



The Center for
Voting and Democracy

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To: Commission to Ensure Integrity and Public Confidence in State Government

From: FairVote

Re: Recommendation to Consider Alternative Methods of Legislative Redistricting

Date: October 31, 2014

Introduction

FairVote: The Center for Voting and Democracy is a national, non-partisan organization that studies the impact of our electoral rules on participation, representation and governance and advocates for election reform. We submit this testimony to recommend that this commission consider proposing **alternatives to single-winner** representation when deciding how Virginia's state legislature will be elected. Only a ranked choice voting system or a District Plus mixed system can simultaneously allow for compact districts, meaningful elections for all voters, districts that are consistent with the Voting Rights Act, and accurate statewide representation.

Policymakers face several competing priorities when drawing legislative districts. Districts that are safe for one party deprive voters of real choice and can reduce the accountability of that party's leadership. On the other hand, majority-minority districts that are politically uncompetitive can be a necessary tool to ensure racial minorities are fairly represented in the legislature under the requirements of the Voting Rights Act. Meanwhile, drawing districts with an eye to partisan competitiveness (both within districts and statewide) or adequate racial minority representation can compromise districts' geographic integrity, splitting or fusing communities unnaturally and leading to perceptions of unscrupulous gerrymandering. While a bipartisan or independent redistricting commission can help create fairer and/or more legitimate district maps by reducing one-sided partisanship in the districting process, such commissions are inevitably caught between the rocks and hard places imposed by the tradeoffs inherent to a system reliant only on single-winner-take-all districts.

These tradeoffs, however, can be substantially or completely mitigated simply by moving away from the idea that all representatives must represent only one district. In this memorandum we briefly describe two election methods which Virginia could implement separately or in tandem to increase the legitimacy and fairness of its redistricting processes: *multi-seat ranked choice voting* and "*Districts Plus.*" While our assumption is that these systems would be considered only for state legislative elections, they could be

used for congressional elections if Congress were amend a 1967 law that mandated use of single winner districts.

Multi-Seat Ranked Choice Voting

In each of Virginia's General Assembly districts and U.S. House districts, a single winner elected by simple plurality vote provides all representation for that districts' voters, whether he or she earns 51% of the vote or 80%. Voters who preferred other candidates must nonetheless be represented by a candidate they opposed.

In a multi-seat district with ranked choice voting, more than one candidate can win (we recommend electing five candidates in each district), and each could represent a different bloc of voters in that district, granting representation to the political left, right, and center of every geographic area across Virginia.

FairVote has developed alternative district maps for both of Virginia's state legislative bodies under which about 17% of voters in each large "super district" could elect one of the five representatives in the district for the House of Delegates and about 20% could elect one of the four state senators in the district. Under this plan, we project that every district would elect representatives of both major parties, meaning every voter would be represented by a representative they agreed with. Further, control of at least one seat in almost every district would be competitive between the parties, and every voter would be able to cast a meaningful vote.

We have attached a more complete analysis of our sample multi-seat redistricting map.

The benefits of ranked choice voting in multi-seat districts is straightforward: it can allow an independent redistricting commission to draw straight-forward districts, and then allow voters to self-district by choosing their own nominees. With ranked choice voting, voters can [honestly rank all the candidates](#) in order of preference, and those rankings are used to help nearly every voter elect a candidate they support.

Multi-seat districts, moreover, encourage the nomination and election of women candidates. Of the ten states with the highest percentage of women elected to state legislature, six choose those legislatures in [multi-seat districts](#). Women's representation within the Virginia General Assembly has declined in recent years; women make up 16.4% of the General Assembly, which ranks Virginia 44th out 50 state legislatures. Please find attached FairVote's report on the state of women's representation in Virginia, excerpted from our *State of Women's Representation 2013-2014* [report](#).

Multi-seat districts have a long history in municipal and state legislative elections. As one example, New York City was one of two dozen American municipalities using such a

format to elect its city councils during the Progressive Era. Illinois elected its state legislature in three-seat districts using a fair voting system from 1870 to 1980, with the result that fewer votes were wasted; downtown Chicago districts would elect one Republican and districts in DuPage Country would elect one Democrat.

FairVote recommends that any redistricting commission be given the power to consider multi-seat district plans with ranked choice voting. At the very least, such plans should be strongly considered by a redistricting task force.

