PROPORTIONAL REPRESENTATION
IN LOCAL ELECTIONS: A REVIEW

Todd Donovan*

with

Heather Smith

Washington State Institute for Public Policy
The Evergreen State College
Seminar 3162, MS: TA-00
Olympia, WA 98505
(206) 866-6000, ext. 6380
FAX: (206) 866-6825

December 1994

*   *Todd Donovan is a faculty member in the Political Science Department at Western Washington University in Bellingham.*

Table of Contents

i

Proportional Representation
in Local Elections: A Review

EXECUTIVE SUMMARY

Background:

Several members of Washington's House of Representatives asked the Washington State Institute for Public Policy to summarize the research on the role single member districts and other electoral arrangements may play in local government in increasing both voter turnout and representation for minority groups. This report reviews the literature on alternative, proportional representation arrangements in local elections in the United States, comparing their impact with that of single member and at-large districts.

1) What is proportional representation?

Proportional representation awards seats in legislative bodies to parties in proportion to their strength in the electorate. If party A gets 35 percent of the vote, it gets 35 percent of the legislative seats; if party B gets 15 percent of the vote, it gets 15 percent of the seats, and so forth. American national, state and local elections use non-proportional, winner-take-all plurality election plans.

2) How do the various options for proportional representation operate?

Options can vary to the extent that they promote proportionality. In U.S. local government, three variants of proportional representation are used: the **single transferable vote (STV), limited voting** and **cumulative voting**. Each plan has been used with at-large council structures.

STV plans allow voters to rank candidates in order of preference: first choice, second choice, and so forth. *Limited voting* grants voters fewer votes than seats at stake in a contest. *Cumulative voting* allows the voter as many votes as seats being contested, while granting the voter the right to concentrate several or all votes on a single candidate.

Each of these plans are used in a few local jurisdictions in the U.S. at present.

3) Why is proportional representation of interest for local elections in the U.S.?

Proponents contend these plans will increase voter turnout, particularly among minorities. Proportional plans are also expected to lead to increased representation of minorities.

The federal courts are now accepting *cumulative* voting as a remedy in Voting Rights Act cases that challenge at-large council elections in local government such as those in Washington. At-large plurality elections have been found to dilute minority vote strength. The effectiveness of the traditional court remedy, single member districts, can be reduced if the under-represented minority is geographically dispersed.

4) Does proportional representation accomplish what proponents expect?

Recent experience with cumulative voting arrangements in a small number of U.S. cities indicates that minorities do gain representation under these plans. Studies indicate that voters do understand these more complex election arrangements. No direct evidence, however, demonstrates that proportional representation increases voter turnout. Studies do suggest that increased minority representation among local office holders might lead, indirectly, to increased political participation by minorities.

PROPORTIONAL REPRESENTATION
IN LOCAL ELECTIONS: A REVIEW

I.   What is Proportional Representation and How Does It Differ From Existing Electoral Systems?

Proportional representation has been defined as an electoral system where seats in a legislature or council are allocated to various interests in proportion to their strength in the electorate. Such a system might reward a group that is 15 percent of the electorate with roughly 15 percent of the seats in a legislature. Until recently, these systems have rarely been used in the United States. Electoral structures in all U.S. state and national races are plurality ones where the candidate with the largest percentage of votes wins the office.

Under these **plurality rules**, a single individual with a plurality of votes wins an election and the seat for a given position or district. Second or third place finishers gain nothing and will be represented only if their party's candidates are successful in other districts.   These systems reward majorities disproportionately relative to their strength in the electorate. In aggregate, outcomes are biased because majorities win a higher proportion of seats than they win votes.[1] Research demonstrates that nearly all election systems produce some kind of bias in favor of the group receiving the highest vote total. The bias is greatest, however, under American-style plurality systems.[2]

In elections for local offices in the U.S., this bias in favor of the majority is often promoted by "at-large" electoral systems. Council races using the common **at-large electoral structure** allow voters to choose from candidates who run city-wide (or county-wide). The at-large plan allows each voter a single vote for each office being contested. If five seats are up, each voter has five votes. However, a voter many cast only one vote per seat. Candidates gaining the highest percentage of votes for each seat win that seat.

Under this plan, any group that votes as a fairly organized block can (and often does) defeat all non-majority candidates running city-wide. For example, a racial or partisan minority that comprises 40 percent of a city's population could vote as a block for a candidate. The minority would fail to elect their candidate if the majority also vote as a block for their own candidate. This is known as **the sweep effect**. Under these systems, any group or organization winning a bare majority (or plurality in many places) will tend to sweep all seats at stake.[3] Justice William O. Douglas noted that this allows "the majority to defeat the minority on all fronts."[4] Partisan, racial, ethnic and other minorities might be unable to gain representation.[5]

At the turn of the 20th century, at-large local elections were adopted throughout the U.S. These structures, in combination with non-partisan races, were part of the Progressive-era effort to rid American cities of corrupt political machines (both Republican and Democratic) that drew power from councils formed of members from small districts. Machines also drew power from patronage, graft, and other means.[6] Prior to this reform era, large and mid-sized American cities used

partisan, "first-past-the-post, winner-take-all" district election systems similar to those currently used to elect state and national legislators. City councils were often quite large, and local districts were much smaller and more homogeneous than most contemporary city council districts. These small districts virtually guaranteed that racial and ethnic groups would be represented on city councils.[7] **Progressive era reforms** weakened the machines, in part, by reducing the size of councils (the number of members) and eliminating district-based representation.

II.   How Do Proportional Representation Plans Operate?

A.   Party Electoral Systems Abroad

In designing any electoral system, the main choice is typically between the plurality method and some version of proportional (or semi-proportional) representation.[8] In European democracies using proportional representation, seats are awarded as a proportion of the electoral vote received by political parties. Voters often cast votes for party lists, rather than for candidates directly.

Any system can be made more or less proportionate by altering rules about the minimum threshold of votes a party must receive to gain seats, by increasing the size of the legislature, or by altering the electoral formula.[9] Much of the confusion that Americans suffer when evaluating proportional representation systems stems from the electoral formulas that allocate seats to parties in these systems.[10] Such systems also seem alien to Americans since voters, in these other systems, often mark ballots for parties rather than candidates.

