

REPRESENTATION AND ELECTORAL SYSTEMS

Section on Representation and Electoral Systems

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Rockefeller College
University at Albany
135 Western Avenue
Albany, New York 12222
zimmer@albany.edu

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Editor: Joseph F. Zimmerman

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2002 ANNUAL BUSINESS MEETING

The Section's Annual Business Meeting was held on August 30, 2002, in Boston in conjunction with the Annual Meeting of the American Political Science Association.

The Hallett Award, for the best book published more than ten years ago, was presented to David E. Butler and Donald E. Stokes for their book entitled *Political Change in Britain*.

The Weaver Award for the best paper presented at a Section-sponsored panel at the 2001 Annual Meeting of the Association was presented to Aubrey W. Jewett of the University of Central Florida for his paper entitled "Explaining Variation in Ballot Invalidation Among Florida Counties in the 2000 Election."

A proposal was made at the annual meeting to establish a Longley Award in memory of Professor Lawrence D. Longley of Lawrence University, a long-time Section member, who died in April 2002. The meeting referred the matter to the Executive Committee which decided to establish an annual Longley Award for the best article on representation and electoral systems published during the previous calendar year.

Chairman Richard Katz of Johns Hopkins University appointed the following as members of the Hallett Award Committee: Sarah Birch of the University of Essex, William J. Crotty of Northeastern University, and G. Bingham Powell, Jr. of the University of Rochester, Chairman.

The following were appointed by Chairman Katz as members of the Weaver Award Committee: Gary W. Cox of the University of California, San

Diego, Nancy Maveety of Tulane University, and Douglas J. Amy of Mount Holyoke College, Chairman.

Chairman Katz appointed the following as members of the Nominating Committee: Mark E. Rush of Washington and Lee University, Shaheen Mozaffar of Bridgewater State College, and Joseph F. Zimmerman, University at Albany, Chairman. Article III, §1 of the Section's Bylaws establishes an eight-member Executive Committee and provides for the election of its members for two-year terms at the annual section business meeting in odd number years. Section 2 stipulates members will elect one of the Committee members as Chairman. The latter, under §3, appoints the Section's Secretary-Treasurer.

Professor Andrew Reynolds of the University of North Carolina, Chapel Hill has been appointed by Chairman Katz as the Section's Program Chairman for the Annual Meeting of the American Political Science Association which will be held in Philadelphia, Pennsylvania, on August 28-31, 2003.

Chairman Katz announced Professor Christopher J. Carman of the University of Pittsburgh is establishing a web site for the Section. The web site will contain back issues of *Representation and Election Systems* among other information.

Representation and Electoral Systems editor Joseph F. Zimmerman announced Professor Erik S. Herron of the University of Kansas has assumed the position of Section Bibliographer and expressed, on behalf of the Section, appreciation to Professor Burt L. Monroe of Michigan State University for his many years of service as Bibliographer.

Editor Zimmerman also announced Professor J. Paul Johnston of the University of Alberta is the Section's new Book Review Editor. Readers are invited to send reviews to Professor Johnston, Department of Political Science, University of Alberta, Edmonton, Alberta T6G 2H4. Telephone: (403) 492-3555. E-Mail: j.p.johnston@ualberta.ca

AT-LARGE NEW HAMPSHIRE HOUSE DISTRICTS

Governor Jeanne Shaheen, a Democrat, vetoed a redistricting plan for the 400 member New Hampshire House of Representatives and the Republican-controlled General Court (state legislature) was unable to override the veto. The inability of the Governor and the General Court to reach an agreement on a compromise redistricting plan resulted in the New Hampshire Supreme Court, for the first time in its history, on July 26, 2002, issuing a redistricting plan [*Burling v. Chandler*, 2002 West Law 1732940]. The state is divided into 88 relatively large house districts compared to 135 districts under the 1992 redistricting statute. Voters in only five of the new districts will elect a single representative, and only Greenfield and Sunapee will not share a representative with another town.

