

VOTING AND DEMOCRACY REVIEW

The Newsletter of The Center for Voting and Democracy

Volume II, Number 2

"Making Your Vote Count"

April-May 1994

South Africa to Use PR for Elections

All Sides Reject Winner-take-all for First All-Race Elections

*1994's most historic election will take place April 27-28 in South Africa. Andrew Reynolds, CV&D member and author of **Voting for a New South Africa**, will observe the election and here provides the following overview.*

After four years of hard bargaining and nearly four hundred years of ethnic conflict, South Africans are looking forward to celebrating democracy with their first all-race elections in April.

These elections for the Constitutional Assembly and Interim Parliament are to be held under a "closed" party list form of proportional representation (PR) system. Half (200) of the parliamentary seats will be filled by candidates elected from nine regional lists, while the other 200 seats will be filled from national party lists. PR also has been agreed upon as the best electoral system for future local and municipal elections, although the specifics are still to be negotiated.

Early drafts of the electoral law set the threshold for winning seats at 5% of the national vote, but in a recent concession to the smaller parties, the ANC and South African government dropped this threshold to just 0.5%. Those parties with 5% will be entitled to portfolios in the first "cabinet of national unity" designed to include all important factions in the country's governance.

South Africa's adoption of PR is an important confirmation of the argument that PR systems help mitigate conflict and create a sense of national inclusiveness among all groups in divided societies -- in contrast to winner-take-all electoral systems that encourage conflictual politics and accentuate the already damaging ethnic divisions of a pluralistic society.

Four years ago there was little reason to believe South Africa would adopt PR. The whites-only parliament was elected by the U.S.-style "First-Past-the-Past" (FPP) electoral system, while the ANC, in a powerful bargaining position, was seen to be advantaged if FPP were maintained. With white majorities in only five magisterial districts out of hundreds, the ANC with FPP probably could have turned 50-60% of the popular vote into 70-80% of parliamentary seats.

But the ANC did not opt for FPP because it realized that distortions coming with it would be fundamentally destabilizing in the long run for both minority and majority interests. Today, all major South African political parties support the principle of PR.

"The ANC did not opt for first-past-the-post because it realized that the distortions coming with it would be destabilizing in the long run for both minority and majority interests."

There are some problems with the *closed list PR* that will be used. First, it can lessen accountability between representatives and their constituencies, as voters will choose among parties, not candidates. Second, the large size of constituencies will lose the benefits of a degree of geographic representation.

Designing smaller constituencies and allowing for an "open" list (like Finland, for example) would mitigate these problems and still maintain the basic principle of proportionality. Such issues are up for debate over the next five years, when the Constitutional Assembly will draw up the permanent constitution.

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EDITORIAL: Free U.S. Voters from Winner-Take-All Elections!

As the North Carolina *Shaw* trial puts a spotlight on redistricting practices, it is increasingly clear that the only fair way to enforce voting rights for *all* voters is to reject winner-take-all voting, to reject single-member districts and to adopt forms of proportional representation.

A democracy is hardly credible if it deprives significant portions of its population from a realistic chance to elect candidates they want. It is hardly credible if legislators choose their constituents before constituents can choose their legislators. Yet that is what happens in our "democratic" elections for Congress across the United States.

Well over half of congressional races in 1992 -- the year after redistricting -- were won by over 60%. Campaign finance reform and term limits won't change the fact that *most districts in the U.S. are rigged from the start* for one or the other of the major parties.

Barely one-third of American adults will participate in elections this fall despite their clear desire for change. A large majority of seats again will be won by landslides.

To be blunt, congressional elections have become a sham. To revitalize our democracy, Congress should repeal the 1967 statute requiring single-member House districts, and states should adopt PR for their congressional elections.

President's Message. . .

From time to time, CV&D President Matthew Cossolotto will write a message on organizational developments and directions. Matthew is a corporate executive and author of the forthcoming *Almanac of European Politics*.

With so much happening in the past year, it's worthwhile for us to put where CV&D is today into perspective. Just think for a moment about how far we've come since 1992. We have:

- Secured ongoing, *pro bono* legal assistance from one of Washington's top law firms, Wilmer, Cutler, Pickering.

- Incorporated in Washington, D.C. and gained IRS recognition as a 501(c)(3), tax-exempt organization.

- Attracted an impressive core group of Board and Advisory Board members from around the country -- people like John Anderson, Roxanne Qualls, Hendrik Hertzberg and Eleanor Smeal.

- Created annual *Champion of Democracy* awards to recognize the pioneering pro-democracy leadership of international and national figures such as Lani Guinier and the United Kingdom's Paddy Ashdown and Raymond Plant.