B.   Proportional Representation in Local Elections in the United States

Proportional representation is much less common in non-partisan systems such as American local elections. However, three variants, or options, of proportional representation--**single transferable vote (STV), limited voting,** and **cumulative voting**--have been discussed as possible remedies for at-large election systems found to be illegal or problematic.[11] These three variants are less-pure forms of proportional representation and are often referred to as "semi-proportional." Cumulative voting is potentially more readily applied in non-partisan contests in the U.S. and is more common at present.[12] Each of these three options below can be used in conjunction with at-large, non-partisan local elections.

1. Pure PR: The Single-Transferable Vote (STV)

The **single transferable vote** system is a form of voting where voters are given the ability to express ranked preferences for candidates. If seats on a council were elected under STV the voter would indicate which candidate was her first preference, which her second, and which her third. The goal of the system is to insure that few voters' preferences are "wasted." **Wasted votes** occur when one group's candidate has gained far more votes than the minimum threshold needed to capture one of the seats being contested.

Under regular voting, a group might get only one seat if all the group's voters select the same candidate. Those voters who cast votes in excess of the threshold needed to win the seat have had no real impact on electing a candidate. Under STV, their preferences can be *transferred* to voters' second choices, potentially allowing another of the group's candidates a chance to win a seat. STV is relatively easy on the voter in the booth.   Voters simply rank their choices among the list of candidates.

Some complexity arises in counting the ballots, however. Winners are determined on the basis of a formula that calculates the minimum "threshold" of votes a candidate must achieve to win a seat, and on the basis of another formula that determines the rates at which votes will be transferred to candidates above or below the threshold.[13] In counting ballots, the single vote is allocated to the voter's first-preference candidate if it will help elect the candidate. If it cannot help (the candidate has too few first-preferences to surpass the threshold) the vote is transferred to the voter's second preference candidate; or to the third preference, and so forth. At the national level, single-transferable vote plans are currently used in Ireland and Malta, both small nations.

2. Other Forms: Limited Voting and Cumulative Voting

Other non-plurality plans that are typically viewed as semi-proportional include **limited voting and cumulative voting.** These systems typically facilitate greater minority group representation than plurality plans but do not approach the proportionality of the single-transferable vote.

A **limited voting** plan requires a multi-member district (or at-large council) where the voter must cast fewer votes than there are seats at stake. Such a system acts to minimize the potential for the majority to "sweep" all of the council positions at stake in a contest.

A limited voting system works as follows:

Suppose a city has 70 percent Democratic and 30 percent Republican registered voters. Three seats are being contested and several candidates' names are listed on a ballot. Voters would be allowed to vote only for a single candidate. The top three candidates receiving the most votes will be elected without a runoff. Under such a plan, it is unlikely that voters from the majority will distribute their votes in such a manner that they form a plurality over each seat at stake.[14] If minority voters cast most of their votes for the same candidate, they are likely to win a seat. Thus, some measure of proportionality is achieved.

Limited voting is used in the election of the upper house in Spain's national legislature, and a variant of limited voting is used to elect the Japanese Diet (the lower house of Parliament). In these races, the more limited the number of votes each voter has, and the larger the number of seats at stake, the closer limited voting comes to resembling proportional representation. Results resemble plurality plans as the gap between the number of seats at stake and the number of votes granted decreases.[15] Several local elections have been held in the U.S. under limited voting plans, but there is little documentation of results from these races.

Cumulative voting systems grant the voter a number of votes equal to the number of seats at stake in an election. Voters can choose to concentrate all their votes for a single candidate or divide them across a number of candidates.

4

Consider an example similar to the one used above. If several candidates were contesting three seats, a minority party comprising 30 percent of the electorate could organize their voters so each voter would concentrate three votes on a single candidate. The three candidates receiving the greatest cumulative number of votes win the seats (there are typically no run-offs under this plan).[16] A minority of less than 30 percent could conceivably win a seat under these circumstances since it would be difficult for a majority party to develop a strategic allocation of votes that would produce majority representation in excess of majority population. Cumulative voting allows the voters to express preferences without requiring a cumbersome re-allocation of ballots as with STV. Furthermore, cumulative voting allows voters to express the intensity of their preferences by concentrating their votes.

These election systems require a certain amount of strategic planning and mobilization of voters on the part of groups seeking to maximize their representation. A group might need to estimate the number of voters it will have at the polls and decide how many candidates it might be able to elect based on the group's strength in the electorate. Also, group members must get information about how votes should be distributed among candidates (or if votes should be concentrated on a single candidate).[17] Cumulative voting plans might facilitate racial minority group representation in any locality where the cohesiveness of the minority group is greater than a numerically superior majority with less well defined interests.[18]

Cumulative voting also provides the opportunity to build **electoral coalitions** in a manner that winner-take-all districting prevents. Under districting, candidates can win elections by appealing only to narrow, geographically-concentrated groups. This is also possible under cumulative voting. However, a cumulative voting plan allows a minority candidate to win by capturing a large share of minority votes in the geographical area where the minority is concentrated, while also winning some support from non-minority voters outside that area. Conversely, majority candidates might build victories by capturing votes in areas where the majority resides, while also collecting some votes in minority neighborhoods. Since elections are city-wide, a candidate need not rely exclusively upon support from voters residing in segregated neighborhoods.

3. Council Size

One tool used to increase (or decrease) the proportionality of many legislative bodies is size. Increasing the size of a districted city council chamber or a state/national legislature elected under plurality rules is likely to increase the chances that non-represented groups will be able to win seats.[19] In a legislative body drawn from geographical districts, a larger number of districts will mean smaller districts. Since smaller districts are more homogeneous, spatially concentrated minorities stand a better chance of gaining seats under **any** electoral arrangement. Likewise, increasing the number of representatives from a given district will probably increase the odds of minority groups winning seats. These generalizations may not hold, however, in non-districted bodies such as at-large city councils.

C. Why is Proportional Representation Largely Absent From the U.S.?

No level of American government has a rich history of electoral plans that are proportional in design or result. The U.S. differs from most democracies in this sense. At the state and national level, American legislative elections are affected by a tradition of colonial ties to Britain, a political system that has winner-take-all legislative districting.

American majoritarianism also has roots in the political system devised by the authors of the U.S. Constitution, particularly James Madison. Madison, fearing the disrupting effect of any homogeneous legislative "faction," sought to mute the effects of well-organized factions by extending the scope of legislative districts. Winner-take-all, **single-member districts** would be drawn large, he argued, so that no narrow faction would be able to win a seat without first compromising with other factions within the district.

