

VOTING AND DEMOCRACY REVIEW

The Newsletter of The Center for Voting and Democracy

Volume II, Number 3

"Making Your Vote Count"

July-August 1994

Cumulative Voting Thrust Into National Spotlight *Judge's Order, Lani Guinier Draw Attention to Semi-PR System*

A federal judge's ruling, a new book by Lani Guinier and The Center for Voting and Democracy's plan for North Carolina's congressional districts have drawn remarkable media attention to cumulative voting. Expressing his personal view, CV&D's Rob Richie sees benefits in this semi-proportional system, but not as a general reform.

The American media have paid more attention to proportional voting systems in recent months than at any time in our history. It all began when University of Pennsylvania law professor Lani Guinier launched a book tour and appeared on several network television programs in which she discussed cumulative voting.

Then, in March, a proportional plan proposed by CV&D to resolve the legal struggle over congressional redistricting in North Carolina sparked long stories on National Public Radio and in the *New York Times* and supportive commentary by syndicated columnist Clarence Page and the *New Yorker* magazine.

On April 5, Federal Judge Joseph Young ordered Worcester County (MD) to use cumulative voting to resolve a voting rights case -- an historic first. *The Washington Post* quoted CV&D on Page 1 in its story on Worcester County, papers around the country ran wire stories and *Time* and CBS News profiled how cumulative voting has worked in two elections in Chilton County (AL).

The media's growing recognition of the significance of voting systems is welcome -- and long overdue -- but should not stop with cumulative voting. In general, cumulative voting should be considered a transition to fairer, more effective forms of democracy.

Cumulative Voting's Benefits

Cumulative voting (CV) has its benefits. Perhaps most importantly, CV can be described more simply than better systems like mixed member proportional representation and preference voting.

With CV, voters have as many votes as seats and can distribute their votes however they wish -- with the option of giving a candidate more than one vote. The top vote-getters win; the more seats to be filled, the smaller the group of voters that can help elect a candidate.

Easy to describe, CV also is easy to use. It can be adapted to most voting machines used in the United States, and exit polls studies demonstrate that voters quickly understand the new rules.

In specific cases -- for example, to resolve voting rights cases where there are enough minority voters to help elect one candidate -- CV can be effective in providing fair representation. This fairness need not be defined only by race; with CV, more Republican candidates have won in Chilton County.

Indeed, CV is a step toward fairness. The problem is that "semi-proportional" means "semi-fair." With fairer systems available, that's not good enough.

Cumulative Voting's Drawbacks

Cumulative voting is a semi-PR system because -- as with winner-take-all systems -- voters can lose representation by splitting their votes among similar candidates or by giving too many votes to one candidate.

In party-based PR systems, the more votes a party wins, the more seats the party wins. But with CV people vote directly for

individuals, and more votes for a candidate can do no more than elect that one candidate. And unlike preference voting -- where voters have another chance if their first choice doesn't help elect someone -- with CV "extra" votes and split votes are wasted.

(continued on page 4)

South Africa Shows PR Means Inclusion for All

In South Africa's all-race elections in April, over 99% of voters helped elect their first choice among 18 parties. Commentators marvelled at the peaceful election, but most overlooked the importance of the PR system which allowed the majority to rule, but minorities to win meaningful seats at the table.

Anthony Lewis was one exception. Citing CV&D's *Voting and Democracy Report: 1993*, Lewis wrote in the *New York Times* that "Americans might look at South Africa and think about our politics. South Africans lined up for hours, determined to vote; half of us do not bother....They used proportional representation to mitigate conflict; we mocked a Lani Guinier who thought we should consider a form of PR for the same reason."

A prominent London thinktank, the International Institute for Strategic Studies, also hailed the South African elections in its recent annual report. The report contrasted South Africa with Angola, Burundi, Liberia and Rwanda -- all of which have suffered tragic civil wars in the wake of winner-take-all elections.

Note from the Director

Martin Luther King, Jr. used to say that "the arc of the universe bends toward justice." Perhaps it was only a matter of time before we finally began confronting our voting system's lack of electoral justice and debilitating effects on voter participation, open debate of ideas and effective representation.

