ENHANCING AFRICAN AMERICAN VOTING RIGHTS IN THE SOUTH WITH FAIR REPRESENTATION VOTING

Spotlighted Facts:

- Number of House Members elected from majority-minority districts in the Deep South (Louisiana, Mississippi, Alabama, Georgia, and the Carolinas) today: **10**
- Number of House Members able to be elected by racial minority populations from the same states under fair representation voting: **14**
- Number of those Deep South states in which the majority of African Americans live in the majority-minority districts allowing them to help elect a candidate of choice: **0 out of 6**
- Number of those states in which *all* African Americans are able to help elect a candidate of choice under fair voting: **6 out of 6**

In Southern states, racially polarized elections remain an unavoidable part of political life. Since 1965, the Voting Rights Act (VRA) has guaranteed that African Americans in the South cannot be shut out of elections either through direct barriers to voting or through discriminatory districts that prevent the achievement of representation. The VRA transformed suffrage rights and representation in legislatures across the South. Its leading instrument was the creation of "majority-minority" districts, in which racial minorities gain representation by virtue of making up the majority of the population within a district.

However, relying on winner-take-all elections for African American voting rights has inherent limitations. In the belt of Southern states running from Louisiana through Mississippi, Alabama, Georgia, and the Carolinas, the use of districting to achieve fairer representation for African Americans has hit a ceiling. While in 1991 redistricting in those states contributed directly to the election the following year of seven new African American House Members for a total of ten in those states, that number remains at ten in 2013 – with zero chance for growth in the rest of decade unless African American Republicans win seats.

To break through that ceiling and achieve truly fair representation, FairVote recommends replacing winner-take-all elections in single-member districts with fair representation voting in multi-member districts – that is, a smaller number of larger districts that each elect between three and five seats. Under fair voting, voters elect candidates in proportion to their popular support, rather than on a winner-take-all basis. With a long history of use in local elections in the United States, fair voting consistently has resulted in fairer representation for political and racial minorities.

Consider Louisiana – an important example, given the story of Hurricane Katrina and its aftermath. Of Louisiana's six U.S. House districts, one is a majority-minority district with a strongly Democratic partisanship. The remaining five districts are all more than 60% white, overwhelmingly Republican in presidential voting patterns, and represented by Republicans.

But African Americans make up nearly one-third of Louisiana's voting age population, and Barack Obama won 41% of the state's vote in 2012. Our plan for Louisiana creates two super districts that would each elect three Members with a fair representation voting method in which over 25% of like-minded voters would have the power to elect one preferred candidate and over 50% of voters would have the power

to elect two candidates. African Americans would have the opportunity to elect a candidate of choice in each district. Overall, Republican-leaning voters would very likely elect four candidates as long as two of those winners could appeal to more independent-minded voters reflecting Louisiana's political center.

Similarly, African Americans in Alabama, South Carolina, and North Carolina would have enhanced opportunities to elect preferred candidates of choice. Below is a chart contrasting current African American voting strength and representation in Congress with their voting strength and representation under fair voting plans:

State	Louisiana	Mississippi	Alabama	Georgia	South Carolina	North Carolina	Total
House Seats (# of Super Districts in Fair Voting Plan)	6 (2 super districts)	4 (1 super district)	7 (2 super districts)	14 (4 super districts)	7 (2 super districts)	13 (3 super districts)	51 (14 super districts)
Candidates of Black Voters' Choice *(Current Districts)*	1	1	1	4	1	2	10
Candidates of Black Voters' Choice *(Fair Voting Plan)*	2	1	2	4	2	3	14
Black Voting Strength* *(Current Districts)*	32%	43%	35%	40%	30%	19%	33% (Average)
Black Voting Strength* *(Fair Voting Plan)*	100%	100%	100%	100%	100%	100%	100% (Average)

* Measures the percentage of African Americans in a district with the power to elect a preferred candidate under conditions of racially polarized voting

Note that the number of seats held by African American-preferred candidates would likely increase by a total of four in these states, from 10 to 14. African Americans who do not vote on racially polarized lines or prefer Republicans would also be able to elect their preferred candidate in all super districts across these six states.