In theory, Madison argued, large districts would make it difficult for a narrowly-based party to win many seats and then easily act in concert once in the legislature.[20] Legislative majorities would be further muted by placing them in a system of conflict with other branches of government.[21] Madison's legacy includes institutional arrangements that winnow out small parties and minorities from Congress, state legislatures and local councils.

D. A Brief History of Proportional Representation Use in the U.S.

Although uncommon, variants of proportional representation discussed above have been used in the U.S. A **cumulative voting** election system was used to elect members to the lower house of the Illinois State Legislature from 1870 to 1982. Each legislative district for the Illinois House of Representatives had three members, and a voter could cast three votes for three separate candidates or cast all three votes for a single candidate. If most minority Republicans in a southern Illinois district cast all their votes for a sole Republican candidate, they could win one of the three seats in spite of making up a relatively small proportion of the district's electorate. This semi-proportional system also facilitated greater minority party representation by increasing the size of the lower house of the legislature.

The Illinois plan was abandoned in 1982 as a result of a citizen "cutback" initiative that cut legislators' pay and the size of the lower chamber.[22] Cumulative voting plans are currently being used more frequently in local elections in the U.S.

A related form of "semi-proportional" voting was also used by some local governments in the U.S. during the 19th and 20th centuries.[23] In some partisan and non-partisan local elections a **limited voting** system operated. These systems are structured so that voters cast fewer votes than there are seats to be filled. Three at-large seats might be at stake in a town, with each voter given only a single vote. The top three vote getters would be elected. In practice, it would be difficult for a majority to dominate the election of all three seats if a cohesive minority directed most of their votes to a single candidate.

Limited voting has been used in local races with partisan systems to fill at-large council seats in New York City, Philadelphia, and West Hartford, Connecticut.[24] Limited voting was used in non-partisan Rome, New York and in Hartford, Connecticut, under previous charters. It is currently in use in some Connecticut cities and towns, and in some Pennsylvania counties.[25]

6

Another more "pure" form of proportional representation, the **Single Transferable Vote (STV)**, has been used for sometime in the U.S., but its application is waning. STV allows voters a single vote in an election to select multiple members to a body. The voter ranks several candidates according to the voter's preferences. To be elected, a candidate must receive votes in excess of an established threshold. There is some evidence that STV can facilitate minority representation. When Cincinnati, Ohio, used an at-large, STV election system, African-Americans were able to consistently gain representation proportionate to their share of the electorate. Prior to the use of STV voting, African Americans had been denied any representation in the Cincinnati city council.[26]

From 1917 to 1950, some two dozen American cities adopted STV plans as part of the council-manager form of government.[27] Cities using STV electoral plans included New York (1930s), Cincinnati (1925-1955), Ann Arbor, Michigan (1970s), and several other cities. By 1990 STV plans had been abandoned in every U.S. city except Cambridge, Massachusetts. Thirty-two community school boards in the City of New York presently use STV, following a state mandate in 1969. In 1988, Cincinnati voters rejected (with 45 percent in favor) a ballot initiative that would have restored a proportional representation system in that city.[28]

III.   Why is Proportional Representation of Interest for Local Elections in the U.S.?

A.   Response to Voting Rights Litigation

Interest in different electoral arrangements in the U.S. has increased in the last decade from concerns about the ability of minorities to gain representation on city and county councils, school boards, state and federal legislatures, and elected courts. Recent court decisions and amendments to the Voting Rights Act of 1965 have given minority groups new ground to litigate against existing electoral structures that may hamper minority representation. Cumulative voting plans like those discussed above have occasionally been used as remedies in some of these **Voting Rights Act** cases.

The 1965 act focused on practices that discouraged registration of African American voters, especially in the South. Legislative and court actions have enlarged the scope of the Act to extend from enfranchisement issues to representation issues.[29] Congress in 1975 amended the Act to recognize Latinos as a minority whose representation is protected by the federal government. Congress further amended the Act in 1982 to clarify when and how local electoral arrangements could be challenged for diluting the representation of protected minorities.

In a series of cases culminating in the U.S. Supreme Court's 1986 ***Thornburg v. Gingles*** decision,[30] legal standards have defined when and how at-large election plans (and to a lesser extent single-member districts) constitute a violation of the Act by diluting minority voting strength. **Minority vote dilution** is said to exist when: 1) the minority is large enough to compose a majority in a potential single member district, 2) the minority is politically cohesive, and 3) the majority votes as a block to defeat minority candidates.[31]

In 1988, the U.S. Circuit Court of Appeals for the 9th District (which includes Washington State) applied these standards to find that Latino vote strength was diluted by the at-large election system in Watsonville, California. The U.S. Supreme Court refused to grant appeal to the City of Watsonville. Thus, this decision has clarified the criteria for challenges to at-large elections in the 9th Circuit. More recently, the 9th Circuit argued that minority plaintiffs could challenge at-large voting without having to show that they could constitute a majority in a single-member district.[32]

B.   At-large vs. District Elections

Federal courts are in a position to rule against local electoral arrangements if the local rules are challenged under the Act and found to discriminate or dilute minority voting. Parties to these suits can submit alternative voting plans to the court, or the court can order a remedy. One of the more common complaints brought under the Voting Rights Act involves **minority-group challenges to at-large elections** in city, county, and school board elections. The **standard remedy** offered by the courts has been to change the local election system from at-large to **district** representation.

Recently, litigants have become more sympathetic to an alternative: the cumulative voting system discussed above. The U.S. Department of Justice under Presidents Reagan and Bush approved cumulative voting plans, and proposals for cumulative voting are increasingly being discussed as the Clinton Administration searches for solutions in Voting Rights cases.[33] In what might be the first ruling of its kind in these cases, in April 1994 a federal judge ordered a county to adopt **cumulative voting as a remedy to minority vote dilution**.[34] Nevertheless, the standard remedy in these cases has been to order a change from at-large to district representation systems.

