

INTRODUCTION TO *MONOPOLY POLITICS* 2014

On November 4, 2014, Americans will go to the polls to cast their votes for their representative in the U.S. House. This event should be a celebration of American democracy, where the will of the people is translated into a representative body through the mechanism of the ballot box. Their votes should paint the “portrait of the people in miniature” that John Adams once hoped the House of Representatives would become.

It could be a magnificent portrait of today’s America – complex and multi-layered, depicting political viewpoints informed by the experiences of Americans of every race, creed, class, region, and philosophy. It might be colored primarily in partisan shades of blue and red, but those colors would not be uniform, or exclusionary. The portrait would represent the common desire of all Americans to work for a better nation, but it would not obscure any of the multitude of ways in which Americans believe that goal would best be reached.

When the election results are tallied, however, the country will again be faced with the stark reality that such a portrait was not created. Instead, it will see a congressional canvas made up entirely of the monolithic Democratic and Republican parties. That great diversity of American experience and political thought will have been crowded out. Even Americans’ preferences between those two parties will not be accurately reflected. The portrait will be distorted beyond recognition.

We know this will happen in 2014 because it happened in 2012, and 2010, and every other congressional election in modern American political history. Something is broken in the system by which Americans’ votes are converted into a national legislature. The instrument that is being used to create the portrait – the electoral paintbrush, if you will – is not working as intended.

That instrument, in the United States, is winner-take-all elections in single-member districts. Under today’s winner-take-all rules, each member of Congress is elected by a separate geographic constituency. Whichever candidate gets the most votes in each of the 435 districts is elected.

Winner-take-all has been the default method of election throughout American history. In our nation’s first five decades, many Members were elected at-large, a practice that continued on and off until a 1967 law mandated that states use one-seat districts. But the great majority of Members have been elected in single-seat districts, with the implicit assumption that where you live should define your representation more than your values or political beliefs.

The effects of single-member, winner-take-all elections have varied as the country’s political climate and geography have shifted. Today, they have simply broken down as an effective instrument of representative democracy. The breakdown has been accelerated by the advent of sophisticated technology to gerrymander districts and target voters in campaigns, greater and more independent

campaign spending, dwindling turnout in primaries, and an accelerating partisan divide in which fewer voters split tickets and more counties, districts, and states strongly favor one party over the other.

The end result should shock us. There is no accountability of leadership: the basic connection between winning the most votes and winning the most seats is utterly broken in House races, as in 2014 House Republicans cannot be ousted from their majority unless their party's candidates fall below 45% of the popular vote. Nor is there accountability for individual members, who are advantaged both as incumbents and as representatives of districts that nearly all lean decisively toward their party. Indeed, after two elections in which "only" 85-90% percent of House incumbents won in the general election, we anticipate the November 2014 incumbency rate to return to the 98% level of the four elections between 1998 and 2004.

Many reforms have been put forth as panaceas for our democracy – open primaries, campaign finance reform, independent redistricting, and lowering (or raising) barriers to voting, to name just a few. But while they may be good first steps, none of these reforms will have the advertised impact on our core problems of unaccountable leadership and unaccountable individual members, nor will they significantly affect the diversity of our representation.

Of course, the problems with our system of elections are manifold and complex, and there is no single cure-all reform. But one reform stands out as the single most potent and comprehensive method of bringing American congressional elections closer to Adams' ideal: fair representation voting.

Fair representation voting is a constitutional proposal based on the simple principle that like-minded groupings of voters should be represented in a legislature in proportion to their share of the electorate. That is, like any good portrait, the House of Representatives should accurately and proportionally depict all the features of its subject.

Achieving that goal requires just two basic changes to how congressional elections work. The first is switching from single-member districts to larger, multi-member "super districts." The second is electing representatives for those super districts not with winner-take-all plurality voting, but with a fair representation voting method. We define such methods as ones in which voters vote directly for candidates and any candidate who earns more than a moderate threshold of votes in a multi-seat district is elected.

The beauty of fair representation voting is that the objective of Adams' portrait would be accomplished without compromising the qualities of U.S. elections that many Americans value so highly. The most significant of those is the clear and personal relationship between voters and the Members of Congress who represent their particular geographic region. While fair voting would expand the geographic area that Members of Congress represent, it would, if anything, make the relationship between the voter and the congressional representative even stronger.