House district 2, covering twenty-two towns, will elect five representatives. Wards 1 and 12 in the City of Manchester are merged into a single district where voters will elect six representatives. Wards 2, 3, 10, and 11 in Manchester are combined into a district which will elect eleven representatives. The Salem/Windham District will elect thirteen members. Members of the House of Representatives have been paid a constitutionally authorized (Part Second, Art. 15) annual salary of \$100 since 1784.

The 1784 State Constitution authorized voters in each town, except the very smallest ones, to elect one representative. Under the 1992 redistricting plan, voters in each of twenty-six towns elected a single representative and several of these towns shared a second representative with another town. The House currently has 250 Republican members.

The New Hampshire Supreme Court acknowledged its plan is significantly different than the previous plan, but maintained changes were essential because the earlier plans failed to give full

weight to the principle of "one-person, one-vote." The Court retained the current 400 member House, but under the 1784 State Constitution (Part Second, Art. 9) the number of representatives could have been reduced to a low of 375. In its opinion, the Court reported it attempted to create as many single member town districts as possible, but only a small number of towns would have the required district population of 3,089.

Traditionalists, who support a citizen legislature with representation in the House of Representatives from each city and town, are dismayed by the Court's plan. *The Union Leader*, the only newspaper with a statewide circulation, published an editorial (page 8) on July 30, 2002, decrying the plan:

"In its blind of obedience to this idea ["one-person, one-vote"], the Court has managed to make the House less, not more, representative off the people's wishes. By lumping together communities that have little in common, greatly enlarging many districts and virtually eliminating single-member districts, the court literally created a greater space between the people and those who represent them."

Critics also were concerned with the larger campaign expenditures necessitated by the new multi-member districts in view of the low salary paid to representatives.

DEFEAT OF THE ALTERNATIVE VOTE IN ALASKA

Alaskan voters, by a margin of sixty-four percent to thirty-six percent, on August 27, 2002, rejected initiated Measure 1 providing for the use of the alternative vote, termed "instant runoff voting" by the Center for Voting and Democracy, in elections of United States Senators and Representatives, and state officers other than the Governor. Thirty-six percent of the voters cast approval ballots and sixty-four percent cast rejection ballots. The proposition was opposed by the Alaska League of Women Voters, the Democrat party, and several newspapers, and endorsed by the Center for Voting and Democracy and certain leaders of the Republican and Green parties.

Voters in the consolidated City-County of San Francisco approved the alternative vote in the Spring of 2002 and the system also is used in

Louisiana for overseas absentee ballots and the

Republican party in Utah. Fifty-three Vermont town meetings in March 2002 approved a warning (fixed agenda) article urging the Vermont General Assembly to adopt the alternative vote.

NEW YORK CITY COMMUNITY SCHOOL BOARDS

The 2002 New York State Legislature enacted a statute (Chapter 91 of the Laws of 2002) repealing §2590-c of the *New York Education Law* that authorized establishment of the existing thirty-two Community School Boards. The Single Transferable Ballot form of Proportional Representation has been used to elect nine members to each board which has control over city schools below the high school level.

Section 24 of the 2002 law authorizes the appointment of a Task Force on Community School District Governance Reform. The Speaker of the State Assembly and the Temporary President of the State Senate each is directed to appoint ten members who are residents of New York City. The Task Force is charged with developing recommendations for the duties and powers of Community School Boards to “ensure that there is a process to maximize meaningful participation by the public, parents, and the communities which would be affected by changes to the Community School Board System...”

The statute also reconstitutes the City Board of Education as the Panel for Education Policy, enlarges the membership from seven to thirteen including the Chancellor, and authorizes the Mayor to appoint eight members and the elected President of each the five Boroughs to appoint one member,

The federal Voting Rights Act of 1965 as amended applies to New York City and any changes in elections require the approval of the Attorney General of the United States or the issuance of a declaratory judgment by the United States District Court for the District of Columbia that the changes would not affect adversely the rights of the protected minorities (Blacks and certain “language” groups).

The United States Department of Justice on July 3, 2002, approved the reconstitution of the Board of Education and the appointment of the School Chancellor by the Mayor. On September 3, 2002,

the Department approved the proposal that the Chancellor appoint District School Superintendents. The Department is reviewing the proposal to replace the elected community school boards.