See the attached map and analysis for an example of how this could work in Virginia's state legislative elections. Also see the full *Monopoly Politics 2014 Report* at www.fairvoting.us for an in-depth introduction to the distortions imposed by single-winner-take-all districts and the remedies available through fair voting systems like ranked choice voting.

Districts Plus

Under Districts Plus, most representatives are still elected from single winner districts, but a certain additional number of "accountability seats" are filled based on the number of votes each party's candidates received statewide. For example, Virginia's House of Delegates could consist of 80 standard seats elected from 80 districts and an additional 20 accountability seats. If Republican candidates for the House of Delegates won 55% of the statewide vote and Democratic candidates won 45%, the accountability seats could ensure that Republicans would win 55 seats total and Democrats would win 45 seats total. The single district winners would all take office, with the accountability seats filled to provide the parties with a fair complement of seats. The accountability seats would be elected from larger, overlapping "accountability districts" as a separate ballot line in the general election.

Districts Plus guarantees that when one party's candidates gets the most votes, that party wins the most seats. It also makes every vote meaningful: even when a district is a foregone conclusion for one party, every vote cast in that district counts towards the statewide total upon which the accountability seats are awarded; for that reason, districts can be drawn with a focus on traditional criteria like compactness and compliance with the Voting Rights Act, as they always will be competitive for purposes of the statewide vote. Districts Plus increases leadership accountability and gives parties incentives to field strong candidates in every district, no matter how imbalanced that district may be. Districts Plus could be implemented separate from or in addition to multi-seat districts with fair voting.

Please see the attached [Districts Plus Policy Guide](#) for more detail.

Conclusion

We strongly encourage the Commission to Ensure Integrity and Public Confidence in State Government to empower any redistricting body to consider multi-seat districts with fair voting and Districts Plus as means to create fairer and more representative legislative districts. We thank you for your consideration of these recommendations and would be pleased to provide additional information.

FairVote is a non-partisan, non-profit research and advocacy group which advances structural reforms designed to make American democracy more functional, fair, and fully representative. Based in Takoma Park, MD, FairVote works locally, statewide and nationally, advising non-governmental organizations and policymakers at all levels of government.

FairVote's Proposal for Electing Virginia's General Assembly from Multi-Seat Districts

As explained in previous blog posts on Virginia Congressional **redistricting** and on **New Jersey's legislative districts**, FairVote proposes a better way to provide voters with real choices and fair representation than the highly problematic process of legislative redistricting. We prefer multi-member "super districts" with a proportional voting system rather than winner-take-all elections that give so much power to those crafting district lines.

As in his first example with Virginia's congressional districts, FairVote's Matt Morris has used maps and data from the Virginia Redistricting Competition to construct alternative plans for the Virginia's State Legislature. Given that **the University of Richmond team** received first place in the Governor's Commission category, we decided to use its map. We simply combined five adjoining House of Delegates seats to create one super district, and then combined two of these super-districts to form the State Senate super districts. Each of our 20 super districts for the House of Delegates is designed to elect five seats, and each of our ten State Senate super districts has four seats.

Using a proportional voting system like **choice voting** in elections for the House of Delegates, a candidate could win one seat with the strong support of about 17% of the vote, with a majority of three seats being won with 51%. In the four-seat super districts for the state senate, each seat could be won with about 20% of the vote. Based on the partisanship numbers, every single super district would be highly likely to have shared representation -- meaning that every voter in the state would have representatives of both major parties and potentially more independents and some small parties. In addition, most, if not all super districts, would be competitive in every election for partisan control of at least one seat, putting every voter in a competitive race. No winner-take-all system comes remotely close to such elections. In contrast, the prize-winning plan from the University of Richmond created only 28 delegate districts that were competitive.

As for representation of racial minorities, African American voters would be well-positioned to elect 15 candidates of choice in a total of 11 of the House of Delegates super districts and four candidates in the 10 state senate super districts, with additional chances in every single district to elect or directly influence the election of representatives. The prize-winning plan created only 12 African American majority delegate districts, leaving a far greater number of African American in districts with little chance even to influence the election of a representative of choice.

Furthermore, the voting-age population of Latinos would be in double digits in five delegate super districts and two state senate super districts -- and more than the 17% threshold of representation in two delegate districts. Yet Latino voters do not make up a majority of the vote in any winner-take-all district plan.