Today, voters have no choice but to be represented by a candidate from the majority party in their district, who may or may not represent any of their political views. Under a fair voting system, though, almost all voters would be able to point to the Member of Congress whom they helped elect – the part

of the portrait that depicts *them*. That Member would be the voter's representative not just in geography but in shared ideas.

Fair representation voting should not be confused with "European"-style proportional representation systems. Although often simplistically derided for producing unstable governments and removing the link between voters and politicians, most European systems do depend on strong parties and often result in substantial numbers of seats controlled by minor parties. In American-style fair voting systems, voters still vote directly for candidates, and no one would get to Congress just by being appointed by a political party. With districts of up to five representatives, any winner would need to secure roughly a fifth of the vote to win election. Such a moderate threshold provides a higher degree of proportionality without upending the American political culture of two large parties. Minor parties and independents would likely win more often than they do now, but their main role would be to introduce new ideas and approaches and to hold the major parties accountable and encourage them to run candidates with more diverse views if they stray too far from what the public wants.

Additionally, adopting fair voting would not alter the fundamental checks-and-balances structure of our government. Fair voting is constitutional and has a long history of use in the U.S., including for state legislative elections in the past and many local elections today. Indeed, fair voting would *strengthen* the American structure of government by more accurately representing the American people and, consequently, facilitating compromise not just within the House of Representatives but also among other branches of government. The current winner-take-all system fails to provide representation to voters that fall outside of a simplistically linear left-right spectrum of party politics. Members of Congress who are fiscally liberal and socially conservative (or vice versa), for instance, are a rare breed. But those policy perspectives are not at all incoherent and are, in fact, shared by millions of Americans.

By using fair voting both in nomination contests and in general elections, the parties would nominate more diverse candidates, and general election winners would reflect far more diverse perspectives – urban conservatives, rural progressives, socially conservative economic liberals, and so on. This "three-dimensional" representation allows legislators to reach across the partisan aisle on issues where they can find common ground, creating new opportunities for compromises to be brokered and innovative legislation to be passed.

Racial and gender diversity in Congress would also improve. Far more racial minority voters would have the ability to help elect a candidate of choice under fair voting, and the use of multi-member districts would catalyze more women running for and winning congressional office.

It is not enough, after all, that the House of Representatives precisely portray the American people. It must also fulfill its other essential function: effective governance. In the constitutional structure established by James Madison and his fellow founders, our elected representatives must learn to forge compromises. We don't want "factions" to make all decisions unless they truly represent concurrent majorities and will not run roughshod over minority rights. The winner-take-all House in today's America is simply unable to represent its voters or legislate on their behalf. Fair representation voting would accomplish both aims, finally realizing the vision of our country's founders for Congress' lower house.

In *Monopoly Politics 2014 and the Fair Voting Solution*, FairVote anticipates how far the next congressional elections are likely to be from the ideal of fair representation. Using only data from the 2010 and 2012 election results, we are able to project with a high degree of certainty the outcomes of over 85% of congressional races in 2014. We use an updated methodology of our first *Monopoly Politics* report in 1997 that introduced the “partisan index” (later slightly modified by analyst Charlie Cook to create his “partisan voting index”). In 2012, we projected winners in 333 races with 100% accuracy even though we did not use any polling data, spending data, or any other information aside from recent election results and whether an incumbent was running in the race.

This year, we project winners in 371 congressional districts, as incumbents settle into their new districts. In these districts, the challengers will be powerless to affect the outcome, regardless of their funding, their qualities as candidates, or their ability to motivate supporters. Many voters in those districts will be alienated due to a predetermined outcome and the incumbents will not be accountable to voters based on their performance. The electoral incentives for Members will be to move further to the ideological extremes in the polarized electorates of partisan primaries, as that is the only election they are at risk of losing.

Our report contains innovative analytical tools to measure the impact of incumbency, including a metric that compares incumbents in their ability to win votes from voters who usually would support the other party. This metric, called “Performance Over Average Candidate,” reveals insights into who are the most and least effective congressional incumbents for each party in terms of winning more votes than a generic party candidate.