PUBLIC FINANCING OF ELECTION CAMPAIGNS

The Vermont General Assembly established a Clean Elections Program providing public funds for candidates seeking the offices of Governor and Lieutenant Governor, but no candidate applied for public financing of their 2002 election campaigns.

A major controversy erupted in the Commonwealth of Massachusetts in early September 2002 and involved Warren Tolman, a Democrat gubernatorial candidate, whose campaign is the first one financed in part by funds authorized by the 1998 voter initiated Clean Elections Law approved by a two to one vote of the electorate. Tolman's negative television advertisements targeted his three opponents in the September 17, 2002, Democrat party primary election.

Tolman's use of public funds to finance negative advertisements placed supporters of the initiated law on the defense. Negative advertisements are not prohibited by the law. The General Court refused to fund the law and the Supreme Judicial Court designated Justice Martha B. Sosman to hear and rule on the issue of funding the law. Justice Sosman authorized supporters of the law to auction state property to raise money to pay candidates who qualify under the law. State-owned motor vehicles were auctioned on April 28, 2002, and subsequently surplus land and other property were sold to raise funds.

Republican gubernatorial candidate Mitt Romney on September 9, 2002, proposed that candidates who do not follow the provisions of the Clean Election Law relative to fund-raising and expenditure limits should be required to transfer ten percent of their campaign funds to Clean Election candidates.

WASHINGTON ONLINE CANDIDATE FILING

Washington State Secretary of State Sam Reed announced on July 23, 2002, the state has initiated the first system in the United States

allowing candidates for federal, state and local elected officers to file electronically. Mr. Reed maintains the electronic filing method is as secure as filing in-person or by mail. Candidates, who file electronically, are required to pay the filing fees with a credit card matching the candidate's name or name of the candidate's campaign. The Secretary of State will not post online a Declaration of Candidacy until his staff have examined the application to determine its validity.

Washington University Summer Institute on the Empirical Implications of Theoretical Models

Washington University in St. Louis will hold its first summer institute on the Empirical Implications of Theoretical Models (EITM) in June 2003. The institute focuses on the methodological challenges posed by theoretical models. The institute is designed for advanced graduate students and junior faculty. Summer institutes will be held in June of 2003, 2004, 2005, and 2006.

Participants will join four one-week seminars—a basic seminar and three advanced seminars. The Summer Institute program includes:

- a theoretical and methodological foundations seminar;
- seminars on the application of game theory, spatial models, quantal response models, and behavioral models;
- applied seminars on coalition theories, theories of judicial decision making, and theories of legislative politics; and
- seminars on quantitative, experimental, and field methods.

The seminars are conducted by nationally recognized faculty who drawn from universities throughout the country. Up to 25 advanced graduate students and junior faculty will be provided with travel and lodging subsidies each summer.

Application materials will be available online in the near future. The application deadline for the June 2003 summer institute will be in January 2003 <http://wc.wustl.edu/eitm.htm>.

More information about the Washington University EITM Summer Institutes will be available at <http://wc.wustl.edu/eitm.htm>. To be

added to the email list for notices about the program, email aitm@wc.wustl.edu. The summer institutes are sponsored by Washington University's Weidenbaum Center on the Economy, Government, and Public Policy and the Department of Political Science; they are funded by the National Science Foundation.

Monopoly Politics 2002: A Competitive House with Uncompetitive Elections Center for Voting and Democracy

Democrats and Republicans are narrowly divided in the U.S. House of Representatives, and the last three House elections were within 1% in the total number of votes received by Republican House candidates and Democratic candidates nationally.

At the same time, the outcomes in the vast majority of races can be predicted with extremely high certainty. Even though this election follows redistricting, which usually results in an increase in competitive race, fewer than one in ten races likely will be won by less than 10%. In contrast, more than 100 races in 1992 were considered competitive.

