

VOTING AND DEMOCRACY REVIEW

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"Making Your Vote Count"

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The Political Gerrymandering Crisis

Redistricting Cases Put Spotlight on Need to Let Voters Decide

On June 13 the Supreme Court invalidated four alleged "racial gerrymanders" in congressional district plans in Texas and North Carolina. For proportional representation advocates, the debate over this controversy usually is frustratingly limited. For example:

- The Court condemned a handful of racially drawn districts even though nearly every district in both states was designed quite successfully to shield incumbents and gain party advantage. A better answer would be proportional systems that provide fair representation by giving **all** voters the increased choice and fair competition they clearly want.

- "Majority minority" districts usually elect candidates who differ from these states' other representatives -- both in color and in ideology. Their supporters are not forced to support them; rather, they finally have an opportunity to elect people who more accurately reflect their views. Why should this representation only be "revealed" in redistricting and why should these voters now have to return to "second best" (if lucky) representation? Why shouldn't all voters -- not just those lucky enough to be placed in the "right" district -- have the power to define their representation?

- Many states and localities now will be sued no matter what they do when drawing single-seat districts, yet they could avoid litigation easily by adopting proportional systems. And why not? We have found that those with very different views on majority minority districts can agree on proportional systems.

The Center's new president John B. Anderson, former Member of Congress from Illinois, explains why these cases should direct us to PR systems:

By rejecting congressional districting plans in North Carolina and Texas, the Supreme Court for the fourth straight year has sparked a bitter debate over so-called "racial gerrymandering." While the shouting is understandable given the impact of these rulings on minority representation, it obscures perhaps the most important question raised by the controversy: just why should those drawing districts have more power over who wins and loses than the voters?

The Texas districts powerfully demonstrate this uncomfortable truth. In his dissent against the 5-4 majority in *Bush v. Vera*, Justice John Paul Stevens explains clearly how the Texas state legislature used the latest computer technology to piece districts together, block by block, to protect incumbents and maximize Democrats' advantage.

The result was that in 1992: 1) 26 of 27 incumbents were re-elected; 2) the three open seats went to Democratic state legislators; 3) only one of thirty races was closer than 10%; and 4) Democrats won 21 of 30 seats with less than a majority of the statewide vote, in large part because Republican voters had been "packed" into the eight districts represented by Republican incumbents.

Justice Stevens laments that "By minimizing the critical role that political motives played in the creation of these districts, I fear that the Court may inadvertently encourage this more objectionable use of power in the redistricting process." He suggests that political gerrymandering deserves increased constitutional scrutiny, a scrutiny which the Court already tentatively accepted in 1985 in *Davis v.*

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Reactions to the Court Growing Momentum for PR

After the rulings, commentary appeared advocating proportional voting systems in publications like *the Nation*, *USA Today*, *Christian Science Monitor* and *In These Times*. Following are two highlights.

William Raspberry

"One of these days the Supreme Court will figure it out: It's not that the drafters of congressional district boundaries sometimes yield to gerrymandering. It is that districting *causes* gerrymandering. Some would say that it *is* gerrymandering.... [One solution] is simply to divide the states into multi-member "super districts" and to drop the winner-take-all aspect of the current system [These super districts] would likely reverse the trend toward racial and political polarization."

• *Washington Post*, June 27, 1996

Clarence Page

"The best way out of this mess might be to look past the race question and raise deeper questions about how the entire redistricting system, as it now stands, undermines democracy. [Rep. Cynthia McKinney] has introduced a bill that would allow states to experiment with alternatives to today's winner-take-all contests in single-member districts. Such alternatives would assure opportunities for minorities of all types and views to be represented."

• *Chicago Tribune*, June 16, 1996

**The Center for Voting and
Democracy (CV&D) serves as a**

Voting System Reform Update

➤ **Voters' Choice Act:** The Voters' Choice Act (HR 2545) is gaining increased attention and co-sponsors. Please consider alerting your Member of Congress to the bill, which merely restores the opportunity states had before 1967 to use proportional voting systems for electing their U.S. House members.

The Santa Clara County (CA) Democratic Party and the Democrats in the 8th Congressional District of Minnesota endorsed HR 2545. All those active with political organizations and parties should consider having resolutions on HR 2545 -- please let the Center know when action is taken.

➤ **Cambridge Improvements Bring PR Up to Speed:** In 1997 Cambridge (MA) plans to have final results on election night in its preference voting elections by using Marksense voting equipment and computer software. In addition, in May the Massachusetts Supreme Court voted 5-0 to uphold the constitutionality of preference voting. The Court cited an *amicus* brief filed by CV&D and the Fair Ballot Alliance of Massachusetts.

➤ **City Organizing:** Preference voting initiative efforts in Santa Cruz and Eugene have fallen short, but activists in San Francisco continue to work toward a November 1996 vote on preference voting for elections to the Board of Supervisors -- in December 1995 the Board voted 5-5 (one short of the required majority) on a proposal for a March 1996 referendum on both preference voting and cumulative voting.

