Applying Ranked Choice Voting to Congressional Elections

The Case for RCV with the Top Four Primary and Multi-Member Districts

Rob Richie, FairVote
American Exceptionalism: Inescapable Realities for Reformers

• Presidential system: Checks and balances here to stay

• Government-funded primaries & two-party system: More attention to primaries than general elections

• Pride: “Nothing to learn from other nations”
Where We Are: Winner-Take-All Breakdown

• Voters’ partisan rigidity: Growth / Extension to more elections

• Partisan skew in U.S. House elections: 55% of national vote not enough for Democrats to retake House in ‘14

• Disconnections that may not be sustainable
  • Approval of Congress vs. likely >98% incumbent retention rate
  • Unaffiliated voters vs. increasing partisanship
  • Growing racial diversity vs. resistance to accommodate it
Partisan Skew in House Elections

Projected Democratic Seats, 2014 House Elections

- Proportional Democratic seats
- Seats needed for majority
- Projected Democratic seats
- Republican wave year (54% R)
- 50-50 (balanced) year
- Democratic wave year (54% D)
- Democratic support needed for majority

National Democratic Support

45% 46% 47% 48% 49% 50% 51% 52% 53% 54% 55% 56% 57% 58%
## 2014 Projections by Competitiveness: Big GOP Edge in Nationally Even Election

<table>
<thead>
<tr>
<th></th>
<th>Republican</th>
<th>Democratic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safe Republican:</td>
<td>202</td>
<td>152</td>
</tr>
<tr>
<td>Likely Republican:</td>
<td>16</td>
<td>13</td>
</tr>
<tr>
<td>Lean Republican:</td>
<td>12</td>
<td>16</td>
</tr>
<tr>
<td>Toss Up (Slight R):</td>
<td>6</td>
<td>18</td>
</tr>
<tr>
<td><strong>TOTAL REPUBLICAN</strong></td>
<td><strong>236</strong></td>
<td><strong>199</strong></td>
</tr>
</tbody>
</table>
Partisanship & Rise of Safe House Seats

- Swing (50-55% partisanship)
  - 1992: 123 Seats
  - 1996: 154 Seats
  - 2000: 186 Seats
  - 2004: 208 Seats
  - 2008: 213 Seats
  - 2012: 242 Seats

- Lean (55-60% partisanship)
  - 1992: 124 Seats
  - 1996: 116 Seats
  - 2000: 124 Seats
  - 2004: 117 Seats
  - 2008: 109 Seats
  - 2012: 105 Seats

- Strong (60-70% partisanship)
  - 1992: 85 Seats
  - 1996: 80 Seats
  - 2000: 64 Seats
  - 2004: 66 Seats
  - 2008: 58 Seats
  - 2012: 53 Seats

- Safe (>70% partisanship)
  - 1992: 103 Seats
  - 1996: 85 Seats
  - 2000: 61 Seats
  - 2004: 44 Seats
  - 2008: 55 Seats
  - 2012: 35 Seats
Moderates Nearly Extinct in House

DW-NOMINATE scores measure the ideological locations of Members of Congress
Increase of Heavily Partisan States: Presidential Elections, 1984 - 2012

<table>
<thead>
<tr>
<th>Year</th>
<th>Landslide States (&gt;58%)</th>
<th>Total Electoral Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>25</td>
<td>247</td>
</tr>
<tr>
<td>2008</td>
<td>26</td>
<td>275</td>
</tr>
<tr>
<td>2004</td>
<td>20</td>
<td>163</td>
</tr>
<tr>
<td>2000</td>
<td>20</td>
<td>166</td>
</tr>
<tr>
<td>1996</td>
<td>13</td>
<td>90</td>
</tr>
<tr>
<td>1992</td>
<td>5</td>
<td>20</td>
</tr>
<tr>
<td>1988</td>
<td>8</td>
<td>40</td>
</tr>
<tr>
<td>1984</td>
<td>9</td>
<td>44</td>
</tr>
</tbody>
</table>
A Growing Partisan Divide

Average Presidential Election Partisanship of the 10 Most Democratic and Republican States
Partisanship: Growing Voter Rigidity

Number of States Shifting Partisanship 5% or more between Presidential Elections (1960-2012)
Partisan Rigidity in the U.S. House

- House Districts with mismatch between party and partisanship
- Seat gains in 2012 largely limited to one’s own partisan turf
  - 0 Democrat gains in the 201 districts w/ GOP partisanship > 54%
  - 0 GOP gains in the 275 districts w/ GOP partisanship < 57.7%
States as Laboratories of Polarization
Rising Partisanship Down Ballot

- 34 states: Same party has monopoly control & won state in presidential election
  - 40 states have monopoly state gov’t / 45 have monopoly in state legislatures

- Southern transformation
  - 1991: All 28 legislative chambers run by black-white Democratic coalitions.
  - 2014: Only 3 (in KY & WV) – rest are under Republican, nearly all-white control

- Partisan patterns in state legislative races
  - North Carolina: 118 of 120 House winners in 2012 in districts favoring party
  - Oregon: Democrats won 0 of 32 legislative districts won by Romney
Time for Reform: So where are reformers?