What's going on? Since 1997, the Center for Voting and Democracy has released a biannual report, *Monopoly Politics*, that predicts the outcome of House races based on a simple observation: the outcome of house races is largely determined by the partisan composition of the district. In the majority of house races, we can predict not only who will win but by what margin without considering the identity of the challenger, the amount of money raised by the candidates or any polling data. Instead, simply by looking at the partisan composition of the district and recent incumbent performance, we can make extremely accurate predictions far in advance of the elections. This year, due to redistricting, the data about the new districts was not available until recently, which means we have not been able to issue our predictions until this year. Shortly after the 2002 elections, however, we will be able to release results of most of the 2004 races.

This year's *Monopoly Politics* report is being released as an on-line spreadsheet that allows users to see exactly how our predictions are made and

would be changed by adjusting one of a few simple variables. The model can be tested on the House elections in 1996-2000 and applied to 2002 races. To see the report, visit www.fairvote.org. Also on the website is a comprehensive report on redistricting in all 50 states.

Center for Voting and Democracy

THE BRITISH INDEPENDENT COMMISSION

The Constitution Unit of the School of Public Policy of University College London has established The Independent Commission to Review Britain's Experience with "PR Voting Systems" (29-30 Tavistock Square, London WC1H 9QU. Telephone from the United States: 011-44 020 769 4977. Facsimile: 011-44 020 7679-4978. E-Mail: information@prcommsion.org. www.prcommission.org

The Labour party's 1997 manifesto contained a commitment to hold a referendum on the voting system to be used for House of Commons elections. The party in 2001 announced it wanted to review Britain's experience with new PR voting systems introduced during its first term in office prior to considering changes for the House of Commons electoral system.

The Constitution Unit established an independent Commission, with members from all political parties, to research electoral systems prior to the 2003 elections. Specifically, the Commission is reviewing the new PR systems used to elect members of the Scottish Parliament, National Assembly for Wales, Greater London Assembly, and for the European Parliament as well as aspects of Northern Ireland's voting experience. The commission is expected to issue an interim report in the Spring of 2003 and a final report by the end of 2003.

Questions to be examined include: What has been the experience of the new voting systems—for voters, for candidates, and for elected members? How easy have the new voting systems been to understand? What changes could be made to improve them? What have been the good aspects of the new PR system and what has been bad? What are the lessons of the new PR systems for Westminster?

The May 2002 local elections revealed sixty percent of the registered voters utilized postal voting compared to a past average of thirty-five

The Commission welcomes comments and views on any issues lying within its terms of reference.

IRISH PHOTOGRAPH BALLOTS

A twenty year campaign, by a man who had been illiterate, to have colored photographs of candidates placed on the ballot resulted in success in the May 2002 national general elections in the Republic of Ireland. Minister for the Environment and Local Government Martin Cullen, who is responsible for elections, reported an exit poll of more than 1,200 voters found 92 percent described the photographs as “very useful” or “fairly useful.”

Ernie Sweeney proposed the use of photographs as a visual aid to assist the approximately 40,000 voters with reading and writing difficulties to cast ballots without embarrassment. Minister Cullen thanked and praised Mr. Sweeney for his proposal and persistence.

In a related development, electronic voting was authorized in three multi-member constituencies—Meath, Dublin North, and Dublin West—in the May 2002 general elections. Four hundred machines were used and electronic voting was almost problem-free. The Republic utilizes the Single Transferable Ballot form of Proportional Representation for all elections—national and local.

VOTING BY CELL PHONE OR INTERNET IN ENGLAND

Minister for Local Government Nick Raynsford approved voting by cell phone or via the Internet in the May 2002 local elections for thirty councils. Postal voting in the 2000 local elections in a limited number of constituencies revealed a fifty percent or greater increase in the number of votes cast compared to the 1999 local elections. The United Kingdom’s 2001 general election witnessed a record number of postal votes cast—approximately 1.4 million compared to 738,614 in the 1997 general election.

percent in several councils. Postal voting was used in 2002 in Chorley, Gateshead, Stevenage, South Tyneside, Trafford, Middlesbrough, Hackney, and Preston. In addition, voters in thirty councils were allowed to cast ballots on-line via the Internet, through text messages, and by telephone. Postal voting proved to be the most popular with turnout in Stevenage increasing from twenty-nine to fifty-three percent. Voters in Sheffield and Newham in East London used smart cards containing a hidden password at electronic kiosks.