It has been a remarkable spring. As detailed in our lead story, the American media is giving unprecedented attention to fair voting systems -- and much of it due to a range of CV&D activities.

Here's a report on our efforts and a growing grassroots movement:

- **National office:** Compliance with the Voting Rights Act continues to collide with the fundamentally exclusionary nature of winner-take-all voting systems. More supporters of the Act are looking at proportional systems; what's more, they are finding that some opponents of the Act will support colorblind proportional systems that enhance the rights of all voters.

CV&D is focusing attention on fair alternatives to race-conscious districting, from high-profile efforts like the North Carolina congressional case -- where CV&D members were put forward as voting system experts by both the plaintiffs and the defendant intervenors -- to quiet assistance to localities.

These two approaches this spring merged when our educational efforts in Worcester County (MD) helped lead to a federal judge ordering adoption of cumulative voting. The order sparked a Page-1 *Washington Post* story featuring CV&D and my hour-long appearance on the syndicated Pat Buchanan radio show.

In addition, this spring I addressed the voting rights section of the Justice Department's civil rights division, spoke at the National Rainbow Coalition's annual conference (where Jesse Jackson joined our call for a national, blue-ribbon commission to look at proportional voting systems) and was invited to speak this summer to such audiences as the annual conference of the National Association of Counties and Miami Beach's Committee on Diversity.

Among several other activities, we held a well-attended Capitol Hill briefing with Sonia Jarvis and CV&D National Advisory Board Chair John Anderson, while CV&D Advisory Board member Hendrik Hertzberg of the *New Yorker* joined me and Board members Matthew Cossolotto and Cynthia Terrell for a *New York Times* editorial board meeting.

- **Washington:** Active since 1992, Washington Citizens for Proportional Representation has helped initiate pro-PR legislation, run candidates for Seattle city council and spoken to dozens of community organizations. This May it held a well-attended conference -- with prominent reformers from across the political spectrum, including the chair of the Washington Libertarian Party and state representative Velma Veloria -- to launch a city referendum campaign calling for preference voting

- **California:** Formed a year ago, Northern California Citizens for Proportional Representation has built a strong organization, with a 9-member Board elected by preference voting and a number of dedicated activists working in their communities -- NCCPR members have appeared on local community cable stations, advised local charter commissions, run for political office on pro-PR platforms and spoken at conferences. It is holding a June 25 conference on how voting systems affect fair representation of women.

- **Massachusetts:** The Fair Ballot Alliance of Massachusetts has been meeting regularly since last year. On June 15, it organized a well-attended debate on proportional representation that was attended by three of the state's four candidates running for Secretary of State; the fourth sent a representative.

CV&D members elsewhere are also working hard, from North Carolina's Lee Mortimer to Florida's Jay Bohren, Washington, D.C.'s Mark Lewis, Texas' Bruce Baechler and New York's Don Shaffer. As we celebrate our second anniversary this summer, we can feel proud about just how far we have come.

-Rob Richie

The Center for Voting and Democracy (CV&D) is a tax-exempt, educational organization that serves as a national clearinghouse on proportional representation and other voting systems that encourage fair representation, voter participation and responsive governance.

Voting and Democracy Review is published bi-monthly. CV&D members receive the **Review** for free; subscriptions are \$15. All rights reserved. No part of the **Review** may be reproduced or transmitted by any means without prior written permission from CV&D: 6905 Fifth St. NW, Suite 200, Washington, DC 20012 (202) 882-7378.

CV&D Board of Directors

Matthew Cossolotto (President)

Author, *Almanac of European Politics*

Cynthia Terrell (Vice-President)

Campaign consultant (DC)

Howard Fain (Secretary)

Staff representative, AFSCME (MA)

David Lampe: (Treasurer)

Editor, *National Civic Review* (CO)

Carolyn Campbell

City council aide/Green Party leader (AZ)

Dolores Huerta

Vice-president, United Farm Workers (CA)

Peter Nickitas

Attorney, Duluth (MN)

Roxanne Oualls

Mayor of Cincinnati (OH)

Wilma Rule

Adjunct professor, U. Nevada-Reno (CA)

James Skillen

Exec. director, Ctr. for Public Justice (MD)

Marian Spencer

Former Cincinnati vice-mayor (OH)