• **Electoral reformers**: Money in politics & boosting turnout

• **Minority voting rights**: Voting Rights Act & voter suppression

• **Pundits**: Enchanted with gerrymandering & closed primaries
FairVote: Focus on Structural Reforms

• **Presidential Elections:** National Popular Vote plan for president
  • State-based plan has great promise to win by 2020

• **Single-Winner Elections:** Ranked Choice Voting
  • Winning in cities & poised to win in states / Top Four model

• **Multi-Winner:** Ranked Choice Voting (“single transferable vote”)
  • Opportunities in voting rights cases / Focus on U.S. House
Why Focus on Ranked Choice Voting?

- **American values:** Choice is power. Ranking is freedom
- **Candidate-based:** *Allows* parties, but does not *depend* on them
- **Bottom up solution to gerrymandering:** Contrast with top-down
- **Addresses problems w/voter turnout and money in politics**
- **Extends the sphere:** Candidates need more votes to win / Our parties and legislatures more fully represent their “big tents”
..... And Toronto Mayor Rob Ford: Posterchild for Plurality Voting Defects
How Ranked Choice Voting Wins Today

- **Replacing two-round elections**: Saves money, maximizes turnout
  - Wins in Minneapolis, San Francisco, Oakland & Memphis / NY City in 2014?

- **Avoids “spoilers”**: Insiders may back RCV after 3rd party vote-splits
  - Ralph Nader in 2000 / GOP in Alaska / Dems in Maine, Vermont, & Minnesota
  - Toronto’s Rob Ford, currently tied in 2014 election polls with 31%

- **Voting Rights Act**: Section 2 and state VRA cases
  - Growing wins for related systems of cumulative voting & limited voting
Overcoming Barriers to RCV

- Election administration obstacles ending
- “Complexity” argument losing force over time
- “Tipping point” of use weakening local opponents
- Growing civic group interest sustaining wins
- Funders starting to take notice
The Promise of Top 4 Primaries

Example of Top Four Ballot

Fill in only ONE oval per candidate. Fill in only ONE oval per choice.

<table>
<thead>
<tr>
<th>1st Choice</th>
<th>2nd Choice</th>
<th>3rd Choice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vaccarino, Donald X. Libertarian Libertarian Party Endorsed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rosenberg, Uwe Republican Republican Party Endorsed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knizia, Reiner Republican</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wallace, Martin Democrat Democratic Party Endorsed Working Families Party Endorsed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Top 2 Primaries: What’s Right -- and Wrong

• All voters can vote in primary elections they pay for.... But at cost of party association being weakened

• Results in more competitive general elections .... But only in rare and perverse instances when only one party is on general election ballot. Split votes often keeps out viable candidates.

• Ensures majority winner in November.... But by eliminating all but two candidates in low-turnout, unrepresentative primaries
Why Top 4 Primaries With RCV

• **Opens general elections:** Weakens primary voters’ grip. Analogous to ending “sore loser laws.”

• **Better on the terms of advocates of Top 2:** Avoids 1-party general elections and shutting out of independents even as it increases elections with multiple candidates of majority party.

• **Compared to 1-round RCV:** Fits with American ethos of “2nd look.” Can see where candidates stand & zero in on the “finalists.” Allows simple, ballot design, with 3 rankings. Option to use RCV in opening primary vote as well when bigger field.

• **Upholds association:** More ballot information helps voters.
Top 2 at Work in California, 2012

• Potential split votes in 92 of 154 Top 2 primaries
  • Congressional District 31 example: Obama wins 58%, but only 2 R’s on general election ballot due to split vote in primary

• Only 1 independent made November ballot in district where at least 1 Democrat and 1 Republicans ran in primary

• On average, it took > 25% of vote to advance in June, yet turnout in November was more than twice as high
## California: Contrasting Top 2 & Top 4 2012 U.S. House Elections

<table>
<thead>
<tr>
<th></th>
<th>Top Two</th>
<th>Top Four (projected)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Both major parties in general election</td>
<td>41</td>
<td>45*</td>
</tr>
<tr>
<td>Intraparty race in general election</td>
<td>8</td>
<td>43*</td>
</tr>
<tr>
<td>Independent candidates in general election</td>
<td>4</td>
<td>22*</td>
</tr>
</tbody>
</table>

* Limited in part by number of candidates from this category on primary ballot
## Washington: Contrasting Top 2 & Top 4

