

# VOTING AND DEMOCRACY REVIEW

*The Newsletter of The Center for Voting and Democracy*

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"Making Your Vote Count"

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## North Carolina Takes Close Look at PR

*Study commission formed, CV&D member set to testify in Shaw*

*In the wake of last year's Supreme Court ruling on North Carolina's redistricting plan, current winner-take-all methods of enforcing Voting Rights Act provisions to allow racial and ethnic minorities to elect candidates of choice are under attack across the nation. No state has gone further to study alternatives to single-member district plans than North Carolina -- in no small part due to the efforts of Lee Mortimer, who provides the following report.*

The Election Laws Review Commission, approved by the 1993 North Carolina General Assembly, begins its work on January 27. It will be the first of monthly meetings through the end of 1994. The Commission then will make recommendations for election-law changes to the 1995 General Assembly.

The Commission will study three areas: alternate election systems, campaign finance reform and voter registration. Commissions originally had been proposed for each topic separately, but the legislature decided to consolidate them under a single commission. This consolidation will permit an integrated analysis of the different areas.

The Commission has 21 members, including six state senators and nine state representatives. The co-chairs are Sen. Clark Plexico and Rep. Paul Luebke. Luebke, a fellow Durham resident, has been interested in proportional representation (PR) since I began talking to him about PR for Durham's school board two years ago. He introduced last year's resolution to study alternate voting systems.

The Commission will investigate whether to add limited voting (already used to elect several North Carolina local governments), cumulative voting and preference voting to the list of election options for local governments. Currently, localities must obtain General Assembly approval to adopt anything other than winner-take-all elections.

### **PR Plan Gains Attention in Shaw Case**

The study commission's creation follows on the heels of last summer's Supreme Court ruling to allow a legal challenge to North Carolina's 12th congressional district, which has a majority of African-Americans. The case -- once *Shaw v. Reno*, now *Shaw v. Hunt* -- is scheduled to go to court by April.

The plaintiffs' attorney, Duke University law professor Robinson Everett, has asked me to testify about how cumulative voting and preference voting could provide fair minority representation in North Carolina's congressional elections -- an idea raised by former Justice Department nominee Lani Guinier at the NAACP's 1993 convention. I introduced Everett to Guinier when he attended her well-received speech at Duke in December.

I have submitted a plan that creates three multi-member districts that correspond to the state's geographic regions. In November, I gave a deposition during which I was questioned by a state deputy Attorney General and by attorneys for the NAACP Legal Defense and Education Fund, which has intervened in defense of the current district plan.

My role in the case led to a Page 1 article (with accompanying map) by Jim Morrill, political editor of the *Charlotte Observer*, the state's largest newspaper. My commentary on the plan has run in newspapers across the state, drawing serious attention. State senator Leslie Winner told the *Observer*: "I wouldn't dismiss anything out of hand....It is worth our thinking through as a society how we want to accomplish getting different voices heard in a system that doesn't make people feel alienated."

A possible barrier to the PR plan is a 1967 congressional statute that requires states to use single-member districts for House elections. However, after meeting with Everett in November, CV&D Board member and noted voting rights attorney Ed Still met with staff of a congressional subcommittee that is holding hearings on amendments to the Voting Rights Act. Still discussed amending the Act to give states the option to use PR systems.

Interest in this amendment should only increase following December's federal court ruling that rejected Louisiana's congressional plan based on alleged "racial gerrymandering" in one district. The Louisiana case may weigh heavily when *Shaw v. Hunt* is heard in federal court here this spring.

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## Note from the Director

Less than two years old, CV&D enters the new year with a string of important accomplishments and an exciting array of projects for 1994.

Here are some examples:

• **Producing *Voting and Democracy Report: 1993*:** In December, we held a press conference with National Advisory Board Chair John Anderson, media counselors from the German and South African embassies and a leading Russian analyst to release preliminary copies of our first annual survey of 1993's electoral reforms and elections. With contributions from 20 authors, the report fills an important vacuum in our public debate. (Copies of the final report will be available in February for \$9.)

• **Informing communities:** The Cincinnati city council in 1993 put cumulative voting on the ballot after investigating voting systems with our assistance. CV&D has generated informed debate on proportional representation (PR) in communities ranging from Nassau County (NY) to Seattle (WA) and Durham (NC). We edit a column for the *National Civic Review*.

• **Stimulating public debate and understanding:** CV&D members have written articles on PR in publications ranging from the *New Yorker* to the *New York Times*. Three hours of our 1993 conference were televised on C-SPAN.

CV&D also has taught about voting systems to groups of high school students visiting Washington, D.C., and is planning workshops to assist members' efforts around the nation. And I have been a panelist at conferences organized by such organizations as the NAACP Legal Defense Fund and Americans for Democratic Action.

