



FairVote CA

Competitive Elections and Full Representation

A Modern, World-Class Solution To California's Electoral Dilemma

Executive Summary

- California's current electoral design stifles competition and accountability, while preventing full representation for all Californians. Women, communities of color, political independents, third parties, "communities of interest," and thousands of major-party voters living in the opposing party's district, are relegated to a permanent minority status. This lack of competition and distorted representation elects unaccountable leaders, leaves voters wanting additional choices, lessens the quality of political campaigns, and leads to voter apathy.
- Independent redistricting solutions, while able to reduce self-interested redistricting on behalf of political parties and incumbents, have failed to address these needs in other states and will not be sufficient to provide California with elections that are both competitive *and* ensure full representation for all Californians.
- Much of the problems in California's democracy can be traced to our reliance on single-seat districts to elect all of our representatives, as they effectively leave half of all voters within a district without meaningful choices or representation. This form of winner-take-all electoral design is antiquated and should be abandoned in favor of a modern, multi-seat electoral system with proportional voting.
- California should elect its Assembly in sixteen 5-seat districts and its Senate in eight 5-seat districts, all elected proportionally using a ranked-voting similar to that recently adopted in San Francisco, and more commonly used throughout the world.

California's Democracy - Failing To Meet The Need

Lack of competition

California's general elections for the state Legislature and Congress are almost entirely uncompetitive, minimizing the role that voters play in choosing their representatives. Fully 100% of the incumbents running for the state Assembly in 2004 won re-election despite aggressive targeting of a number of these seats by the opposing party. Of the 24 open Assembly seats (i.e. without an incumbent), all 24 were won by the candidate from the same party as the outgoing member. Only 5 of all 80 Assembly races, or 6.3%, were remotely competitive (i.e. won by less than 10%), and most Assembly races were won in landslides by an average margin of victory of 35%. Of these few competitive races, 4 of the 5 seats were in districts where there were no incumbents. As a result, voters in California face no-choice elections, where their only real option is to ratify the dominant party's candidate, or cast an irrelevant protest vote.

Governor Schwarzenegger has correctly identified the lack of competitive elections as a dangerous threat to democracy in California and this is a problem which must be solved, but his proposed solution of independent redistricting commissions doesn't go nearly far enough.

Lack of full representation

In a winner-take-all system like that used in California, only the majority group in any given district receives adequate representation. One could claim that the single elected winner should represent all of his or her constituents, but this is hardly possible in our polarized political environment, where the policies of one party are anathema to voters of the other party. Political scientists measure the effectiveness of an electoral system by considering the percentage of votes that actually help to elect someone. In California, only approximately 65% of voters cast "effective" votes, with the votes of the remaining 35% of the population effectively "wasted". Most of the real choice was made in primaries where turnout was much lower. Most Californians assume that this is just the way it is, never considering that there are other systems that provide much better overall representation.

In addition to the lack of representation that the minority party within a district receives in our winner-take-all system, minority groups and "communities of interest" often go without representation.

While voters do not, as a rule, vote according to racial or ethnic identity, statistical analyses and exit-polling consistently confirm that racially polarized voting is still a fact of our political system. The fact that levels of representation for various racial and ethnic groups do not come close to corresponding to their proportion of the overall population is symptomatic of a lack of fair representation.

Some examples: 1) Latinos represent approximately 35% of the total California population, but only receive around 25% of the representation in the state Assembly and state Senate. 2) Asians represent approximately 14% of the overall population, but don't hold any seats in the state Senate. 3) African-Americans have seen their representation cut in half in the past decade -- despite a significant African-Americans population. In addition. Northern California has no African-American representatives.

Our winner-take-all electoral system ensures that a significant percentage of the population is denied representation, and this ultimately undermines the political system. This exacerbates racial polarization and further fractures the electorate, rather than building a more cohesive society or cooperative political system.