In April, CV&D director Rob Richie addressed a broadly representative group of community and civic organizations in Cincinnati -- where preference voting received 45% of the vote in a 1991 initiative. The group met over a period of months in a mediated effort to seek charter reforms and reached a near-consensus on a package that includes preference voting to elect council. It now plans an initiative effort in 1997.

Seattle activists also are seeking a 1997 initiative on preference voting.

➤ **California Commission Debates PR:** In February the California Constitutional

Revision Commission voted 11-6 against a special blue-ribbon commission to develop a proposal for PR. The Commission rejected much public testimony about PR, a strong appeal from commission member Richard Rider and UCLA professor's Kathleen Bawn's chapter in *Constitutional Reform in California* arguing for a mixed member system of PR and single-seat districts. The Commission in general failed California voters, as argued in a pro-PR *Los Angeles Times* commentary by CV&D west coast coordinator Steven Hill.

➤ **Third Parties and PR:** Growing efforts to build parties in the United States now include the well-organized Libertarian Party and Natural Law Party, the Greens promoting Ralph Nader for president, the non-electoral Labor Party, the Ross Perot-inspired Reform Party, the conservative U.S. Taxpayers Party, and the progressive New Party and National Independent Politics. Because of current outreach by CV&D and PR activists within these parties, all may support PR by 1997; several already do.

➤ **New York School Board Elections:** New York City elected its 32 Community School Boards by preference voting in May. Many agree the governing structure is deeply flawed, which helps to create a very negative environment for voter participation. Yet PR consistently provides fair representation to its participants. This year, 5 of 6 openly gay candidates and 11 of 14 Asian candidates were elected.

Seeking to encourage more informed participation, CV&D received support from the Rockefeller Brothers Fund and other New York foundations for a 15-minute video, for television and radio public service announcements and for outreach to media and organizations. Rob Richie also had a letter in the *New York Times* arguing for better coverage, faster ballot-counting and vote-by-mail elections to boost turnout in the future.

➤ **PR in Texas:** In May Rob Richie addressed a special commission studying judicial elections in Texas. Those expressing strong interest in PR have

included the Chief Justice of the Texas Supreme Court (a Republican) and the General Counsel of Texas' Democratic Party. Meanwhile, the number of Texas localities now using cumulative voting has risen to over forty, mostly due to settlements in voting rights suits filed on behalf of Latino voters. In 1995 Texas passed a law allowing localities to adopt cumulative voting voluntarily.

➤ **Only in America:** Warren Rudman argues in his *Combat: 12 Years in the U.S. Senate* that "Third parties reflect the universal hunger for a quick fix.... History doesn't support this theory. Third parties have never worked here, and the experience elsewhere -- in Italy, say, is that third parties lead to fourth and fifth parties and soon to chaos."

A deservedly well-respected leader like Rudman only has escaped ridicule for this statement because our media does such a shoddy job in providing information about other nations' election systems. The fact is that *every* other western democracy has a strong third party -- most have several parties.

📞 INFORMATION PLEASE 📞

• **Proportional representation (PR):** Voting systems in which voters win representation in proportion to the voting preferences of the electorate. 20% of votes means 2 (20%) of 10 seats, 57% of votes means 6 (60%) of 10 seats.

• **Preference voting:** Voters rank the candidates they like in order. Candidates win by reaching a threshold. A ballot transfers to a lower choice when a higher choice cannot be elected with it. •

• **Multi-seat districts:** An electoral constituency with more than one representative, in contrast to **single-seat districts**, where one winner "represents" all. If a legislature keeps its current size, conversion to PR results in a fewer number of larger, multi-seat districts.

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The Center for Voting and Democracy
P. O. Box 60037
Washington, DC 20039

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"Making Your Vote Count"

John Anderson on Gerrymandering (from page 1)

Bandemer when capacities to gerrymander were relatively primitive. Stevens writes that "[Legislatures'] responsibility is not discharged when legislatures permit and even encourage incumbents to use their positions as public servants to protect themselves and their parties rather than the interests of their constituents... If any lines in Texas are worth straightening, it is those that were twisted to exclude."

We will soon see dramatic evidence of the need to rein in political gerrymandering in Texas. With Governor George Bush able to protect the previously defenseless Republicans, you can be sure that both parties are working furiously to find the best districts for their party and their incumbents. Because Texas will be sued no matter what it does -- either for having too few majority minority districts or too many -- the only certainty is that the state will spend millions of dollars and precious political energy on a matter that should be left to the voters.

There are two obvious solutions to political gerrymandering. The first is to attempt a politically neutral process. Iowa provides one example: the non-partisan Legislative Service Bureau proposes up to three plans, one of which the state legislature must adopt without amendment to prevent the Iowa Supreme Court from drawing its own plan.

But even if districts are drawn with a fair intent, the result will be unfair to many voters. Because most people consistently support one party and because many places tilt heavily toward one party, most voters inevitably will find themselves in districts essentially safe for one party. Voting should be about more than a warm, fuzzy feeling for carrying ou