Ranked Choice Voting in Multi-Winner Elections for U.S. House
What It Is and How It Performs on Key Democracy Criteria

Prepared for the National Democracy Slam on April 22, 2015
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Summary of Evaluation of Impact on Criteria

- Voter turnout and political participation: 3
- Fair representation of parties and political groups: 4
- Fair representation of racial minorities and women: 4
- Electoral competition: 5
- Reduction of polarization in Congress: 4

Impact Scale Definitions

1   No impact or negative impact
2   Low impact or impact likely only if coupled with other reforms
3   Moderate impact
4   High impact, including significant long-term impact
5   Problem substantially solved, even without other reform

Description of Ranked Choice Voting in Multi-Winner Districts

Ranked choice voting is a constitutional, candidate-based method of election designed to hold up the principle of fair representation within larger congressional districts that elect either three, four or five representatives based on the district's population.[2] A state like Massachusetts with nine seats might have three districts that each elect three representatives. States could eliminate primary elections, conduct multi-winner primaries with ranked choice voting, or nominate candidates from single-winner districts.

In the general election, voters would each have one vote. They would rank the candidates they find acceptable in order of preference: first choice, second choice, and so on. The system operates so that as many voters as possible help elect one of their top choices. Any candidates securing more than 25 percent of first choices in a three-winner district wins. That winning threshold is just over a third of the vote in a two-winner district, over a fifth of the vote in a four-winner district and over a sixth of the vote in a five-winner district. As a result, groups of like-minded voters are able to elect candidates in proportion to their share of the vote. The rankings ensure that voters can vote honestly. If a candidate gets too few votes to win, their support will count for their voters' second-choices. If a candidate gets far more votes than they need to win, their "surplus" support will count for their voters' second-choices. That way, groups of voters elect candidates they prefer in proportion to their voting power.

Why We Support Ranked Choice Voting in Multi-Winner Districts

The current exclusive use of single-winner elections for U.S. House elections, which was mandated by Congress in 1967, distorts the will of the voters and leaves many voters without a like-minded representative in Congress. Ranked choice voting in districts electing between three and five representatives provides an important contrast. For example:

- **Ranked choice voting in multi-winner districts would ensure that far more voters would their have voices heard in Congress**. Nearly every voter would have House representatives from both major parties. We would also see more diversity of representation: more social conservatives who support unions, social liberals who want lower taxes, urban Republicans, rural Democrats and political independents.

- **Ranked choice voting upholds the principle of majority rule**. Under the current system, Republican candidates in 2016 will likely retain control of the House of Representatives even with the support of only 45% of voters. As demonstrated in FairVote's simulation of a ranked choice voting plan for House elections,[3] candidates of the political party with the most votes nationwide nearly always would win the most seats.

- **Ranked choice voting in multi-winner districts is the most reliable solution to the problem of gerrymandering**. With FairVote's proposal, it would be far harder for legislators to draw skewed districts to benefit their political allies and would make it far easier for legislators, redistricting commissions or courts to draw multi-winner districts that achieve a balance of fair criteria.

- **Ranked choice voting in multi-winner districts provides a fluid means to achieve more reflective representation of America's diversity.** Women represent less than one in five U.S. House seats, and the United States House will not achieve parity in representation of men and women for generations even in the unlikely event that the current rate of growth is sustained. Multi-winner state legislative and city council districts elect more women than otherwise similar elections by single-winner districts,[4] and anecdotal evidence suggests women candidates are particularly effective at reaching out to be the second and third choice of backers of other candidates in ranked choice voting elections.[5] Far more voters from communities of color would have the power to elect candidates of choice and help elect a more proportional number of candidates in the House.[6]

- **Ranked choice voting in multi-winner districts would reduce polarization in Congress**. Ranked choice voting would mitigate political polarization for several reasons. The more accurate reflection of each party's "big tent" of support would increase the number of "bridge-builders" elected to reach across the aisle on common sense issues to achieve compromise. The election of Republicans and Democrats outside of their parties'

strongholds would mean both parties would elect Members with incentives to adopt policies representing voters in every part of the country. Rewarding candidates for earning backup preference from supporters of other candidates[7] would encourage election of more Members able to find common ground with their colleagues.