Partisan manipulation

California's current system is subject to considerable partisan manipulation since the Legislature controls the redistricting process. Incumbents will naturally use this privilege to gerrymander safe districts for themselves, thus further eroding what little competition still exists. This is a case of the representatives choosing the voters as opposed to the other way around, and voters recognize this as a serious problem. [Maybe discuss here the "bipartisan" back-room redistricting deal that kept both parties in safe seats? – and how this was made all the more sophisticated by technological advances in redistricting?

The 2001 California redistricting was a classic example of government run amok, as incumbents paid \$20,000 each to a political consultant (who happened to be the brother of one incumbent) to draw safe districts for them. Advances in sophisticated software technology for analyzing demographic data makes this process all the more effective. At least this was a bipartisan scandal, though, as Democrats and Republican incumbents alike went along with the plan.

Low Voter Confidence in State Government

Voter confidence in the California Legislature is at an extremely low level, and only a small minority of the population believes that the Legislature is doing a good job. An August 2003 survey found

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that 68% of the state's likely voters disapprove of the Legislature's overall performance, with even higher percentages unhappy about the handling of specific issues.

Californians are unhappy with the quality of political campaigns, including both a lack of discussion of substantive issues combined with significant levels of negative campaigning. While many of these issues are related to political campaigns and not the actual governing process, the choice of electoral systems we use directly affects both the quality of campaigns and the quality of future governing.

California's Increasing Regional Balkanization

California has become extremely balkanized in terms of regional party affiliation, and most areas of the state are dominated by one party or the other. Given our Winner-Take-All electoral design, this means that each region of the state will typically only elect politicians from one of the major parties and the other party will be completely unrepresented in this area. For example, the major urban areas of California elect almost no Republicans whereas the Central Valley and Orange County as rarely if ever elect Democrats. Not only does this disenfranchise all of the voters of the minority party in those regions, but it creates an extremely unhealthy dynamic in the state Legislature. It promotes polarizing campaigns that are aimed only at your base – no need or incentive for cooperation or reaching out to other side's voters. Then incentive once elected is to vote/act for the base that elected you, not for your whole district or public interest].

In addition to being a Legislature strongly divided on partisan lines, CA is now divided on geographic lines as well. With different parties representing different regions in the state, the possibilities for bipartisan cooperation on regional issues becomes even less likely. For example, consider the issue of funding for the rebuilding of portions of the San Francisco Bay Area's Bay Bridge. One could easily imagine that there would be North-South differences as to who should fund such a project, i.e. the region itself or the state as a whole. But given our regional partisanship, it is unlikely that there will be any Republicans willing to support such a project since no Republicans are elected from the region.

Independent Redistricting Proposals Will Fall Short

Independent redistricting commissions will not solve either the problem of uncompetitive elections or the lack of full and fair representation.

Independent redistricting solutions have had minimal impact on competition in the states that have already implemented such systems and there is no reason to believe that the result will be any different in California. Because most regions of the state tilt clearly toward one party's supporters, it has become ever less possible to redraw district lines which will allow the considerably outnumbered minority a chance to win representation.

States such as Arizona, Washington, and Iowa all have adopted independent redistricting commissions and yet these states remain largely uncompetitive. In Arizona, all eight congressional incumbents won re-election with an average margin of victory of 34% in 2004. None of its 30 state Senate seats were competitive and indeed almost half weren't even contested. In Washington state, only one of the nine Congressional races was competitive and the average margin of victory was 28%. Judges did not use political data in drawing their plan before the 2004 elections in Georgia, and in the subsequent elections, fewer than one out of ten state legislative seats were won by margins of 10% or less, Only 6 incumbents in the House and 4 incumbents in the Senate lost their re-election bids. In Iowa, the state known for independent redistricting, all U.S. House incumbents were re-elected with an average margin of victory of 18%, and more than 98% of the state's House incumbents have won in the decades since adoption of independent redistricting.

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The state Legislature was no better, with 85% of the House elections being landslide wins with the average margin of victory 47%.