Evidence, accepted by the courts, demonstrates that at-large arrangements have the probable effect of discriminating against some racial minorities. At-large arrangements can produce inequitable representation such that communities having substantial minority ethnic-group populations (over 20 percent) can often have councils with no minority members serving.[35]

In several at-large cities in Washington State having majority Latino populations, Latino representation on city councils lags well behind numbers proportionate to local Latino populations. Three counties in Washington with substantial Latino populations have no Latino representatives at the county level.[36]

The adoption of districting in local elections has been demonstrated to be important for increasing minority representation in local governments,[37] particularly for African Americans.[38] One study of a sample of 264 cities, with African American populations of over 10 percent, found that district elections resulted in near proportionate representation for African Americans.[39] Another study of 209 cities demonstrated that changing from at-large to district elections had a substantial effect on increasing African American representation to levels more proportionate to their strength in the electorate.[40]

C.   Problems with District Elections

As a remedy to Voting Rights Act cases, however, districting is not without problems. On one level, practical problems arise when drawing districts on the basis of race. Districting might be a remedy that helps minorities of some communities gain representation while not benefiting other minority groups. Evidence also suggests that the type of local electoral system (at-large vs. district) has a greater effect on African American representation than on Latino representation.[41] Thus, switching from at-large to district elections might help African Americans where they are under-represented, but not necessarily help Latinos to the same extent where they are under-represented.

Data from a recent study in California also illustrated that the adoption of district elections increases Latino representation in cities with large Latino populations (over 25 percent), but representation under districting is still far less than proportionate.[42] This stands in contrast to the near proportionality that districting was found to produce for African Americans.[43] In San Francisco, the adoption of district elections corresponded with increased African American representation and decreased Latino representation.[44] It should be stressed that since the passage of the Voting Rights Act, representation of Latinos has remained less proportionate than that for African Americans in the U.S. for multiple reasons including different residential concentrations, different rates of voter registration, and different rates of voting.

Differences in outcomes might be related to housing patterns. In the Southwest and Western U.S., residential segregation patterns are different for African Americans and Latinos. Latinos are more dispersed while blacks are somewhat concentrated.[45]

Differences in African American and Latino **political participation** might also explain differences in the impact of districting on Latino representation. Among both registered voters and non-registered residents, Latinos tend to be less involved in politics when compared to African Americans and whites.[46] Scholars attribute this difference to language barriers and the relative "newness" of Latino political organizations.[47] These factors can mean lower turnout for Latinos in those districts drawn to encompass the Latino community.[48]

All of this can complicate the process of drawing districts that include mostly Latino voters (so called **majority-minority districts**) for the purpose of increasing representation. Even areas with a large and relatively concentrated minority African American population can have difficulty using district voting plans to alter patterns of under-representation unless the districts are drawn to exclude nearly all members of other groups.[49]

Racial districting is also difficult when registration of minority populations is low or when minorities vote at rates lower than whites. Districts drawn with a majority Latino *population* can easily have a Latino *electoral minority*. Houston, Texas, is a case in point.[50] Finally, in communities with several minority groups of similar size, a racial districting strategy might aid one minority group over the other, particularly if the latter group is geographically dispersed.

On another level, districting as a remedy raises problems with **perceptions of political legitimacy** that might compound these practical issues. Rulings on race-based districting place the courts in a position of awarding, by adjudication, static, de facto proportional representation on the basis of racial housing patterns. Furthermore, decisions about drawing district lines can produce winners and losers by allocating seats to different groups. This can heighten minority consciousness of exclusion, heighten majority resentment of minorities if districting is perceived as "affirmative action," and possibly institutionalize race-based voting and representation.[51]

Race-based districting can also produce awkwardly-shaped districts that might be challenged by majority plaintiffs for being inconsistent with principles of equal protection and district compactness.[52] Furthermore, in majority-minority districts, non-minority residents within the district who never vote for the minority candidate will be relegated to a permanent status of never affecting election outcomes. In other words, their **votes are wasted** and they are left without representation.[53] The same holds true for minority voters in majority districts.

Despite all of these potential shortcomings, drawing more precise single-member districts continues to be the dominant remedy adopted in Voting Rights Act cases. Yet for some of the reasons presented above, increased attention has been directed at alternative plans such as cumulative voting, limited voting and the single transferable vote.

D. Where is Proportional Representation Used Today in the U.S. in Local Elections?

Different proportional representation arrangements are not common, but they are not absent from our political landscape. Some such plans are being selected as remedies in Voting Rights cases. Table 1 lists some communities presently using variations of proportional representation. As these communities accrue more experience with these election plans, they can serve as laboratories for observing local proportional representation plans in practice.

<div style="border:1px solid black; padding:1em;">

Table 1

Jurisdictions in the U.S. using *cumulative voting* include:

> Alamagordo, New Mexico city council
> Peoria, Illinois city council
> Centre, Alabama city council
> Guin, Alabama city council
> Myrtlewood, Alabama city council
> Chilton County, Alabama county commission
> Chilton County, Alabama school district board
> Crenshaw County, Alabama county commission
> Sisseton, South Dakota school district board
> Lockhart, Texas city council
> Lockhart, Texas school district board
> Worchester County, Maryland county commission

Jurisdictions in the U.S. using *limited voting* include:

> Hartford, Connecticut
> Various towns and cities in Connecticut
> Philadelphia, Pennsylvania
> Various counties in Pennsylvania
> Washington, DC

Jurisdictions in the U.S. using *single transferable voting* include:

> Cambridge, Massachusetts city council
> New York City community school boards

</div>

E.   What Has Resulted From the Recent Use of These Plans in Local Elections?

Cumulative voting was adopted in Alamagordo, New Mexico, and used for the first time in July 1987.[54] Alamagordo has been using cumulative voting in city elections since then. It was adopted as a settlement of a Voting Rights Act lawsuit filed by Latino (24 percent of the city population) and African American groups (5 percent of the population). Alamagordo had (after 1983) a mixed at-large/district election plan where three council members were elected at-large and four were elected by districts. One "majority-minority" district was drawn in 1983, which elected an African American representative in 1984. The rest of the council was white. No African American or Latino candidates had been elected at-large since 1970. Under the terms of the legal settlement, beginning in 1987 representatives for the three at-large seats were elected under a cumulative voting plan. In the first election under this plan, one Latino and two whites were elected.

A public opinion study about the Alamagordo election[55] found that nearly **95 percent of voters felt they understood how the cumulative voting system worked**. Few (13 percent) thought that the system was more difficult to understand than other local elections. No racial/ethnic differences arose in perceptions of the difficulty of the election system. Compared to whites, African American and Latino voters were more likely to rate the system as "good" or "excellent."