- Built a grassroots network of supporters who have worked with local community and political leaders around the country on voting system issues

- Held two national conferences, one of which received C-SPAN coverage.

- Established contacts in the foundation community, effectively laying the groundwork for securing funding for a range of proposed projects.

- Issued *Voting and Democracy Report: 1993*, a landmark document that provides a unique overview of the year's remarkable elections and reforms.

In all these accomplishments -- and much more -- we have benefitted greatly from the dedicated work of our National Director Rob Richie, our Board of Directors and local activists like Jim Lindsay, Steve Hill, Mark Lewis and Lee Mortimer, to name just a few.

The most important point is this: CV&D is making a difference! And I think we should all be very proud of what we have accomplished thus far.

We should also be confident about

our future. **I believe we are now poised to have a major impact on the ongoing debate about reforming American democracy.** The public obviously wants change. Unfortunately, the media and various public interest organizations have not even begun to inform the public about democratic voting systems. That's where CV&D comes in.

Our job over the next few years is to promote real democracy by educating more and more segments of our population. The question is how best to achieve that goal. It seems to me that three areas should be top priorities:

- First, seeking establishment of commissions at all levels of government to examine voting system alternatives and other potential electoral reforms.

- Second, providing states and localities with timely, targeted educational and technical resources to help resolve voting rights cases.

- Third, developing a definitive history of voting and democracy in the United States, from our colonial beginnings to the present.

Given continuing voter unrest, battles over redistricting and difficulties with governance, Congress, state legislatures, the courts and local communities must confront issues of meaningful political reform and representational equity. CV&D's mission is to broaden the reform debate beyond understandable -- but largely symptomatic -- issues like motor-voter registration, term limits and campaign finance reform to what I believe is the single most important factor at the root of so many of our democratic ills: our antiquated, "first-place-takes-all" voting system that routinely fails to translate votes into representation and political power.

With your continued support -- and here I would make a plea for increased contributions and fundraising ideas and contacts -- I believe CV&D will have a profoundly positive effect on our evolution toward a more competitive, open and representative democracy.

Matthew Cossolotto

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 democratic alternatives to the winner-take-all voting systems that currently are used in most United States elections. 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.

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Voting System Reform Update

- **CV&D receives contract from City of Cambridge:** Cambridge has allocated \$5,000 to CV&D to study computerizing the preference voting count. 1991 election ballots will be tested on a CV&D Technology Committee program.
- **Staten Island commission calls for cumulative voting:** The Staten Island Charter Commission recently submitted a bill to the New York state legislature proposing creation of a 9-member Board of Education to be elected at-large by cumulative voting. Staten Island is 20% African-American, Latino and Asian.
- **Michigan group works to put PR plan on state ballot:** The Michigan group People Achieving Legislative Power has launched an initiative drive for an electoral reform bill that would establish a form of PR for a unicameral legislature. PALP members have been on radio programs and produced a video.
- **Draft document for 1995 World Conference on Women highlights PR:** Former Member of Congress Bella Abzug chaired a session at a recent United Nations women's conference to review a draft document on "Women in Decision-Making." The document now calls for national, state and local legislative bodies to adopt PR.
- **Congressman calls for cumulative voting for farmer elections:** Rep. Jay Inslee (D-WA) in February proposed adoption of cumulative voting for county committees that carry out local programs of the U.S. Agriculture Department. Inslee's proposal was defeated; it was raised in response to concerns over under-representation of women and minority farmers on the committees.
- **Guinier's book makes big splash:** Lani Guinier's new book *Tyranny of the Majority* has resulted in a *NY Times Magazine* cover story and several appearances on national TV and radio. She has expressed strong interest in adopting a PR plan in North Carolina.
- **Nassau County Charter commission considers PR:** Last fall a Nassau County (NY) charter commission heard about PR in testimony from CV&D member Don Shaffer, then invited national director Rob Richie to testify. The commission has settled on a single-member district system, but interest in PR remains strong, particularly among Latinos and other dispersed minorities.
- **El Salvador's March elections use PR nationally, winner-take-all locally:** Incomplete results from El Salvador's first post-civil war elections in March indicate that ballot fraud was more pronounced at a local level, where small swings of votes in winner-take-all elections could shift complete control from one party to another. For national legislative elections, competing parties apparently won a fairer shares of seats.
- **Italy holds election with new semi-PR system:** Italy on March 27 used its new "mixed member" voting system for the first time. 75% of seats were to be filled in "first-past-the-post" districts, while 25% of seats were to be filled by party list PR in a way designed to correct unfairness in district seats. Election predictions fluctuated wildly.
- **Ukraine's winner-take-all election raises concerns:** Heading into a March election, some observers of Ukraine's winner-take-all electoral process expressed concern about domination of the winner-take-all, single-member seats by anti-reform leaders who were best organized to win close contests.
- **Japan approves new electoral law:** In January Japan replaced its semi-PR, limited voting system for the lower house with another semi-PR system: one with 276 members elected from single-member districts and 224 separately by party list PR. The *New York Times* had excellent articles that detailed the ambivalent nature of the reform in contrast to many media reports that supported the change without much understanding of its possible impact.

