:** Just as consumers demand more than two choices among products, voters deserve a full range of choices in legislative elections. Having to accept the "lesser of two evils" is a recipe for voter alienation and candidate mediocrity.

**Voter turnout:** The fact that most democracies with PR have voter turnout far higher than the U.S. is only logical given that PR provides voters with more choices and a better chance to elect favorite choices. Low voter turnout undercuts the legitimacy of our representation and governance itself.

**Pork-fed deficits:** With representation in Congress defined by where one lives more than what one thinks, Members are only acting rationally when seeking to obtain as many government projects as they can for their districts. PR would result in more Members who could put national interests over local "pork."

**Congress looking like America:** Our Congress has a lower percentage of women than nearly every democracy with PR, few blue collar workers win office and racial and ethnic minorities are under-represented at every level of government.

**Gerrymandering:** Drawing winner-take-all districts inevitably locks many voters out of a chance to elect someone, and computer technology allows selection of these "filler" voters with increasing precision. PR frees voters to define their own representation by electing candidates of their choice.

### **The Voting and Democracy Index**

Percent of Americans who in 10/94 said their Member in U.S. House of Representatives deserved re-election: 37%.  
Percent House incumbents re-elected in 11/94: 91%.

Percent of eligible voters who helped elect a Member of the House in 11/94: 23%. Percent Americans in 10/94 who could identify local House Member: 28%.

Voter turnout in House races in 1994: 37%. Percent House races won by "landslides"(over 60% of vote): 63%.

Percent of eligible voters who voted for Republican House candidates in 1994: 18%. Percent of Americans who said after the election that Republicans will do a better job running Congress than Democrats: 31%.

Percent of women now in U.S. Congress: 11%. Percent women in seats in Germany's parliament elected in single-member districts: 13%. Percent of women in Germany in seats elected by proportional representation: 39%.