Edward Still

Voting rights attorney (AL)

CV&D Advisory Board

John Anderson (National Chair)

Former congressman, presidential candidate

Douglas Amy

Kathleen Barber

Theodore Berry

John Brittain

Martha Burk

Eugene Eidenberg

James Elwood

Jack Gargan

Hendrik Hertzberg

Mel King

Arthur Kinoy

Arend Lijphart

Michael Lind

Manning Marable

Michael Shuman

Eleanor Smeal

Maureen Smith

Sam Smith

Bobbie Sterne

Velma Veloria

Tyrone Yates

Joseph Zimmerman

CV&D National Director

Robert Richie

Voting System Reform Update

➤ **CV&D computer program counts Cambridge ballots:** CV&D has inputted onto computer the preference voting ballots from Cambridge (MA)'s 1991 election and run the ballots on a program developed by Jim Lindsay of CV&D's Technology Committee. The program passed with flying colors: results for the 22,962 ballots can be tabulated in less than two minutes using either a fractional count of surplus votes or Cambridge's "random draw" rules. Counting preference voting ballots by hand is now a choice, not a necessity.

➤ **Worcester County case sets historic precedent as federal courts handle wave of redistricting suits:** American Civil Liberties Union attorneys claimed victory when U.S. District Senior Judge Joseph Young ordered that Worcester County (MD) -- home of Ocean City -- adopt the African-American plaintiffs' cumulative voting plan for five county commission seats. Judge Young wrote that the plan "is less likely to increase polarization between different interests since no group receives special treatment at the expense of others." The county's appeal of the order will be heard in mid-July in the Fourth Circuit in Richmond.

Related lawsuits in the federal court system include a Florida voting rights case before the Supreme Court involving competing minority interests and challenges to race-conscious districting of congressional seats in North Carolina, Florida, Texas, Georgia and Louisiana.

➤ **Texas communities adopt cumulative voting, Alamogordo election runs smoothly:** The Justice Department in May approved cumulative voting for five Texas school districts that agreed to adopt cumulative voting to resolve voting rights disputes. Several other settlements negotiated by Texas attorney Rolando Rios await approval.

In March, Alamogordo (NM) held its third cumulative voting election for three at-large city council seats. Inez Moncada finished first; no Latinos represent the four single-member districts.

➤ **Effort to put PR on Michigan ballot falls short:** A Michigan group did not collect enough signatures to gain ballot status for a state initiative to establish proportional representation (PR). Organizers remain committed to PR.

➤ **Winner-take-all fails to prevent civil war in Yemen, Hungary's PR election builds unity:** Yemen's ground-breaking experiment with democracy collapsed into civil war this spring after a 1993 winner-take-all election that exacerbated tensions between the recently reunified northern and southern regions of Yemen.

Hungary in May had its second PR election since the end of the Cold War. With a form of mixed member PR that sparked high voter turnout, a party of former communists won an absolute majority, but indicated plans to form a coalition government with a more centrist party that finished second.

➤ **El Salvador's local elections show unfairness of winner-take-all:** El Salvador's March elections provided a clear demonstration of the unfairness of winner-take-all elections. In national elections conducted under PR, the Arena Party won 46% of the seats, yet at the same time won all seats in 79% of the local elections using winner-take-all.

➤ **Italy's winner-take-all seats help put neo-fascists in Cabinet:** In March elections, Italy's new, less proportional system sparked an awkward coalition of geographically distinct parties that included the separatist Northern League and neo-fascist National Alliance, both of which have several cabinet seats in the Silvio Berlusconi's new government.

VOTING & DEMOCRACY REPORT

The final, bound edition of *Voting and Democracy Report: 1993* is now available. With over thirty articles by voting system authorities, this first annual report is an invaluable resource for scholars, legislators and reformers alike. For a copy, send \$9 to CV&D.

Notable Quotes

"We should empower a commission to study democratic reforms as we contrast a shared power definition of democracy in South Africa and a rather elitist, aristocratic, winner-take-all form of democracy in our own country.... We must choose inclusion over exclusion." Jesse Jackson, May 1994 keynote
National Rainbow Coalition

"ADA urges that a high profile national 'Blue Ribbon' commission be established to examine appropriate alternatives (e.g., proportional representation with multi-member districts, preference voting, limited voting, cumulative voting and approval voting) to the present system for elections at [all levels]."