More dramatically, the number of African Americans in a position to directly elect preferred candidates would soar from barely a third of African American voters to 100% of them. Fair voting would guarantee that every African American voter – indeed, nearly every voter of every race – could point to an elected legislator that he or she helped elect. That is far from being true when majority-minority districts are used to increase African American representation. As the table above shows, even in Georgia, which has enough African American-majority districts to elect four candidates preferred by African Americans, the majority of the state's African Americans do not live in a majority-minority district.

Under winner-take-all rules, the majority of racial minority voters in the South are forced to be satisfied with so-called "virtual representation," in which candidates they favor are only elected in districts they themselves do not reside in. For example, in North Carolina, fully 81% of African American adults live outside one of the two districts where African Americans have sufficient voting power to elect a candidate of choice. After adopting a fair representation voting system, 100% of African Americans would live in a super district represented by an African American candidate of choice in every state within this Southern belt. That's nearly three times the number of African American voters with actual representation than there are today.

Positive Impact on Other Racial and Ethnic Minorities

This region is also home to the states with the largest percentage growth of Latino Americans, yet Latinos' share of the electorate remains small – far less than what is required to elect a preferred candidate in either a single-member district or fair representation voting plan. But with the ranked choice voting method of fair representation, their votes would be influential because every voter would gain the power to rank candidates in order of preference, with a second choice counting if one's first choice has been defeated. The same would be true of other racial minorities such as Asian Americans and Native Americans, who could support a candidate of their race as a first choice, if they so chose, but still be wooed by other candidates for their second choices.

While this analysis focuses on Southern states where fair voting's benefits to African American voters are most obvious, this enhanced voting power can also be true in parts of other states that display similar dynamics. For example, the eastern edge of Texas is composed of five white-majority districts that today elect five Republicans who earn very little support from racial minorities. If those districts are combined into a single super district where candidates are elected with ranked choice voting, racial minority voters would have the power to elect a candidate of choice. In much of this region, African Americans make up a sufficient proportion of the population to earn greater legislative representation, but they are not geographically segregated enough to be drawn into majority-minority districts. Fair representation systems are the only option for breaking past their current representation ceiling in these areas.

Even in racially polarized states with an insufficient population of racial minorities to gain actual representation, fair voting – particularly ranked choice voting – would guarantee that racial minorities could influence election outcomes in a meaningful way. For example, in Arkansas, every congressional district has a voting population that is at least 70% white. Given that each representative is elected on a winner-take-all basis and Mitt Romney won the state easily, it is not surprising that in 2012 all four districts elected white Republicans. With ranked choice voting, racial minorities alone still would not compose enough of Arkansas' population to elect a candidate of choice, but African American Democrats would have sufficient numbers to influence elections by joining in cross-racial coalitions of voters able to elect at least one candidate more reflective of their policy preferences.

Towards Inclusion with Fair Representation Voting

In an ideal world, racially polarized voting would not occur and candidates could be defined by their ideas rather than their identities. We indeed see such politics today in some instances. But in general we are far from that world, a reality made plain by the fact that the U.S. Senate elects all its members from states that do not have African American majorities, and there have been only four elected African American Senators in history.

The first step in the direction of integrated representation is ensuring that racial minorities cannot be denied a voice. The use of majority-minority districts has led to much greater racial minority representation in legislative bodies, but the potential of that tactic to approach fully fair representation has reached its ceiling. Furthermore, majority-minority districts are limited to a reliance on "virtual representation" and winner-take-all rules that inevitably deny representation to many groups of voters.

With the long-term power of the Voting Rights Act in doubt after the Supreme Court struck down Section 4 in June 2013, the need for a new strategy is even clearer. Seeking to achieve fair outcomes through winner-take-all systems that are only contextually fair is less secure than achieving fair outcomes through fair representation systems that are universally fair. Fair representation voting stands out as a race-neutral and constitutional means of electing a body that fairly represents the population, however it may choose to vote.