



# Effectiveness of Fair Representation Voting Systems for Racial Minority Voters

*A FairVote Policy Perspective*

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**Fair representation voting** refers to voting methods that elect at-large, but change the winner-take-all voting rule so that like-minded voters can elect a fairer share of preferred candidates based on a threshold lower than a majority of votes. The three main forms of fair representation voting used in the United States are ranked choice voting (RCV), cumulative voting, and the single vote (or other variations of systems where voters have fewer votes than seats).<sup>1</sup> These systems provide more opportunities for like-minded voters in either partisan or nonpartisan elections to achieve representation in an at-large election in proportion to their voting strength. In the context of racially polarized voting, they increase opportunities for more voters to elect preferred candidates and remedy the problem of racial minority vote dilution when the protected racial minority has a share of the electorate larger than the vote share necessary to win a seat.

This fairness is more than theoretical. As we will detail here in summarizing several books and articles, fair representation voting methods have successfully promoted racial minority representation in government for more than 100 years. Cumulative voting, ranked choice voting and versions of the single vote system have historically been used to protect the rights of political and religious minorities. England used cumulative voting to protect the voting rights of English settlers outnumbered by Dutch Boers in South Africa from 1854 to 1890 and to provide representation of religious minorities on school boards from 1870 to 1902. In the United States, all three fair representation systems have been used at various levels of government to promote representation of racial and political minorities. Illinois adopted cumulative voting in 1870 to elect its state house of representatives after the Civil War to provide minority party representation in a politically polarized state, and most of its leading politicians believe its 1980 repeal was a mistake. More than 20 cities have elected their city councils RCV in multi-winner districts since 1915, frequently achieving fair representation for racial minority voters. More recently, communities in New York, Texas, Alabama, North Carolina, and South Dakota have adopted or used cumulative or the single vote system to increase racial minority representation.

**Racial minorities achieve greater representation** in jurisdictions using fair representation voting. After Amarillo, Texas switched to cumulative voting in 2000, the next election had higher voter turnout and resulted in the election of Latino and black candidates. This occurrence is not unique to Amarillo. Racial minority candidates were elected immediately after the adoption of cumulative voting in Alamogordo, New Mexico in 1987, Sisseton, South Dakota in 1989, and Atlanta, Texas in 1994. When Chilton County, Alabama switched to cumulative voting in 1988, it elected Bobby Agee, its first black county commissioner since Reconstruction; Democratic Party member Agee has continued to win in every subsequent election even as the county has shifted to be overwhelmingly Republican in its voting patterns.

**IN THE SPOTLIGHT:** In a study of 96 elections in 62 jurisdictions with cumulative voting or the single vote, black candidates were elected 96 percent of the time and Latino candidates 70 percent of the time when a black or Latino candidate ran.<sup>1</sup> Overall, these systems achieved levels of racial minority representation similar to those seen in jurisdictions using majority-minority districts.

**Increased minority participation and voter turnout** can also be attributed to fair representation voting systems. Studies show that fair representation voting increases the number of racial minority candidates seeking office and increases voter turnout. After the adoption of cumulative voting in Morton, Texas and Peoria, Illinois, the number of first-time minority candidates (as well as all other candidates) seeking office increased markedly. In a study of voter turnout in Alamogordo, Amarillo, Peoria, and Sisseton jurisdictions using cumulative voting had voter turnout rates four to five percent higher than those of surrounding communities.<sup>ii</sup>

**Jurisdictions have elected racial minority representatives** for the first time after switching to fair representation voting. Jurisdictions in Texas, Alabama, New York, and South Dakota have elected their first Latino, African American, and Native American representatives after switching to cumulative or limited voting. In one instance, a jurisdiction where African Americans were 11.3% of the population was able to elect an African American candidate of choice in the very first use of cumulative voting in 1988, and that candidate has continued to win ever since, consistently earning strong support among African American voters.<sup>iii</sup>

**Ranked choice voting in multi-winner elections has a strong history for racial minorities.** Cambridge (MA) has had consistent African American representation since 1980 (and generally since the 1950's) in RCV elections for its city council and school board despite being heavily white. In 2013, the city council elected an African American, Latino and an Arab American, yet a simulation of traditional at-large voting showed that two of these winners would have lost to white candidates without RCV. Cincinnati (OH) elected its first African American city councilor with RCV in 1931, when its African American population was just over 10% of the total city population, and one or two African Americans won in every election until it was repealed in 1955, after which no African American won for several elections. The Department of Justice in 1999 denied preclearance to New York City's effort to repeal RCV for 32 local school board elections, with evidence showing that the city's very diverse racial populations consistently elected candidates in proportion to their voting strength even in complex, multi-racial electorates.

**Using fair representation voting effectively is easy** for voters of all races. Studies of exit polling have shown that racial minority voters readily grasp strategic voting methods, such as allocating all votes to one candidate in a cumulative voting election ("plumping") and find cumulative and limited voting no more difficult than plurality voting. Exit surveys of voters using ranked ballots consistently shows that they are able to rank candidates effectively. In surveys conducted in 24 Texas jurisdictions, minority voters overwhelmingly reported that cumulative voting was no harder than voting in prior elections. Only eight percent of Latino voters surveyed indicated that they found cumulative voting to be more difficult than voting in prior elections.<sup>iv</sup> In a study of Native American voters in Sisseton, South Dakota, over 90 percent of respondents indicated an understanding of the plumping voting method. This knowledge was put to use, as over 93 percent of Native American voters allocated all of their votes to a single candidate, and successfully elected a Native American candidate.<sup>v</sup>

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<sup>i</sup> The single vote and its variations can be called "limited voting" because voters have fewer votes than seats. Ranked choice voting is also known as "single transferable vote" and "preference voting."

<sup>ii</sup> Bowler, et al., *Electoral Reform & Minority Representation* 75-91 (2003).

<sup>iii</sup> Richard Pildes & Kristen Donoghue, *Cumulative Voting in the United States*, U. CHI. LEGAL F. 241, 262 (1995).

<sup>iv</sup> Robert Brischetto & Richard Engstrom, *Cumulative Voting & Latino Representation: Exit Surveys in Fifteen Texas Communities*, 78 SOC. SCI. QUARTERLY 973, 981 (Dec. 1997).

<sup>v</sup> See Charles Barrilleaux & Richard Engstrom, *Native Americans & Cumulative Voting: The Sisseton-Wahpeton Sioux*, 72 SOC. SCI. QUARTERLY 388, 390-91 (Jun. 1991).