Resolution approved by Americans for Democratic Action's Political and Governmental Policy Comm., 6/94

"[A problem in some African nations was] the belief on the part of both the winners and losers of elections...that the winner would take everything, leaving the loser with no political role, no right to question.... Just chanting the word 'democracy' has achieved nothing in Africa."

Intl. Inst. for Strategic Studies
Strategic Survey 1993-1994

"It will take a waiver from Congress to make cumulative voting possible for congressional elections in North Carolina.... Congress should take the hint and do it."

Clarence Page, **Chicago Tribune**
column, March 30, 1994

"[North Carolina] could seize the opportunity to lead the nation by pushing for a voting system that eliminates gerrymandering -- racial or otherwise -- and thus creates a congressional delegation that more closely represents its people."

Durham Sunday Herald-Sun
editorial, April 3, 1994

ADDRESS CORRECTION REQUESTED

"Making Your Vote Count"

CUMULATIVE VOTING (continued from page 1)

With CV, groups have an incentive to run only as many candidates as they think can win, which gives more power to leaders than voters and discourages competition among groups -- a problem in Illinois' CV elections from 1870 to 1980.

If "too many" candidates run, CV can fail to provide fair results and creates incentives for negative campaigning. Unlike preference voting -- which encourages coalition-building because candidates seek transfer votes from other candidates' supporters -- CV's "all-or-nothing" feature leads to divisiveness among like-minded candidates. Japan's similar system of limited voting was known for its bitter intra-party competition.

For fair local elections, the main alternative to CV is preference voting (PrV), the system used in Cambridge, Mass. With PrV, voters rank candidates in order of preference, and as many voters as mathematically possible help elect one candidate -- usually a top choice. The following comparison between PrV and CV is instructive -- keeping in mind that CV of course is still better than any winner-take-all system!

• ***Mobilizing participation:*** PrV prevents candidates who appeal to like-minded voters from splitting their support. For example, if 20% of voters support two similar candidates in an election for five seats, then their ballots will end up electing one candidate who wins transfer votes from the other candidate. With PrV, there is every incentive for more candidates to run. Additional candidates bring more voters to the polls and can only win more representation for their supporters.

CV elections, however, tend to follow the pattern of single-member districts, in which "open seats" generate far more organizing and voter turnout than campaigns with incumbents.

• ***Encouraging positive campaigns and coalitions:*** To win in PrV elections, candidates must reach out to supporters of at least some other candidates because few candidates win on first choice votes alone. Candidates thus have an incentive to run positive campaigns in order to gain a high place on the ballots of other candidates' supporters. CV's all-or nothing dynamic creates the reverse incentive to pursue negative campaigning.

• ***Generating effective representation:*** PrV provides opportunities to build alliances because voters can rank candidates beyond their first choice *knowing that their vote will*

go to lower choices only if their higher choices do not need the vote. Candidates have an incentive to reach out to other constituencies to attract transfer votes -- both during campaigns and once in office in preparation for the next campaign.

Studies of PrV demonstrate that even as the elections enhance fair racial, ethnic and gender representation, most people vote based on political philosophy. One reason is that parties are more responsive to voters. A black candidate won a seat on Cincinnati's 9-member city council when the population was 90% white because a party nominated him after he ran strongly in the previous election as an independent.

In CV elections, however, people know that voting for a lesser choice could defeat their first choice and, as a result, tend to give all their votes to one candidate. Coalitions across racial and ideological lines in campaigns and government are harder, and parties are less responsive to new constituencies.

The Voting and Democracy Index

1958: 22. Years it has held over 44% of seats in House of Reps. since 1958: 0. Years it has controlled congressional

Number of House seats insiders call competitive in 1994:

that will *not*

Number of Texas congressional races in 1992: 30.
Number of these races won by m

Percent of state legislative races in 1992 elections that were uncontested by a major party: 33%. Percent of seats

Percent of seats won by British Conservative Party in 19 -take all elections: 52%. Percent of seats that recent polls show Conservatives would win today: 11%.