The Election Commission, Parliament's electoral watchdog, on July 31, 2002, concluded pilot Internet and telephone voting revealed the systems were off to "a good start," but added additional tests were essential prior to introducing such voting in national elections. The Commission also reported there was no evidence the pilots increased electoral fraud, and noted the political parties in most areas had not yet adapted their campaigning techniques to fit the experiments with new voting systems. A post election survey conducted for the Commission revealed voters in thirteen of the thirty pilot electoral areas were aware of the new methods for casting ballots and approximately one-quarter reported the experiments encouraged them to vote.

THE ENGLISH COMMISSION ON LOCAL GOVERNANCE

This Commission, welcome attempts to reverse the secular decline in English local government elections by alternative voting methods including electronic voting, but concluded these methods are little more than "tinkering" with the system. The Commission was established by the Local Government Information Unit, an independent research body funded by 150 councils.

The Commission maintained in its June 2002 report that the national government must grant councils significant financial powers and make politics "come alive" for young persons by lowering the voting age from eighteen to sixteen and the minimum age for candidates for councils from twenty-one to eighteen. The Commission's report contains sixty-six recommendations and specifically urges that councils be granted authority to introduce proportional representation on a pilot basis.

FEDERAL ELECTION COMMISSION

The Bipartisan Campaign Reform Act of 2002 (116 Stat. 82, 2 U.S.C. §431, note), signed into law by President George W. Bush on March 27, 2002, amends the Federal Election Campaign Act of 1971 (86 Stat. 3, 47 U.S.C. §315(b)(1)(2)) and becomes effective on November 6, 2002. The Act required the Federal Election Commission to promulgate new soft money regulations by June 25, 2002, and regulations to implement other provisions of the Act by December 22, 2002. The Commission published a Notice of Proposed Rulemaking in the *Federal Register* (67 FR 35654) on May 20, 2002. The Commission promulgated new regulations relative to the reporting of last-minute independent expenditures and revised independent expenditure report forms (Form 5 and Schedule E of Form 3X) effective on June 13, 2002 (67 FR 40586). The new regulations reflect a statutory requirement that 24-hour notices disclosing last minute independent expenditures of \$1,000 or more must be received by the Commission or the Secretary of the Senate, as appropriate within twenty-four hours of the time the independent expenditure is made. Filers may send the notices by facsimile or E-mail unless the filer participates in the Commission's electronic filing program and thus is required to file all reports electronically.

On July 12, 2002, the Commission approved the Office of Election Administration's proposed revisions to the National Mail Voter Registration Form. The revisions were made to comply with new standards established by the Office of Management and Budget for federal programs. The changes affect the list of categories allowing applicants to identify their race and ethnicity when registering to vote in states that seek this information. The new categories match more closely ones used by the United States Bureau of the Census. The Office of Management and Budget has instructed federal departments and agencies to adopt the changes by January 1, 2003.

REDISTRICTING CROSS-WORD PUZZLE

The cross-word puzzle, developed by Professor Douglas J. Amy of Mount Holyoke College and

published in the April 2002 issue, appears below and is followed by the answers.

ELECTION LAW JOURNAL

Election Law Journal is a new peer reviewed quarterly journal edited by Professional Daniel H. Lowenstein of the School of Law of the University of California, Los Angeles and Professor Richard L. Hasen of Loyola Law School. Volume 1, Number 1, 2002, contains “Unpacking *Page v. Baretts*: A Fresh Redistricting Paradigm Emergences in New Jersey by Sam Hirsch; “Internet Politics 2000: Overhyped, Then Underhyped, the Revolution Begins” by Trevor Potter and Daniel Manatt; “Initiatives and the New Single Subject Rule” by Daniel H. Lowenstein; “Neutralizing the Incompetent Voters: A Comment on *Cook v. Gralike* by James A. Gardner; “Voting Machines, Race, and Equal Protection” by Stephen Ansolabehere; and “The Secretaries Speak: Sixteen Points to Improve American Elections” by Sharon Priest. Also included are reviews of two books and recent election law documents.