• **Working with electoral reformers overseas:** CV&D staff members last year were invited to New Zealand for a speaking tour during the successful referendum campaign to adopt PR, while CV&D President Matthew Cossolotto met with leading British reformers and presented our 1992 *Champion of Democracy* award to Paddy Ashdown, party leader of the Liberal Democrats.

• **Explaining Lani Guinier's ideas:** The media grossly distorted former Justice Department nominee Guinier's support of cumulative voting. CV&D issued press releases that resulted in radio appearances and more accurate coverage. Many CV&D members wrote newspaper columns detailing her ideas.

• **Collecting and distributing materials on voting systems:** CV&D has an up-to-date collection of written and visual material on PR. We monitor local, national and international developments and distribute this information to media, public interest groups, educators and international reformers.

CV&D has only begun the process of sharing a wealth of information with the American people. With members' continued help, we can take great strides toward increasing understanding of a subject of vital importance to the future of our democracy and to emerging democracies around the world.

**Rob Richie**



### Member Profile: Steven Hill

CV&D is starting to spawn a number of independent state affiliates. Washington State CPR! provides the model for these groups, primarily due to the energetic, innovative and even-handed leadership of Steven Hill.

Two years ago, Steven decided to forgo entering a prominent law school to avoid high debts. Living on a small stipend from organizing farm workers, Steven put principle before self-interest.

In its brief history, Washington CPR! has sparked three pieces of PR-related state legislation, run candidates for Seattle and Tacoma city council, had monthly public meetings, spoken to countless civic and public interest groups, printed many commentaries and letters in newspapers and appeared on several radio shows. It is exploring a Seattle initiative, to be launched with a March conference of key constituencies.

Steven also has been a big help to CV&D; he currently is assisting our factsheet project. The legal profession's loss has been the PR movement's gain.

**The Center for Voting and Democracy (CV&D)** is a tax-exempt educational organization that serves as a national clearinghouse on proportional representation (PR) and other alternatives to the plurality voting systems used in most United States elections. CV&D was founded in 1992.

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**Robert Richie**

## Voting System Reform Update

**Washington state legislature to consider more PR legislation:** U.S. Senate candidate Jesse Wineberry this year will introduce the Citizens Voting Rights Act. The bill mandates single-member districts for all non-chartered localities (currently elected at-large), but gives them the option to adopt proportional representation (PR) instead.

CPR!-Washington, an affiliate of CV&D, convinced bill sponsors to include the PR-empowering provision. Two other PR-related bills introduced last year may have hearings in 1994.

**Study finds only half of midwest civic activists happy with winner-take-all:** The Democracy Agenda Project, organized by George Washington University professor Larry Hanson, last fall asked over 200 civic activists from five midwest states to study a series of possible political reforms to increase competitiveness in our elections.

Participants ranked PR behind reforms in ballot access and campaign finance, but ahead of "none-of-the-above" voting. When asked whether to maintain winner-take-all, implement PR by the year 2010 or establish a national commission to examine PR systems, only 53% opted for the status quo.

**Preference voting on campus:** Last November the Univ. of California-Berkeley used preference voting for student council elections, in which 8200 students voted. In addition, the Rutgers physics graduate student program used PV for its elections at the urging of CV&D member Jack Bennetto.

Meanwhile, in Oregon, CV&D member Brian Wanty last year organized an effort at Lane Community College to adopt party list PR for student elections. His initiative received 60% of the vote, but needed a two-thirds majority to win.

**Pro-PR Canadian organization hosts February conference:** CV&D has been invited to attend a conference on electoral reform organized by the pro-PR Canada West Foundation in February. PR will be a central topic of debate.

**South African constitution calls for PR:** Reflecting a broad consensus, the constitution adopted by South Africa in December institutes PR for all levels of government in the April elections. Seats in the lower house, cabinet and regional legislatures will be allocated by party list PR, first by region and then nationally to parties reaching a 5% threshold.

**Italy to hold March election using semi-PR system:** Italy in March will use its new "mixed member" voting system for the first time. 75% of seats will be filled in winner-take-all, single-member districts, 25% by PR in a way designed to correct unfairness in district seats.

**"Mixed" PR elections in Russia:** In December elections, Russia used a mixed member voting system. 225 candidates were elected from single member districts, 225 from party lists by PR with a 5% threshold. Unlike Germany (and now New Zealand), party list seats did not compensate for distortions in the district elections.

Some extremist parties did relatively well, but no voting system could resolve the tensions of a democracy undergoing such rapid, wrenching change. The elections did result in representation of Russia's diversity, including 24 seats won by the Women of Russia party.

**Japan's electoral reform bill may be defeated:** Japan's upper house in January voted against the coalition government's electoral reform bill. The bill's most important feature was to replace the semi-PR "single nontransferable vote" system for the lower house (with voters having one vote in districts of 3-to-5 members) and replace it with a system with 276 members elected from single-member districts and 224 by party list PR.