The Alamagordo plan allows each voter three votes to elect three council members. A voter could cast one vote each for three different candidates; cast two votes for one candidate and one for a second; or cast all three votes for a single candidate. The 1987 election survey indicated that **70 percent of voters used the option to cast more than one vote for an individual candidate**. Twenty-seven percent reported casting two votes for one candidate, while 43 percent cast all their votes for a single candidate. Sixty-four percent of Latinos reported casting all three of their votes for an individual candidate. Thirty-nine percent of whites did the same, as did 40 percent of African Americans.[56] A follow-up study done in an Alamagordo election three years later found a higher proportion of voters (60 percent) ranking the system as "good" or "excellent" (with diminished differences across racial groups). More voters used the cumulative option in 1990 (85 percent), and the Latino candidate was re-elected.[57]

A similar election plan was agreed on as a settlement of a Voting Rights Act suit in South Dakota. In 1984 a Native American group brought suit against an at-large electoral system that elected the nine-member Sisseton, South Dakota school board.[58] Three three-year seats on the board are elected each year. Thirty-four percent of the Sisseton School District residents were Native American. Only one of 23 Native American candidates had been elected to the Board since 1977.

The suit was settled in 1988, and elections were held to fill three seats in June of 1989. As in Alamagordo, voters were given the option of casting three votes in any combination they wished. A study of the Sisseton election found results similar to the Alamagordo case. Most voters (90 percent) understood the system. Most Native American voters (93 percent) cast all three votes for a single candidate, while a third of whites reported casting all their votes for a single candidate. The system allowed a Native American candidate to gain the most total votes in the contest. Two white candidates and one Native American candidate were elected to the board in the 1989 election.[59]

IV. Does Proportional Representation Accomplish What Proponents Expect?

A.   Representation

Advocates of proportional representation look to European nations and suggest that the adoption of proportional representation in local legislative races in the U.S. should facilitate a more proportionate allocation of council seats, and, perhaps, stimulate new levels of political interest and participation among voters in local elections. Where studies have been conducted, they show that a move from at-large to cumulative voting elections facilitated greater minority representation. It remains unknown whether these minorities would have gained more seats under single-member districting plans. Further research could quantify the degree of proportionality that cumulative voting and other alternative plans produce for minority groups.

Nevertheless, minorities do gain representation under these systems. **Table 2 describes the frequency of minority representation under cumulative voting in the U.S**. However, it is unknown how much they might gain had single-member districts been used in these cities.

Unlike single-member district plans that can be tailored to guarantee minority representation, gains under cumulative voting are highly likely but not automatic. Nor are potential gains in minority representation limited to racial minorities. Any group in a community that is well-organized and capable of slating candidates can potentially use the process to gain representation. Furthermore, in some election situations, if minority voting is not organized nor politically cohesive, the minority could potentially split its strength and reduce its representation.[60]

Proportional representation plans are offered as an alternative to the districting remedy typically adopted as a settlement in Voting Rights cases. The goal of any remedy is to facilitate minority representation, not to produce exactly proportionate representation. Advocates of cumulative voting and limited voting emphasize that these plans can accomplish the same goal as traditional race-based districting without creating racial polarization via districting. These plans also eliminate the cost involved with developing districting plans, and each of these plans leaves the structure of at-large governments in place. Proponents, and judges in some cases, also observe that a remedy such as cumulative voting allows voters and groups the possibility of electing minorities with **voluntary city-wide coalitions** that can shift across time and circumstance. Safe seats drawn on racial lines, however, can generate static patterns of representation less likely to produce the shifting political coalitions that define a vibrant political life.

Table 2

Cumulative Voting Elections and Representation in U.S. Local Elections							
Jurisdiction		Year of Election	Office	Seats Filled	Seats Won by Minority	Voting Age[a] Percent Minority	Minority Group
Chilton County	AL	1988	Commission	7	1	11.8	African American
Chilton County	AL	1988	School Board	7	1	11.8	African American
Chilton County	AL	1992	Commission	7	1	n/a	African American
Centre	AL	1988	City Council	7	1	10.9	African American
Centre	AL	1992	City Council	7	n/a[b]	n/a	African American
Guin	AL	1988	City Council	7	1	10.3	African American
Guin	AL	1992	City Council	7	n/a[b]	n/a	African American
Myrtlewood	AL	1988	City Council	5	0[c]	27.8	African American
Myrtlewood	AL	1992	City Council	5	n/a[b]	n/a	African American
Peoria	IL	1991	City Council	5	1	20.9	African American
Alamagordo	NM	1987	City Council	3	1	24.0	Latino
Alamagordo	NM	1991	City Council	3	1	n/a	Latino
Alamagordo	NM	1994	City Council	3	1	n/a	Latino
Sisseton	SD	1989	School Board	3	1	34.0	Native American
Sisseton	SD	1990	School Board	3	1	n/a	Native American
Sisseton	SD	1991	School Board	3	1	n/a	Native American
Lockhart	TX	1991	School Board	3	1	n/a	Latino
Lovington	TX	1993	City Council	3	1	n/a	Latino

[a] Minority voting age population data not obtained.
[b] Election results not obtained.
[c] No minority candidate recruited to run.

B.   Voter Turnout

Advocates of proportional representation also suggest that these plans might increase interest and turnout among minority voters, since they provide groups previously denied access to political decisions the opportunity to elect representatives. Advocates point to higher turnout rates in proportional representation nations as an example.

Such reasoning is potentially spurious, however. Proportional representation in highly visible, national, partisan contests held in nations with an affluent, well-educated population are not directly comparable to low visibility, non-partisan local elections in the U.S. In other words, there is no logical reason to assume that since Germany uses proportional representation to elect its national legislature and Germany has high voter turnout, that a community in Washington State using proportional representation elections will have increased voter turnout. At present, no studies draw conclusions about the effect of proportional plans on turnout in local elections.

However, some research examines the changes in local politics associated with increased minority representation. The issue of voter turnout is rarely central to these studies. Nevertheless, evidence demonstrates that minority representation in a city is associated with different political attitudes and behaviors among minority voters. Where minority residents gain greater representation, minority residents are more likely to have positive attitudes about government, a greater sense of being able to make a difference in politics, and have higher levels of political participation.[61]

Thus, **political interest among minority voters might increase when minorities become more incorporated into local politics**. Minority incorporation has often been brought about by districting in local elections. If cumulative voting and other alternatives to districting increase minority representation, then increased participation might follow. At present, no studies have assessed this impact.