The crisis of polarization in Congress makes fair representation voting particularly timely and viable as a reform, as it provides a strong incentive for Congress to address gridlock before it prevents them from taking critical action. Ranked choice voting in multi-winner congressional elections can be adopted by statute, as an exercise of Congress's power to regulate the manner of election of its Members. It is consistent with both the Constitution and with the founders' vision of the House of Representatives. For example, most Members of the first U.S. Congress were elected in multi-winner elections, and multi-winner elections remained common until Congress first mandated single-winner districts in 1842.

Ranked choice and similar forms of fair representation voting have proven effective in state and local elections. Illinois elected its state legislature by giving voters cumulative voting rights in three-winner districts for over a century following the Civil War, specifically as a measure to address political polarization. Over one hundred cities, counties and other local jurisdictions elect some or all of their legislative bodies by fair representation voting methods. Two dozen cities have elected their city councils at-large by ranked choice voting, including New York City, Cincinnati (OH) and Sacramento (CA) in the past and Cambridge (MA) today. Its history of actual use in the United States and its applicability to the most critical problems plaguing American democracy make fair representation voting a viable and needed reform for House elections.

That said, we recognize that this proposal will face political challenges from incumbents and political interests wary of such a major change in our electoral process. It also will require new procedures for tallying votes in a secure way, voter education to introduce voters to a new ballot and new norms for how legislators and their staffs handle constituent service.

Criteria Evaluation

Voter turnout and political participation: 3

Voter turnout in midterm elections with Congress on the top of the ballot in more states averages only two in five eligible voters, and in the 2014 elections hit its lowest number since 1942. Our plan for ranked choice voting for Congress would have a moderately positive impact on voter turnout and political participation because it would foster an electoral atmosphere where nearly all voters would consistently be able to choose among diverse candidates running in meaningfully competitive elections. Nations with legislatures elected by proportional voting methods, including those with ranked choice voting, show higher turnout on average than those electing only in single-winner elections; in fact, the nation with the highest average turnout rate in 1960 to 1995 was Malta, with a 94% turnout rate in ranked choice voting election for five seats.[8] Scholarly work ties this increased turnout to factors including the

competitiveness of the race and the presence of a viable candidate or party that voters want to help elect.[9]

Today, more than four in five House races are inherently noncompetitive in the general elections,[10] even without considering incumbent advantages. With ranked choice voting in multi-winner districts, a much larger share of the voters can elect a preferred candidate. There would be no safely Republican or Democratic districts, as every multi-winner district would likely elect at least one nominee of both major parties, along with other candidates who do not fit neatly in the current two party paradigm. The political parties would have incentives to build viable operations everywhere, not only in their strongholds and swing districts.

Candidates could run without necessarily having to take on any one particular incumbent, as each district would elect three, four or five representatives. With more than one seat in play, voters would be drawn to the polls by meaningful elections in all kinds of places – a significant improvement over the relegation of meaningful competition to a handful of districts we have today. Ranked choice voting encourages voters to support their sincere first choice without fearing of "wasting" their vote on an underdog candidate.

On the broader issue of political participation, we think that our proposal would likely increase voter engagement with their representatives between elections. First, far more people would have at least one representative they strongly support and helped elect. Second, the representatives would be in a more competitive environment where they would be well-served by reaching out to a district's voters between elections.

Still, we recognize that a variety of factors influence voter turnout and voter engagement between elections. The most fundamental reason for voter participation is whether eligible voters see casting a ballot and interacting with representatives as having an impact on their lives. Although there is reason to believe that ranked choice voting in multi-winner districts would increase the ability of Congress to govern, and in turn, increase Americans' faith in the value of their participation, that proposition is speculative.