Notable Quotes

"[It is a] fundamental principle of our representative democracy that the people should choose whom they please to govern them, and that this principle is undermined as much by limiting whom the people can select as by limiting the franchise itself."

Alexander Hamilton

"Race-conscious districting is simply one expression of a larger reality: winner-take-all districting. Both justify wasting votes with often unstated assumptions about group characteristics of district voters...[In winner-take-all districts] the district boundaries and the incumbent politicians define the interests of the entire district constituency."

Lani Guinier

June 1993 *Texas Law Review*

"A mathematically equal vote which is politically worthless because of gerrymandering or winner-take-all districting is as deceiving as 'emperor's clothes.'"

Robert Dixon, Jr., *Democratic Representation: Reapportionment in Law and Politics* (1968)

"All Americans should have the freedom to vote for the candidate they want."

Feb. 21, 1994 editorial, *N.Y. Times*

"The Voting Rights Act was not intended to result in the political segregation of minority voters into a few districts, limiting their electoral influence, unless absolutely necessary to ensure the minority community an opportunity to participate in the political process and elect representatives of their choice." [emphasis added]

1992 *Amici Curiae* to Supreme Court on behalf of several black legislators, including Mike Espy, Louis Stokes and Willie Brown

ADDRESS CORRECTION REQUESTED

"Making Your Vote Count"

SOUTH AFRICA USING PR (continued from page 1)

Despite use of PR, the first non-racial South African elections will not be as "free and fair" as one would hope. Even if the Inkatha Freedom Party and the "white right" contest the elections -- still very much in question -- there may be sporadic incidents of violence and intimidation where these parties are strong. The ANC has found it hard to campaign in certain areas, while the National and Democratic Parties can only safely canvass in white, Asian and so-called "coloured" communities.

Other problems may depress the black vote, such as voters' fear of violence at the polls, their fear that ballots will not stay secret, widespread illiteracy and lethargy on the part of the white government in issuing identity papers with proof of age and citizenship that are necessary for voter registration.

Despite such problems, it seems certain that the ANC will win by far the highest vote. Opinion polls are unreliable, but the ANC's own private polling which puts them at between 50%-55% is probably most accurate. Without Inkatha and the "white right" in the race, De Klerk's National Party may get 25-30% of the popular vote, and the rest will be split among minor parties. Of these, only the more radical Pan-Africanist Congress and liberal Democratic Party may win the 5% necessary to win positions in the "cabinet of national unity."

The elections will be a cathartic event and evidence that liberal democracy can give hope to a people denied free choice and free will. But at the same time, the next five years will be fraught with difficulties, alienation and disappointment, and it will be the task of the newly elected government to slowly patch the wounds that apartheid inflicted on South African society. The most interesting election may be the next one, scheduled for 1999 after the

constitution has been ratified, parties have adapted to the new realities and black South Africans finally have been able to test their skills in government._

"DID I MISS AN ISSUE"????

Don't worry! Our last newsletter, dated "January 1994," was in fact mailed in January, but did not reach many people until March. We've now decided to date the bi-monthly *Voting and Democracy Review* according to "shelf life" -- meaning dated for the two months *after* we mail it. Because this issue is being mailed in March, it is dated "April-May 1994."

Next issue, look for articles on elections in Italy, South Africa and Alamogordo (N.M.) -- and more!

The Voting and Democracy Index

Traditional definition of a landslide in political science literature: 60%. Number of members of the House of Representatives who won landslides in 1992, a year of "voter revolt" and high number of "open" seats: 344.

Percentage of electorate who want a new congressional representative: 52%. Percent of House incumbents who lost in 1992 after decennial redistricting: 8%.

Percent of Republicans elected in 22 races for Congress in West Virginia since 1982: 0%. Average percent of vote for Democratic presidential candidates since 1982: 48.3%.

Percent of all voters in federal elections, 1988-1992, who cast votes for a majority (51) of current U.S. Senate: 10.2%.

Percent of black North Carolinians who live in two black majority districts: 43%. Percent with realistic opportunity to elect candidates of choice in proposed PR plan: 90%.