Systematic evidence of minority vote turnout gains associated with the move to local districting (or the adoption of cumulative voting) is lacking. Some case-study evidence does suggest a potential link between increased minority access to councils and increased minority voter participation. The study of cumulative voting in Sisseton, South Dakota (noted above), found that the opportunity to elect a candidate of their choice under cumulative voting produced a mobilization of the Native American electorate. A large proportion of Native American voters (46 percent) in the cumulative voting election reported that they rarely, or never, participated in school district elections under the previous at-large election plan (compared to 16.7 percent of whites who said they never or rarely participated before).[62]

The nature of the links between electoral structure, minority representation and minority voter participation are likely to be fairly complex. Davidson reports that between 1967 and 1974, election turnout was 50 percent higher in city elections in a Texas city when minorities were on the ballot contesting races.[63] Cain reported that turnout rose in the heavily Latino 14th council district in Los Angeles when Latinos organized to recall a non-Latino candidate (turnout then dropped back to prior levels after the recall).[64] Often, it is difficult to separate out the influence on minority turnout of districting and minority registration drives, as these events might occur in close sequence. Geron reports that the Southwest Voter Registration and Education Project determined that switching to single-member districts in Texas and New Mexico (where active minority registration efforts were also undertaken) increased Latino voter participation.[65]

V. Conclusions

Proportional representation plans are uncommon in state and local elections in the U.S. However, these plans are not absent from our history. As state and local governments examine election plans that might be used as alternatives to the standard districting remedies in Voting Rights cases, the American experience with proportional representation has received more attention.

This review of experience with these election plans indicates that there might be practical advantages to using cumulative voting when at-large election plans appear to be diluting minority vote strength. There is less contemporary experience with limited voting and single transferable voting in America, but some case study evidence also suggests these plans facilitate minority representation.

It should be stressed that experience with these plans as remedies in Voting Rights Act cases is recent and, therefore, limited. Furthermore, of the three plans discussed here, only cumulative voting has been approved by the U.S. Department of Justice as a remedy in Voting Rights Act cases. The standard remedy in these cases is to abandon the at-large structure of local elections and adopt districts. The review of literature presented here suggests that these alternative plans might be applicable when the under-represented minority is not spatially concentrated, or when there is a desire to retain at-large structures for local government.

NOTES:

1.   Lijphart, Arend, 1994, *Electoral Systems and Party Systems,* Oxford University Press, pp. 103, 109. See also Rae, Douglas, 1967, *The Political Consequences of Electoral Laws,* Yale University Press.

2.   Johnston, R.J., 1979, *Political, Electoral and Spatial Systems,* Oxford University Press. At the national level, plurality systems similar to the U.S. include Canada, France, Great Britain, and (prior to November 1993) New Zealand.

3.   Davidson, C., 1984, *Minority Vote Dilution,* Howard University Press. The sweep effects can be magnified when runoffs are used or when "anti single-shot" laws require that voters cast all their votes in order for the vote to be counted.

4.   *Kilgarlin v. Hill*, 386 U.S. 120, 1967.

5.   Chandler, Davidson and George Korbel, 1981, "At-Large Elections and Minority Group Representation: A Re-Examination of Historical and Contemporary Evidence," *Journal of Politics,* November v. 43, pp. 982-1005.

6.   Grifiths, Ernest, 1974, *A History of American City Government,* 1900-1920, Prager.

7.   Judd, Dennis, 1988, *The Politics of American Cities,* Third Edition, Scott, Foresman, p. 92.

8.   Lakeman, E., 1970, *How Democracies Vote: A Study of Majority and Proportional Electoral Systems,* Faber and Faber.

9.   Lijphart, Arend, 1994, *Electoral Systems and Party Systems,* Oxford University Press.

10.   Lijphart, op cit., provides an illustration of these formulae in his Appendix A.

11.   -----, 1982, "Alternative Voting Systems," *Yale Law Journal,* v. 92, pp. 144-160.

12.   -----, 1982, *Yale Law Journal,* op cit.; Davidson, 1984 op cit., and others note that in national partisan elections abroad, limited voting and cumulative voting often achieve more proportionality than American-style plurality systems, but less proportionality than complete PR systems.

13.   The minimum "threshold" of votes a candidate must achieve to win a seat is a function of:

$$\frac{\text{the number of votes}}{\text{number of seats to fill} + 1} = \text{votes to win a seat}$$

With 10,000 votes and six seats up, a candidate would need 1,428 votes to win a seat. If the candidate wins votes in excess of this, they are transferred in a second round of counting to those candidates listed as the second choice on excess ballots cast for the winner.

14.   This would require substantial co-ordination at the level of the individual voter. A majority organization would have to slate no more than three candidates and then distribute voters into sub-groups pledged to vote for specific candidates.

15.   Lijphart, A., R. Lopez Pinto and Y. Sone, 1986, "The Limited Vote and the Single Non-Transferable Vote: Lessons from Japan and Spain," in Grofman and Lijphart (eds.), *Electoral Laws and Their Political Consequences,* Agathon. This study found limited voting facilitated representation of minorities (smaller parties) in a manner nearly proportionate to that of single transferable voting.

16.   A runoff would re-introduce bias toward the majority.

17.   An STV plan, in effect, accomplishes some of the strategic actions automatically when preferences are re-allocated during the vote counting.

18.   ----- 1982, *Yale Law Journal,* op cit., p. 154.

19.   Taagepera, Rein, 1973, "Seats and Votes: A generalization of the Cube Law of Elections," *Social Science Research,* v. 2, pp. 257-75.

20.   Madison, James, 1787, Federalist Paper, #10.

21.   Madison, James, 1787, Federalist Paper, #51.

22.   Everson, D.H., et al., 1982, *The Cutback Amendment,* Illinois Issues Special Report, Springfield: Saganom State University. Cited in Weaver, L., 1984, "Semi-Proportional and Proportional Representation Systems in the United States," in A. Lijphart and B. Grofman (eds.), *Choosing an Electoral System: Issues and Alternatives,* Praeger, These authors suggest that support for the initiative was due to a response to legislators voting themselves a pay raise and had little to do with opinions about cumulative voting. Also see Cornelius, Janet, 1972, *Constitution Making in Illinois,* University of Illinois Press; Grofman, B., 1982, "Alternatives to Single-Member Plurality Districts: Legal and Empirical Issues," in Grofman, A. Lijphart, R. McKay and H. Scarrow (eds.), *Representation and Redistricting Issues,* p. 121, Lexington Books.