Fair representation of parties and political groups: <u>4</u>

Ranked choice voting would allow like-minded groups of voters to gain representation in proportion to their share of the electorate. That means that if most voters prefer candidates from one party, then candidates from that party will win the most seats. It also ensures that other parties will still receive their fair share.[11] For example, Presidential races demonstrate that more than one in three voters in Massachusetts support Republicans over Democrats, but Democrats have won all 98 U.S. House races in the state since 1994. With our fair representation plan, Republican backers in Massachusetts reliably would elect three seats. Similarly, even though partisan voting patterns in Louisiana strongly suggest that about a third of voters prefer Democrats, Democrats today can only hope to elect one Member in Louisiana's six universally uncompetitive districts. With ranked choice voting in two multi-winner districts electing three seats each, Democratic voters would have the voting power to elect at least two seats.[12]

Because ranked choice voting is both candidate-based and non-winner-take-all, it would also ensure the election of diverse, reflective voices *within* major political parties. Under the current system, the vast range of ideas, perspectives, and political thought is channeled into two partisan poles, with little room for those whose views come into conflict with the party line. But with ranked choice voting, the political diversity of Americans would be reflected. For example, if a district elects three Republicans and two Democrats, each representative would have needed to win support from a district group representing about a sixth of voters – very likely having different visions for their party and for governance. Further, representatives who cannot win election under the current system, like Republicans from Massachusetts and Democrats from Oklahoma, would come to Congress with different perspectives than the representatives elected in their parties' strongholds.

Still, limiting the number of representatives in districts to five establishes a relatively high victory thresholds of at least 17%. This will make it hard for smaller political parties to win seats, unlike many party list proportional representation systems where parties can win seats with five percent or lower. With ranked choice voting, however, these small parties at least will not be spoilers, and their candidates and unaffiliated candidates can work hard to win and hold the major parties accountable.

Fair representation of racial minorities and women: <u>4</u>

In places with racially polarized voting, ranked choice voting would allow communities of color to elect representatives in proportion to their number.[13] Currently, racial minority representation is principally achieved through the creation of "majority-minority" districts; that is, single-winner districts in which the racial minority group makes up the majority of the district. However, the use of such districts effectively caps racial minority representation to areas where racial minorities are able to be a majority in relatively compact districts. Further, in states with such districts, the majority of the racial minority population consistently lives outside of the majority-minority districts, meaning that they rely more on "virtual representation" than actual representation.

FairVote's analysis of the effects of fair representation voting on African American representation in the Deep South demonstrated that ranked choice voting would likely better represent African American voters in at least six key states in that region alone (Louisiana, Mississippi, Alabama, Georgia and the Carolinas). African American voters would have the voting strength to elect 14 candidates of choice in those states compared to 10 today (each state has at least one majority-African American district). Further, 100% of the African American population would have actual representation in those states, compared to about 33% today.

Multi-winner districts also have a positive impact on women's representation. Of the ten states with the highest proportion of women elected to their state legislatures, six elect their legislatures using multi-winner districts. A scholarly study by Richard E. Matland and Deborah Brown found a strong connection between the use of multi-winner state legislative districts and

women's representation.[14] Multi-winner districts create incentives for parties and groups that organize within the parties to recruit more women to "balance their tickets," and voters are able to "balance their vote" by voting for both men and women. Ranked choice voting adds an important feature for women, as female candidates have been showing particular prowess at reaching out effectively to backers of other candidates in ranked choice voting elections. But full parity in representation of women will almost certainly require more directly affirmative steps like France's parity law.[15]

Electoral competition: 5

The current method for electing U.S House Members practically guarantees that a supermajority of seats will be safe for the nominee of a particular political party. More than two years prior to the 2016 congressional elections, FairVote projected winners in over 85% of seats for that election using a methodology with a track record of nearly perfect accuracy.[16] To be competitive, a single-winner election requires that voters be split about evenly between the frontrunners – and to lean toward the challenger to be truly competitive with an incumbent – but there is no practical way to draw single-winner districts such that this will be the case in a substantial number of them.

Ranked choice voting in multi-winner districts, on the other hand, allows nearly all voters to meaningfully impact the outcome of the election. The only way a single party could reliably sweep a multi-winner district would be for the district to be unnaturally homogenous. A five-seat district would not elect only members of one political party unless at least 83% of voters in the district preferred candidates of that party. In FairVote's 2013 simulation of a fair representation voting plan for Congress, in which we combined existing single-winner districts into larger multi-winner districts, there was not a single district in the nation in a state with at least three seats that was sufficiently homogenous to allow one party to win every seat.[17]

Ranked choice voting should also create a more accessible system for serious challengers. Because multiple Members represent each district, a challenger can run without specifically targeting a particular incumbent, and therefore be able to focus on what they would bring to Congress, rather than on whom they would replace. Similarly, the reduced threshold for election ensures that running as a challenger would not be as insurmountable as it is in a safe single-winner district. A new candidate could win by outperforming any of the incumbents in the district when earning between 17% and 25% of the vote, meaning that incumbents always will need to earn their re-election; a district will only return all its incumbents when the overwhelming majority of voters are happy with their current representatives – as is only fair.