In fact, because competition and representation are mutually exclusive in a single-member district electoral design, there is no way to achieve both of these goals even if options like independent commissions were to work. For example, if a district was almost perfectly competitive with 50% of the population favoring one major party and the other 50% favoring the other major party, the district would be highly competitive but half of the population would not receive satisfactory representation as a result. Our current district lines are highly uncompetitive, but do result in a greater percentage of the population being represented by someone of similar views. Within our current single-member district electoral system, no set of district lines can satisfy both of these critical goals and it's time that we look beyond this failed model.

Design For A Modern California Electoral System

In order to achieve the goals of increased competition, fair representation, high-quality campaigns, and high levels of voter participation, California should adopt a proportional voting method, multiple-seat districts, and ranked voting.

Proportional voting methods are used in many places throughout the United States, including Peoria, Ill., Amarillo, Tex., Hartford, Conn., Cambridge, Mass., and dozens more jurisdictions in Texas, and Alabama.. Proportional voting is the gold standard of modern electoral systems, and is used in the majority of Western democracies as well as most emerging democracies in Eastern Europe and the developing world. Proportional voting was chosen for usage in South Africa, Afghanistan, and Iraq because of its ability to include more segments of society in the political process and thereby reduce civil tensions.

Elements of Full Representation Electoral System:

Multiple-seat districts – Each district includes multiple legislative seats as opposed to our current model with only a single seat per district. By having multiple seats available per district, we are now able to elect representatives to those seats in proportion to the support of various constituencies in the electorate.

Proportional Counting – Votes are tabulated using a proportional voting method, which establishes a victory threshold based on the number of seats to be elected. In a five-seat district, for example, any candidate winning one-sixth (approximately 17%) of the vote would win one seat. [The exact threshold of votes needed to win a seat is $\# \text{ of voters cast} / (\# \text{ of seats} + 1)$]

Ranked Voting – Voters rank candidates in order of preference (i.e. first, second, third, etc.) Not only does this allow the voter much greater expressive ability, it also enables the voting method to maximize the effectiveness of every vote.

Benefits of Proposed Design

Increased competition – Every district now becomes competitive because there will almost always be at least one seat up for grabs in each district. In addition, politicians within each party will have incentive to distinguish themselves from their peers in that district as well as from the candidates of the opposing party in that district.

Greater Voter Choice - A proportional voting system will enable a wider range of choices on the political spectrum, even from the existing major parties. For example, it will allow for candidates to

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choose from moderate to very conservative GOP candidates, as well as centrist/DLC/bluedog/progressive Democrats.

Fair Representation For All Constituencies – Because the victory threshold needed to win representation is much lower in a multi-seat district, racial and ethnic minorities are much more likely to win representation in this system.

Eliminates regional partisanship –All parties will be represented throughout the state, so regional issues no longer will be partisan issues. Areas now considered Democratic strongholds will elect some Republicans and areas considered Republican strongholds will elect some Democrats.

Reduces Potential for Partisan Manipulation & Gerrymandering – In a system with multi-seat districts, the specific district lines becomes considerably less important.

Increases Voter Participation – Ranked voting encourages positive, issue-oriented campaigns while multi-seat districts encourages all candidates to distinguish themselves from their colleagues in their own party and from the candidates from the opposing party. Because one or more seats may be in play, all parties need to maximize their voter turnout in order to maximize their electoral results.

Eliminates “spoilers” and vote-splitting effects – The use of ranked voting ensures that a voters full range of preferences are taken into account and eliminates these undemocratic side-effects. The current system forces voters to make tactical decisions about a candidate's viability, whereas ranked voting allows voters to rank all candidates they support, without fear of accidentally electing their political opposite or “wasting” their vote.

Promotes more cooperative campaigning – Because most winners will need to be the second choice of the supporters of other candidates, more candidates will run as inclusive coalition-builders.