23.   Weaver, Leon, 1984, op cit.

24.   Weaver, 1984, op cit., p. 196-7.

25.   Weaver, 1984, op cit., p. 196.

26.   Engstrom, R., 1990, "Cincinnati's Proportional Representation Initiative," *Electoral Studies,* pp. 218. Years of STV use in the Republic of Ireland, Australia, Malta also show that the system achieves proportionality, Lakeman, 1970, op cit., pp. 231-69.

27.   Weaver, Leon, 1986, "The Rise, Decline, and Resurrection of Proportional Representation in Local Governments in the U.S." In B. Grofman and A. Lijphart, (eds.), *Electoral Laws and Their Consequences,* Agathon. See also Childs, R., 1965, *The First 50 Years of the Council-Manager Plan of Municipal Government,* American Book-Stratford Press.

28.   Engstrom, R., 1990, "Cincinnati's Proportional Representation Initiative," Electoral Studies, from 1936-1957, four of five previous votes had retained the PR system.

29.   *Allen v. State Board of Elections* (393 U.S. 544, 1969) extended provisions of the Voting Rights Act to actions unrelated to voter registration that might dilute black voting rights. See O'Rourke, T., 1992, "The 1982 Amendments and the Voting Rights Paradox," in Grofman, B. and C. Davidson (eds.), *Controversies in Minority Voting,* Brookings Institution. O'Rourke (pp. 107-110) illustrates how the 1982 amendment allows the federal courts to extend the criteria used to justify intervention in local elections well beyond finding the "intent to discriminate" in electoral plans *(City of Mobile v. Bolden,* 466 U.S. 55, 1980) to a standard that justifies intervention based upon "discriminatory results" of systems.

30.   *Thornburg v. Gingles* (478 U.S. 30, 1986).

31.   B. Grofman, L. Handley and R. Niemi, 1992, *Minority Representation and the Quest for Voting Equality,* Cambridge University Press. This text includes a comprehensive discussion of the criteria used by the courts for such determination. In Thornburg, the court indicated that three circumstances are necessary for showing vote dilution: "First, the minority group must be...sufficiently large and geographically compact

to constitute a majority of a single-member district...Second, the minority group must be...politically cohesive...Third...the white majority votes sufficiently as a bloc to enable it...usually to defeat the minority's preferred candidate (pp. 50-51) as quoted in Grofman, et al., p. 49).

32. *Gomez v. City of Watsonville,* 863 f2d 1407 (9th Cir. 1988), cert denied 489 U.S. 1080 (1989). In *Garza v. Los Angeles County Board of Supervisors.* Slip opinion no. CV 88-5143 KN, 918 f.2nd 763 (9th Cir. 1990).

33. Applebome, Peter, 1994, "Guinier Ideas," *New York Times,* Week in Review, April 3, Section 4.

34. Buckley, Stephen, 1994, "Judge Orders Cumulative Voting," *Washington Post,* April 6, pp. A1, A5. Courts have ordered Limited Voting as a remedy in some cases, including an intra-party Voting Rights Act case filed against the Conecuh County, Alabama, Democratic Executive Committee. See *Gray v. Robson,* U.S.D.C. So. Dist. of Alabama, So. Division, CA 82-0491-H, and several cases cited in Weaver, 1984, op cit., p. 206.

35. Polinard, J., R. Wrinkle and T. Longoria, 1991, "The Impact of District Elections on the Mexican American Community: The Electoral Perspective, *Social Science Quarterly,* v. 72, pp. 608-614. See also Jones, Clinton, 1976, "The Impact of Local Election Systems on Black Political Representation," *Urban Affairs Quarterly,* v. 11, pp. 345-356.

36. Estrada, Daniel, 1994, "Eastern Washington's Growing Chicano Communities and New Demands for Government Representation and Policy Responsiveness," paper delivered at the annual meeting of the Western Political Science Association, Albuquerque, New Mexico, March 10-12.

    The 1990 census indicated that the municipalities of Toppenish, Grandview, Wapato and Mabton have majority Latino/Chicano populations. Information from the city clerks of these cities determined that Toppenish has two Latino council members; Grandview 1 and Mabton 1. The clerk of Wapato was unsure if one of the council members there was Latino. Pasco, with 41 percent Latino population has no Latinos/Chicanos on the city council. Adams Co. (32 percent Latino), Franklin Co. (30 percent) and Yakima Co. (24 percent) have no Latino County Commissioners. Latino population figures in Eastern Washington differ from voter registration figures since some of the population is non-citizen and/or under voting age. White residents are still a majority of *voters* in these communities.

37. Engstrom, Richard and Michael McDonald, 1981, "The Election of Blacks to City Councils: Clarifying the Impact of Electoral Arrangements on the Seats/Population Relationship." *American Political Science Review,* v. 75, pp. 344-54; Robinson, T. and T. Dye, 1978, "Reformism and Black Representation on City Councils," *Social Science Quarterly,* v. 59, pp. 133-41.

38. Latimer, Margaret, 1979, "Black Political Representation in Southern Cities: Election Systems and Other Causal Variables," *Urban Affairs Quarterly,* v. 15, pp. 65-86; Helig, Peggy and R. Mundt, 1983, "Changes in Representational Equity: The Effect of Adopting Districts, *Social Science Quarterly,* v. 64, pp. 393-397.

39. Karing, Albert and Susan Welch, 1980, *Black Representation and Urban Policy,* University of Chicago Press. Also see Karing, A., 1976, "Black Representation on City Councils: The Impact of District Elections," *Urban Affairs Quarterly,* v. 12, pp. 223-242; Heilig, P. and R. Mundt, 1983, op cit. The final study used an "equity measure" where 1.0 indicates equity between council representation and black population proportion, finding an equity measure of .93 for black representation in cities with district elections. Karing and Welch reported similar results for black representation. Karing and Welch found a ratio of .95.

40. Mundt, Robert and Peggy Heilig, 1982, "District Demands and Effects in the Urban South," *Journal of Politics,* v. 44, pp. 1035-1048, esp. p. 1046. This study also used an "equity measure" where 1.0 indicates equity between council representation and black population proportion. Scores for cities where the electoral system was switched (from at-large to districts) increased from an average of .145 (under at-large) to an average of .776 (under districting).