Reduction of polarization in Congress: 4

Ranked choice voting in multi-winner districts would have a major impact on our current crisis of congressional polarization. The structure of our current system over-represents highly partisan voters. Today, few general elections are competitive due to a combination of three factors that are barely affected by changes in how district lines are drawn, voter are registered

and campaign finance is regulated, but are directly addressed by our ranked choice voting proposal:

- ***Voters are more rigidly supporting their preferred political party in federal elections.*** Out of 435 House Members, only 18 (less than four percent of all seats) are "crossover representatives" in a district with a partisanship leaning toward the other major party, and only three represent a district that leans more than 55% toward that party. In 1993, 113 seats (nearly 26% of all seats) had crossover representatives.

- ***Voters are "sorting" themselves into areas that have stronger advantages for one party.*** Consider that in 1988, only eight small states with a total of 40 electoral votes had a partisanship of at least 58% for one party, as opposed to 25 states with a total of 247 electoral votes in 2012.

- ***Incumbents on average earn several percentage points more than a nominees of their party would earn in open seats***. Although the "incumbency bump" is declining in our more partisan era, incumbents on average still won more than 2.5 percentage points more than a nominee of their party would have likely won in that district in an open seats. This translates into five additional percentage points in a victory margin, which is enough to shift a competitive election into a less competitive one.

With so few general elections having any prospect of changing outcomes, the nomination process becomes all-important. Highly partisan voters are dominating such contests, including in places with open primaries and rules to lift turnout. As a result, the bigger electorate with more diverse and less partisan views is usually left either to rubber-stamp the nominee of the district's majority party or, in the rare event of a competitive general election, choose between two nominees who each had to earn majority support from their party's most partisan voters.

With ranked choice voting in multi-winner districts, no district will be safe for only one political party. When a district's left, right and center will be represented in fair proportions, candidates must win by earning strong support on a distinct part of that spectrum – including the center. With the ranked choice voting ballots, more of the winning candidates will have proven their ability to reach out to more diverse general election voters as they seek to be the second choice of some opponents.

Our proposal would ensure an increase in representation with a greater mix of views. Every district would see representation for its right, left and center. To be sure, that spectrum will look different in Oklahoma than it does in Massachusetts. Still, with ranked choice voting, general election voters will consistently elect representatives who reflect their full diversity. That means that Members could exercise greater independence from party leadership in seeking compromises, and often represent their voters better by crossing the aisle in the case of solution-oriented legislation that otherwise would be killed by partisan gridlock. The

Madison conception of government that is baked into our Constitution would be better matched with rules that create electoral rewards for compromise.

The effect of fair representation voting systems on mitigating polarization has already been demonstrated in actual U.S. elections. In 1870, Illinois adopted a form of fair representation voting called cumulative voting for its state house of representatives specifically to address a crisis of polarization. Just after the Civil War, Illinois was divided into a northern Republican stronghold and a southern Democratic stronghold. After adopting fair representation voting, this polarization subsided, with both parties sharing districts throughout the state. Fair representation led to the election of bridge-builders – candidates elected in the opposite party's turf, who could effectively reach across the aisle to pass common sense legislation. This was documented in the report of a 2001 commission led by former Republican governor Jim Edgar and former Democratic Congressman and federal judge Abner Mikva. That report unequivocally recommended a return to fair representation voting in Illinois.[18] As the nation is currently more polarized than it has been since the reconstruction era, we would do well to remember this lesson.

ENDNOTES

[1] Drew Spencer is FairVote's senior attorney. Rob Richie is FairVote's executive director.

[2] The system in academic literature is often called the "single transferable vote," or the Hare system after the man who devised it. After its embrace by John Stuart Mill and other British advocates of proportional representation, it became the main alternative to winner-take-all elections in Anglo-American democracies. It currently is used to elect by every voter in at least one governmental in Australia, Ireland, New Zealand, Northern Ireland, and Scotland and is used in local elections in Cambridge (MA) and Minneapolis (MN).