We then use the same data to demonstrate how fair representation voting would alter the political landscape for the better: competitive races in every multi-member “super district,” incentives for voters to participate, a level playing field for the major parties, and increased opportunities for racial minorities, women, centrists, and third parties to win election. Congressional elections with fair voting would look very different – a truly representative democracy as envisioned by our nation’s founders.

Part I of this report is devoted to extensive analysis of the issues at play in the 2014 congressional elections and how fair voting would address those issues.

Chapter 1 contains five analyses: *Monopoly Politics & the 2014 Horserace: The Fight for a House Majority, Vulnerable Incumbents, and Open Seats; The Dominance of Partisanship in Winner-Take-All House Elections; The Rise of Safe Seats: The Relative Impact of Redistricting and the Big Sort; Partisanship Trumps Campaign Spending in Congressional Elections; and Districts on the Move: Exceptions to the Rule of Partisanship Consistency.*

These analyses examine the relative importance of various factors that are likely to affect election outcomes in 2014. Chapter 1 concludes that the pattern of voters voting for the same party for president and House candidates is by far the most powerful determinant of congressional election outcomes – considerably more so than redistricting or campaign spending.

Chapter 2's three analyses address the damaging effects that winner-take-all voting has on our democracy. *Partisan Bias in the U.S. House: The Republican Advantage from Demographics, Partisanship, Incumbency, and Gerrymandering* explains why the Republican Party is almost certain to retain control of the House of Representatives in 2014 regardless of national preference between the parties. *The Polarization Crisis: The Decline of Crossover Representatives and Crossover Voting* examines the roots of congressional gridlock through the lens of the declining number of Members that represent districts favoring the other party. *Winner-Take-All in the South: The Great Southern Partisan Reversal, 1991-2013* shows how the problems of winner-take-all elections have taken on their most extreme form in the South, where uncompetitive elections are near-universal.

Chapter 3 focuses on fair representation voting, FairVote's proposed alternative to winner-take-all elections. In *Extending the Sphere of Representation: The Impact of Fair Voting on the Ideological Spectrum of Congress*, we project how a Congress elected under fair voting would look both in terms of the two major parties and a more complete ideological spectrum. *Electing Candidates with Fair Representation Voting: Ranked Choice Voting and Other Methods* explains in detail how each of the four fair voting systems that FairVote recommends for use in super districts (ranked choice voting, open ticket voting, cumulative voting, and the single vote system) operate in practice. *Enhancing African American Voting Rights in the South with Fair Representation Voting* returns to the South to show how fair voting would increase the number of African American voters with the ability to help elect a candidate of choice, and would likely increase the number of racial minority candidates elected overall. The report then explains how a bill to enact fair representation in the U.S. would look in *Model Fair Representation Voting Act*.

Part II of our report includes detailed analysis of the congressional landscape of every state in the country. Each state report includes three sections. The first analyzes the current congressional district map in the state, its most recent redistricting process, its best and worst-performing incumbents, and the degree of representation of women and racial minorities in the state. That page also ranks each state according to its performance in the 2012 congressional elections using FairVote's *Dubious Democracy* metrics. The second page for each state includes a chart providing useful data on each incumbent and congressional race in the state, along with FairVote's 2014 election projections for each district. The third page presents our fair voting map for the state, including partisan and racial projections for a hypothetical election conducted using super districts and a fair voting system.

The appendix includes several important items. Users of the report can work with our Excel spreadsheet, which features a simple device allowing one to see the impact of different "incumbency bumps" (that is, the average rate advantage that incumbent candidates receive over open seat candidates) and of overall national two-party preference of the election on the projected seat breakdown. Our methodology for each aspect of the report is also explained in detail.

The data and arguments presented in this report make a powerful case for winner-take-all as the root cause of our dysfunctional elections and for the adoption of fair representation voting systems as the most powerful solution. That American congressional elections are broken at a fundamental level is, at this point, incontrovertible. While one cannot predict exactly how fair voting would transform American

politics, there is no question that a House of Representatives elected under fair voting would be much closer to a real portrait of our people. And that, after all, is what a representative democracy is all about.

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