41.   Taebel, Delbert, 1978, "Minority Representation on City Councils: The Impact of Structure on Blacks and Hispanics," *Social Science Quarterly,* v. 59, pp. 142-152.

42.   Geron, Kim, 1994, "Electoral Structures and Latino Empowerment in California Since 1980." Paper delivered at the Annual Meeting of the Western Political Science Association, Albuquerque, New Mexico, March 10-12. Data from this study of 12 cities illustrated that eight cities changing from at- large to district plans went from virtually no Latino council representation (a pre-districting average equity measure of .06) to a post-districting equity average of .54. See also Polinard, J., R. Wrinkle and T. Longoria, 1991, "The Impact of District Elections on the Mexican American Community: The Electoral Perspective," *Social Science Quarterly,* v. 72, pp. 608-14. This study of 10 Texas cities demonstrates that where the electoral system was switched (from at-large to districts) Latino equity scores increased from an average of .27 (under at-large) to an average of .62 (under districting).

43.   Karing and Welch, 1980, op cit.; Mundt and Heilig, op cit.

44.   Browning, R., D. Marshall and D. Tabb, 1984, *Protest is Not Enough,* University of California Press. This detailed study of several California cities notes that districting could produce substantial gains for African Americans but not Latinos, even in cities where Latinos outnumbered African Americans (e.g., Stockton).

45.   Zax, Jeffrey, 1990, "Election Methods and Black and Hispanic Council Membership," *Social Science Quarterly,* v. 71, pp. 339-355. Massey, Douglas and Nancy Denton, 1987, "Trends in Residential Segregation of Blacks, Hispanics, and Asians: 1970-80," *American Sociological Review,* v. 52, pp. 802-25. See also, M.M. Lopez, 1981, "Patterns of Inter-ethnic Residential Segregation in the Urban Southwest: 1960 and 1970," *Social Science Quarterly,* v. 62, pp. 50-63.

46.   Hero, Rodney E., 1992, *Latinos and the U.S. Political System,* Philadelphia: Temple University Press, pp. 60-64. Calvo, Maria Antonio and Steven Rosenstone, 1989, *Hispanic Political Participation,* San Antonio: Southwest Voter Research Institute. MacManus, S. and C. Cassel, 1988, "Mexican-Americans in City Politics: Participation, Representation and Policy Preferences," in *Latinos and the Political System* (ed) C. Garcia, pp. 201-212. Welch, Susan, 1977, "Identity in the Ethnic Community and Political Behavior," *Ethnicity,* v. 4, pp. 216-225.

47.   Hero, Rodney E., 1992, op cit. Antunes, G. and C.M. Gaitz, 1975, "Ethnicity and Participation: A Study of Mexican-American, Blacks and Whites," *American Journal of Sociology,* v. 80, pp. 1192-1211. MacManus and Cassel, op cit.

48.   MacManus and Cassel, op cit.

49.   Still, Edward, 1992, "Voluntary Constituencies: Modified At-Large Voting as a Remedy for Minority Vote Dilution in Judicial Elections," *Yale Law and Policy Journal,* Esp., see pp. 366-7. Still notes that drawing districts with black majorities of 65 percent might be the bare *minimum* to facilitate nominal minority representation in elections. Effective minority representation might only be achieved with much more homogeneous districting.

50.   MacManus and Cassel, op cit. See also Estrada, 1994, p. 11. This also occurs since census population totals are used for districting purposes. Census counts include those under voting age and non-citizens. MacManus and Cassel show that in a Houston council district drawn with a 63 percent Latino majority population, Latinos composed only 42 percent of the districts registered voters.

51.   -----, 1982, "Alternatives Voting Systems as Remedies for Unlawful At-Large Systems," *Yale Law Journal,* pp. 144-160. See also, Amy, Douglas, 1993, "Proportional Representation: A New Option for Local Elections," *National Civic Review,* (Summer), pp. 275-281; Cain, Bruce, 1992, "Voting Rights and Democratic Theory: Toward a Color-Blind Society?," in Grofman and Davidson (eds.), *Controversies in Minority Voting,* Brookings.

52.   Applebome, Peter, 1994, "Suits Challenging Redrawn District That Help Blacks," *New York Times,* pp. A1, A11. See, for example, successful challenges to Voting Rights Act remedies of race-based Congressional districting in North Carolina *(Shaw v. Reno)*.

53.   Still, Edward, 1984, "Alternatives to Single-Member Districts," in C. Davidson (ed), *Minority Vote Dilution,* Howard University Press, pp. 251-252. For example, Republicans in safe Democratic districts, or African-Americans in safe white districts will not affect the election of the representative from their own district. Their interests as constituents would potentially be represented by legislators from other districts where their vote is not counted.

54.   Cole, R., D. Taebel and R. Engstrom, 1990, "Cumulative Voting in a Municipal Election: A Note on Voter Reactions and Electoral Consequences," *Western Political Quarterly,* v. 43, pp. 191-199. The following section on Alamagordo draws heavily from this work.

55.   Cole, R., D. Taebel and R. Engstrom, 1990, op cit.

56.   Cole, R., D. Taebel and R. Engstrom, 1990, op cit.

57.   Cole, R. and Taebel, 1992, "Cumulative Voting in Local Elections: Lessons from the Alamagordo Experience," *Social Science Quarterly,* v. 73, pp. 194-201.

58.   Engstrom, R. and C. Barrilleaux, 1991, "Native-Americans and Cumulative Voting: The Sisseton-Wahpeton Sioux," *Social Science Quarterly,* v. 72, pp. 388-393. The discussion of Sisseton draws heavily on this article.

59.   Engstrom, R. and C. Barrilleaux, 1991, op cit.

60.   Still, Edward, 1991, "Voluntary Constituencies: Modified At-Large Voting as a Remedy for Minority Vote Dilution in Judicial Elections," *Yale Law and Policy Journal*, pp. 354-69. It should be noted that one of the justifications recognized by the courts for implementing districting (in *Thornburg)* is that the minority be "politically cohesive."

61.   Bobo and Gilliam, 1991, "Race, Sociopolitical Participation and Black Empowerment," *American Political Science Review,* v. 84, pp. 377-393.

62.   Engstrom and Barrilleaux, 1991, op cit., p. 391, fn5.

63.   Davidson, 1984, op cit., p. 2.

64.   Cain, 1992, op cit., p. 271.

65.   Geron, 1994, op cit.