[3] See *Monopoly Politics 2014 and the Fair Voting Solution 2014*. the national comparison at http://www.fairvote.org/assets/UnitedStates2014.pdf and the analysis of partisan bias in the current system at http://www.fairvote.org/assets/PartisanBias2014.pdf

[4] See summary of research on state legislative elections in State of Women's Representation 2013-2014 report by Representation, available at http://www.representation2020.com/uploads/9/2/2/7/9227685/fair_election_structure.pdf . In September 2014, FairVote released data showing women earned close to 40 percent of at-large council seats in the 100 biggest cites as compared to less than 30 percent of single-member district seats, available at http://www.fairvote.org/research-and-analysis/blog/election-of-women-in-our-100-largest-cities-disadvantaged-by-districts/

[5] For example, see this blogpost at FairVote.org after ranked choice voting elections in four cities in 2014, where women won 15 of 22 seats: http://www.fairvoteblog.com/2014/11/women-win-large-majority-of-ranked.html

[6] FairVote, *Redistricting Reform in the South*, available at http://www.fairvote.org/assets/Redistricting-Reform-in-the-South.pdf.

[7] See report on how ranked choice voting changes behavior of candidates in this study on telephone surveys in American cities in 2013. http://www.fairvote.org/assets/Ranked-Choice-Voting-Civility-Study-April-2014.pdf

[8] Mark N. Franklin's *Electoral Participation*, in *Controversies in Voting Behavior* (2001). The voter turnout database of the Institute for Democracy and Electoral Assistance shows that Malta has maintained an average turnout of nearly 94% in four elections since 1995. See http://www.idea.int/vt/countryview.cfm?id=153

[9] Jeffrey A. Karp & Susan A. Banducci, *The Impact of Proportional Representation on Turnout: Evidence from New Zealand,* 34 Australian J. of Pol. Sci. 363 (1999); Andre Blais & R. K. Carty, *Does Proportional Representation Foster Voter Turnout?*, 18 Eur. J. of Pol. Res. 167 (1990); Alan I. Abramowitz et. al., *Incumbency, Redistricting, and the Decline of Competition in U.S. House Elections*, 68 J. of Pol. 878 (2007); Arend Lijphart, *Constitutional Choices for New Democracies*, 2 J. of Dem. 72 (1991).

[10] As one example, FairVote in November 2014 projected winners in 86% of House districts for the November 2016 elections more than two years later using a methodology that was accurate in 699 of its last 700 projections. See its news release: http://www.fairvote.org/research-and-analysis/congressional-elections/fairvotes-projections-for-u-s-house-elections-in-2016/

[11] Michael D. McDonald, et. al., *What Are Elections For? Conferring the Median Mandate*, 34 B. J. Pol. S. 1 (2004).

[12] FairVote, *Measuring the Impact of Redistricting Reform in Louisiana, in Redistricting Reform in the South*, available at http://www.fairvote.org/assets/Redistricting-Reform-in-the-South.pdf.

[13] Richard L. Engstrom, *The Single Transferable Vote: An Alternative Remedy for Minority Vote Dilution*, 27 U.S.F. L. Rev. 779 (1992).

[14] Richard E. Matland & Deborah Dwight Brown, *District Magnitude's Effect on Female Representation in U.S. State Legislatures*, 17 Leg. Stud. Quart., 469 (1992).

[15] See, for example, the discussion of party rules and national laws establishing minimums for women's representation in this chapter from Representation 2020's *State of Women's Representation 2013-2014* http://www.representation2020.com/uploads/9/2/2/7/9227685/changing_party_rules.pdf

[16] See news release http://www.fairvote.org/research-and-analysis/congressional-elections/fairvotes-projections-for-u-s-house-elections-in-2016/

[17] FairVote, 2014 Congressional Elections Nationwide, available at http://www.fairvote.org/assets/UnitedStates2014.pdf

[18] Illinois Assembly on Political Representation and Alternative Electoral Systems, Final Report and Background Papers, 13 (IGPA University of Illinois 2001), available at http://archive.fairvote.org/op_eds/illinoisreport.htm