The PR seats would not have corrected district election unfairness, a key reason for the bill's defeat. The defeat may lead to a fairer law closer to the German system or to one weighted toward "winner-take-all," as preferred by the opposition Liberal Democrats.

### Notable Quotes

*"There shall be representative government, embracing multi-party democracy, regular elections, universal adult suffrage, a common voters' roll, and, in general, proportional representation."*

Constitutional Principle VIII  
South Africa Constitution

*"The CCA [Cambridge Civic Association] is convinced that Cambridge should remain extremely proud of its electoral system, and should be working to help convince other cities and towns that our way is in fact the right way."*

R. Philip Dowds, CCA President,  
in 12/19/93 letter to Cambridge city council (with a CCA majority elected by preference voting)

*"In a revelatory book that people serious about politics or social policy could wisely set aside the time to read, [Amy] makes the case that American politics can be re-energized by adopting proportional representation."*

Ronnie Dugger, in 12/26/93  
*New York Times Book Review*,  
on Douglas Amy's new book on PR, *Real Choices/New Voices*

*"It is perhaps to be desired that various modes shall be tried."*

James Madison, in 1788 letter to Thomas Jefferson on the at-large election system in Pennsylvania

*"The legislative body should not limit its discussion of a proposed plan to single member districts which is the traditional remedy.... Rather, it should also examine other schemes...in particular, limited voting, cumulative voting and [preference voting]."*

Senior U.S. District Judge Joseph Young, in 1/94 order requiring Worcester County (MD) to seek an alternative to its winner-take-all, at-large voting system

## Voting and Democracy Review

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ADDRESS CORRECTION REQUESTED

### "Making Your Vote Count"

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#### Developing Technology to Use a Fair System: Preference Voting

*Jim Lindsay is coordinator for Northern California CPR -- an independent affiliate of CV&D -- and chair of CV&D's Technology Committee. A computer programmer, Jim has led CV&D's efforts to mechanize and computerize preference voting (PV). The Committee recently was authorized by the Cambridge city council to study the city's 1991 PV election ballots with CV&D software in order to measure the benefits of computerization. Jim has encouraging news on the Technology Committee's work.*

As soon as we propose preference voting (also known as the "single transferable vote") to local governments or private organizations for their elections, we find that they are concerned about the logistics of the PV election process. How do people vote? How is the vote counted? Will it be too complex? Too expensive? Take too long?

We must be able to "slam-dunk" these questions. The vote must be easy for voters and for election boards, the equipment must be affordable and the election count must be fast. It is the task of the CV&D Technology Committee, which I chair, to answer these questions.

Last November, we developed a RFP (request for proposal) and sent it to the 18 companies that are listed by the Federal Election Commission as supplying election equipment and to several other companies.

We already have located 8 companies interested in supporting PV and expect to identify more. Five companies provide electronic voting booths; the others have a scanning system, a punch card system and vote-counting software. The cost of these systems appears to be competitive with traditional voting technologies.

Electronic Voting Booths probably are the most attractive technology for PV. One example of how they could work is as follows. A voter would touch the name on a screen of their favorite candidate, and a "1" would appear by the candidate's name. The voter then would touch their second favorite candidate's name, a "2" would

appear by the name and so on until the voter was finished.

The votes could be sent in to the count center via modem, and the count could be complete literally minutes after the polls were closed (with absentee ballots entered by hand or by a scanning system). These systems include audit trails, full reporting capabilities and ballot security.

Other possibilities for PV election technologies are: punchcards, mark-sensing scanners (with numbers inside of circles -- voters pencil in the appropriate circles); bar-code stickers to be placed by candidates' names; and hand-written ballots read by optical character recognition.

The bottom line is that logistical concerns soon will no longer be an impediment to adoption of PV. That's great news to those of us who believe that PV is the fairest voting system for local and private elections.

*For a summary of the vendors interested in PV, local government officials should call CV&D at 202-882-7378.*

#### The Voting and Democracy Index

Number of times in last 20 years of Gallup polling that approval of Congress has reached 50%: 0 times. Percent of Congress a citizen controls with his/her votes: 0.5%.

Percent of vote won in Salerno by the Salerno Progress party in December 1993 Italian municipal elections, which used winner-take-all for the first time: 19.6%. Percent of city council seats won by Salerno Progress party: 60%.

Percent of electoral college votes won in 1992 in states that Bill Clinton or George Bush won with over 50%: 1.1%. Percent of Americans who favor abolishing the electoral college for presidential elections: 73%.

Percent of successful efforts to repeal preference voting for city council elections around the U.S., 1917-1946: 8%. Percent of successful repeal efforts from 1947-1961, after communists won seats on New York City council: 70%.