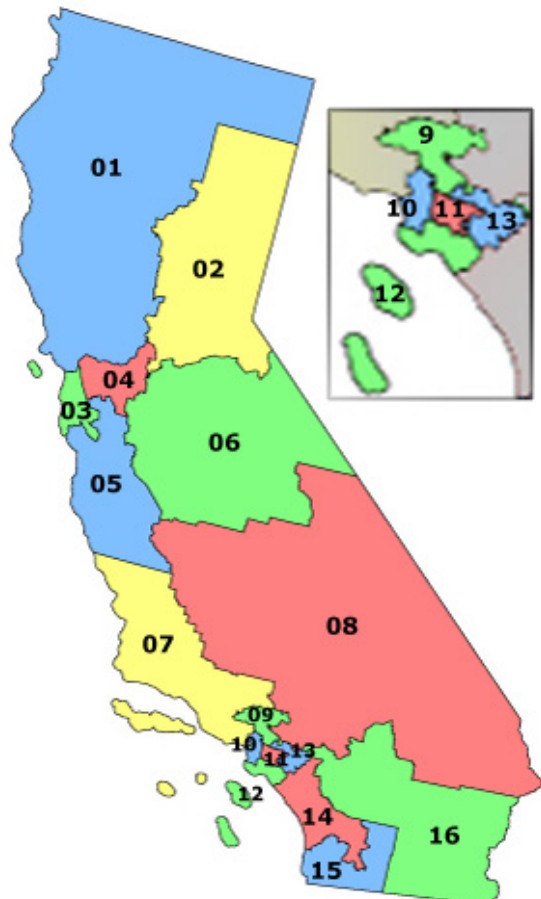
California's Legislature with Multi-Seat Districts

Assembly: Our existing 80 Assembly districts would be combined into 16 new super-districts, each electing 5 legislators. By creating 5-seat districts, we enable any candidate receiving at least 17% of the vote to win a seat in the Assembly.

[Note: A future version of this document will project partisan makeup, competition, and representation of various communities of interest based on the demographics of these districts using a proportional voting system.]

Senate: Our existing 40 Assembly districts would be combined into 8 new super-districts, each electing 5 legislators. The threshold to win a seat in these 5-seat Senate districts is also 17%.

[Note: A future version of this document will project partisan makeup, competition, and representation of various communities of interest based on the



demographics of these districts using a proportional voting system.]

Additional Considerations

Develop new super-district maps from scratch – This document proposes creating Assembly and Senate super-districts by combining 5 existing single-seat districts into a single 5-seat super-district. This was done both for simplicity and because it respects the most recent redistricting done after the 2000 census. Super-districts drawn from scratch in a non-partisan and non-gerrymandered process would almost certainly be more natural and better conforming to existing communities of interest.

Increase the size of the Legislature – There are thoughtful proposals which suggest that the size of our Legislature is way too small to properly represent a state of 36 million people. A transition to multiple-seat districts could be done in conjunction with a simultaneous increase in the number of legislators in the Assembly and Senate. One such proposal calls for an Assembly of 150 members and a Senate of 50 members. There are two different ways of increasing the size of the Legislature given the proposal above. One would be to simply increase the number of new super-districts and this would translate to 30 5-seat super-districts in the Assembly and 10 5-seat super-districts in the Senate. The other option would be to keep the existing 16 Assembly super-districts and 8 Senate super-districts, but to elect 9 members in each Assembly super-districts and 7 members in each Senate super-district for a total Legislature size of 200 members. Doing this would further lower the victory threshold needed to win representation to 10% for the Assembly and 12.5% for the Senate.

An Alternative Path To Reform

This document proposes a concrete electoral design to fix California's electoral woes. A proposal such as this, if considered in the Legislature, is all but certain to illicit partisan gamesmanship as both sides seek advantage in the design of the system.

An alternative means of reforming California's electoral system would be to insist not upon a specific solution such as this one, but rather upon the implementation of a specific public process which will lead to an improved electoral design in an exemplary manner. Such a process would need to be independent, non-partisan, fair, comprehensive, and deliberate. British Columbia just completed just such a process with their recent Citizens' Assembly, and the results are extremely encouraging. California could establish a similar California Citizens' Assembly and follow a similar process as the British Columbia Citizens' Assembly.

For more information, see: www.fairvote.org/ca/ca_assembly [*Not yet available*]