The editors specifically invite political scientists to submit manuscript. Instructions for authors can be found on the publisher’s web site: www.liebertpub.com

Professor Lowenstein’s address is UCLA Law School, 405 Hilgard Avenue, Los Angeles, CA 90095-1476. Telephone: (310) 825-5148. Facsimile: (310) 206-6489. E-Mail: lowenste@mail.law.ucla.edu

Professor Hasen’s address is Loyola Law School, 919 South Albany Street, Los Angeles, CA 90015-1211. Telephone: (213) 736-1466. Facsimile: (213) 380-3769. E-Mail: rick.hasen@lls.edu

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BOOK REVIEWS

Editor: J. Paul Johnston, Department of Political Science, University of Alberta, Edmonton, Alberta T6G 2H4. Telephone: (403) 492-3555. E-Mail: j.p.johnston@ualberta.ca

Steven Hill. *Fixing Elections: The Failure of America's Winner Take All Politics*. New York: Routledge, 2002. 348 pp. ISBN 041593193-2 (cloth). \$27.50. \$41.95 Canadian.

The author, Associate Director and cofounder of the Center for Voting and Democracy, utilizes Florida's punch-card debacle in the 2000 presidential election as a launch pad for an attack on the "winner-take-all" election system and to recommend alternative voting systems.

Hill commences with a prologue lamenting the low rate of voter participation in elections and places much of the blame on the "winner-take-all" election systems. He continues in chapter 1 with a description of domination of elections by one political party in many states. In particular, he highlights the magnification of the number of seats held by the largest party in state legislatures with respect to its share of the total number of votes cast. He also notes the sharp increases in the number of Latino and Asian populations will impact the nature of politics.

Chapter 2 focuses upon presidential elections and briefly describes alternative Electoral College rules for distributing votes including proportional allocation based upon the percentage of the popular vote captured by a candidate in each state. In Hill's judgment, the College is "affirmative action for conservatives" since small states receive "a representation subsidy" (p. 25). He provides a brief favorable review of the use of cumulative voting in three member districts in Illinois from 1870 to 1980 to elect members of its House of Representatives, and concludes there is no constitutional requirement for single-member districts for the United States House of Representatives or state legislatures or the "winner-takes-all" plurality Electoral College System.

The book returns to an attack on the "winner-takes-all" systems by maintaining it "promotes pointlessly adversarial politics" (p. 43) and "(a)ll across the nation millions of voters vote for losers and effectively have no representation" (p. 45). A chapter is devoted to the United States House of Representatives and its vast number of uncompetitive districts that are products of gerrymandering. In addition, he warns: "The Electoral College and U.S. Senate are like ticking time bombs, waiting to explode. In our twenty-first century multiracial, multipartisan, and multicultural nation, the built-in representation quotas for low-population, conservative, and predominately white states in both the Electoral College and in the United States Senate point inevitably toward a constitutional and racial clash" (p. 135).

The attack upon the current system continues in subsequent chapters. Hill appears to suggest there should a nationally uniform election system (p. 265), and describes "the way forward" as adoption of proportional and semi-proportional electoral systems (cumulative voting and limited voting). He specific solution is "combining three adjoining, one-seat U.S. House districts into one three-seat proportional district..." (p. 289).

Readers seeking a book outlining the problems with the single-member district system will be pleased with the book. A stronger case would have made for electoral reform if the author had described the alternative electoral systems and their respective strengths and weaknesses. Perhaps his next book will address these systems. Hill's reference to proportional representation (P.R.), which he renames "choice voting," apparently is to the single-transferable vote form of PR in view of his reference to the use of PR in Cambridge, Massachusetts to elect its city council and school board.

Joseph F. Zimmerman
State University of New York at Albany

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Erik S. Herron

University of Kansas (eherron@ku.edu)

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