### U.S. House Races, 2008-2012

<table>
<thead>
<tr>
<th></th>
<th>Top Two</th>
<th>Top Four (projected)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Both major parties in general election</td>
<td>26 / 27</td>
<td>26 / 27</td>
</tr>
<tr>
<td>Intraparty race in general election</td>
<td>0 / 27</td>
<td>25 / 27</td>
</tr>
<tr>
<td>Independent or minor party candidate in general election</td>
<td>1 / 27</td>
<td>10 / 27</td>
</tr>
</tbody>
</table>
Fixing the House Nationally: Multi-Member Districts & Ranked Choice Voting

• House elections demand national reform approach, not piecemeal: Yet independent redistricting alone is inadequate and problematic

• Long history of multi-member districts in House elections: Can be mandated by Congress without constitutional amendment

• Precedent: Congressional mandates for districts in 1842 and 1967

• Our solution: RCV in multi-member Districts of 3 - 5 (in all states w/3 reps. Primaries: Use RCV as well and/or nominate from 1-seat districts
# Limits of Redistricting Reform: Alabama Simulation

<table>
<thead>
<tr>
<th>Current Plan</th>
<th>GOP Gerrymander if no VRA:</th>
<th>Independent Redistricting (no partisan considerations)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 R, 1 D</td>
<td>7 R, 0 D</td>
<td>5 R, 0 D, 2 ?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>District</th>
<th>Dem Part.</th>
<th>District</th>
<th>Dem Part.</th>
<th>District</th>
<th>Dem Part.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>36%</td>
<td>1</td>
<td>32%</td>
<td>1</td>
<td>35%</td>
</tr>
<tr>
<td>2</td>
<td>35%</td>
<td>2</td>
<td>31%</td>
<td>2</td>
<td>30%</td>
</tr>
<tr>
<td>3</td>
<td>35%</td>
<td>3</td>
<td>33%</td>
<td>3</td>
<td>50%</td>
</tr>
<tr>
<td>4</td>
<td>23%</td>
<td>4</td>
<td>39%</td>
<td>4</td>
<td>48%</td>
</tr>
<tr>
<td>5</td>
<td>34%</td>
<td>5</td>
<td>39%</td>
<td>5</td>
<td>31%</td>
</tr>
<tr>
<td>6</td>
<td>23%</td>
<td>6</td>
<td>40%</td>
<td>6</td>
<td>22%</td>
</tr>
<tr>
<td>7</td>
<td>71%</td>
<td>7</td>
<td>37%</td>
<td>7</td>
<td>32%</td>
</tr>
</tbody>
</table>
RCV in Multi-Member Districts
Fair Representation Voting

Alabama

<table>
<thead>
<tr>
<th>District</th>
<th># of Seats</th>
<th>Dem Part.</th>
<th>Black VAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>4</td>
<td>38%</td>
<td>24%</td>
</tr>
<tr>
<td>B</td>
<td>3</td>
<td>35%</td>
<td>26%</td>
</tr>
</tbody>
</table>

Partisan Breakdown

Fair reflection: 4 R, 2 D, 1 ?

Competitive Districts

100% competitive: All seats potentially competitive in every election

Racial Representation

Better minority voting rights: 2 black majority seats, 100% of voters can elect candidate of choice
The Impact of Ranked Choice Voting in Southern States: Summary

<table>
<thead>
<tr>
<th>Districting system</th>
<th>Democratic Seats</th>
<th>GOP Seats</th>
<th>Swing Seats</th>
<th>Black Majority Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Plan</td>
<td>16</td>
<td>52</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>RCV in MMDs</td>
<td>25</td>
<td>39</td>
<td>7</td>
<td>16</td>
</tr>
</tbody>
</table>
Success: Shared Representation and Partisan Fairness Nationwide
Madisonian Representation w/RCV

Spectrum of Current Congress
- Strong Liberal: 30%
- Moderate Liberal: 25%
- Centrist: 18%
- Moderate Conservative: 18%
- Strong Conservative: 3%

Spectrum of the U.S. Electorate
- Strong Liberal: 30%
- Moderate Liberal: 22%
- Centrist: 19%
- Moderate Conservative: 20%
- Strong Conservative: 9%

Spectrum of Congress Under Fair Voting
- Strong Liberal: 20%
- Moderate Liberal: 20%
- Centrist: 22%
- Moderate Conservative: 15%
- Strong Conservative: 14%
Roadmap for Reform

• Academic and editorial consensus: Elite opinion shifts on the nature of our problem and the best way to solve it

• Political players become allies: Democrats (skew), Republicans (seeking real voter majority), independents and third parties

• Activist coalition of reformers: Money in politics, redistricting, civil rights, women’s representation (Representation2020.com)

• Outside developments create openings: Other reform wins (NPV, Top 4) / 2-party system fraying (Americans Elect?) / Voting Rights Act transition / Ongoing government dysfunction