Below are our plans:

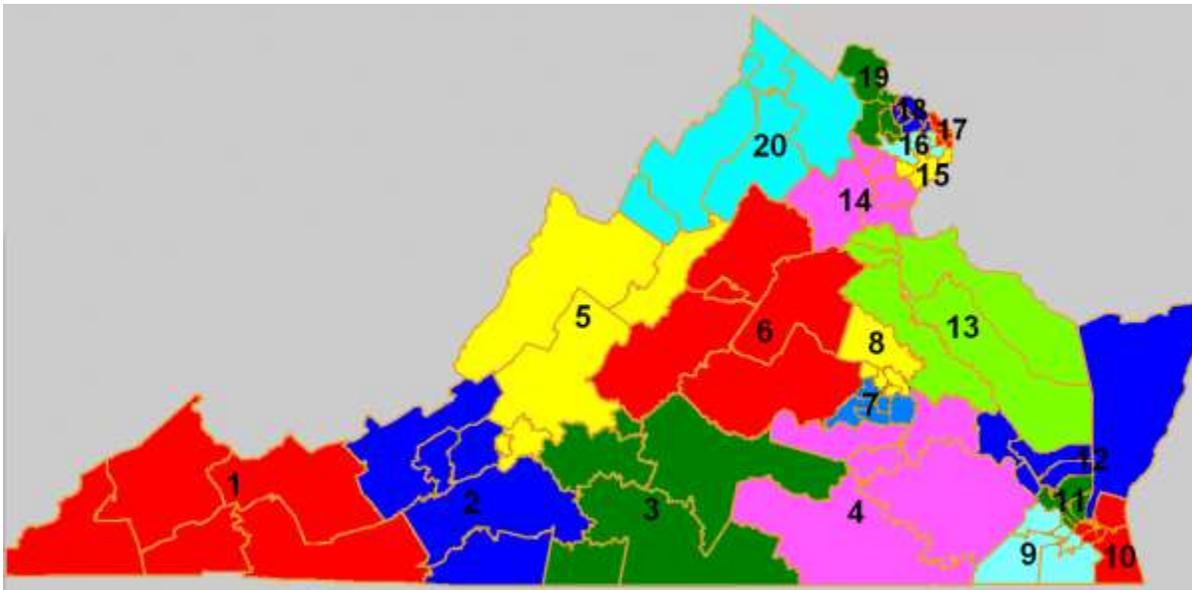
Terminology: "Black VAP" refers to the share of voting age population that is African American. "Partisan (Dem.)" refers to the percentage of voters who are projected to vote Democratic in a close statewide race, based on a determination used in the Virginia Redistricting Competition. Note that the partisanship provided can just as easily define the

Republican partisanship, which is simply the "mirror" percentage -- meaning a 40.1% partisan district is 59.9% Republican.

House of Delegates

Districts (Five seats)	(Prev. Numbers)	Pop.	Partisan (Dem.)*	Black VAP*
1	1,2,3,4,5	404,421	37.45%	2.80%
2	6,7,8,9,10	403,026	46.07%	8.98%
3	14,16,23,22,60	399,606	42.09%	26.71%
4	61,75,63,66,62	402,337	48.31%	37.43%
5	11,12,17,19,25	405,457	45.38%	10.74%
6	56,56,58,57,24	399,152	49.71%	16.06%
7	65,27,70,69,68	405,331	56.04%	31.72%
8	55,72,73,71,74	399,483	55.98%	27.05%
9	76,78,80,77,79	406,329	55.58%	38.63%
10	81,84,21,83,82	407,932	45.97%	20.38%
11	89,90,87,95,92	397,619	67.34%	45.19%
12	94,91,96,64,100	398,057	47.46%	23.88%
13	97,98,99,54,28	400,522	41.75%	18.69%
14	30,88,31,13,85	394,096	44.58%	17.83%
15	52,51,42,44,43	395,413	58.27%	20.56%
16	40,50,41,39,37	393,127	53.37%	7.84%
17	46,45,49,38,47	400,492	71.81%	14.79%
18	35,53,48,34,36	394,289	61.64%	5.26%
19	93,67,33,86,32	395,722	49.19%	8.33%
20	26,29,15,18,20	398,613	38.78%	4.82%

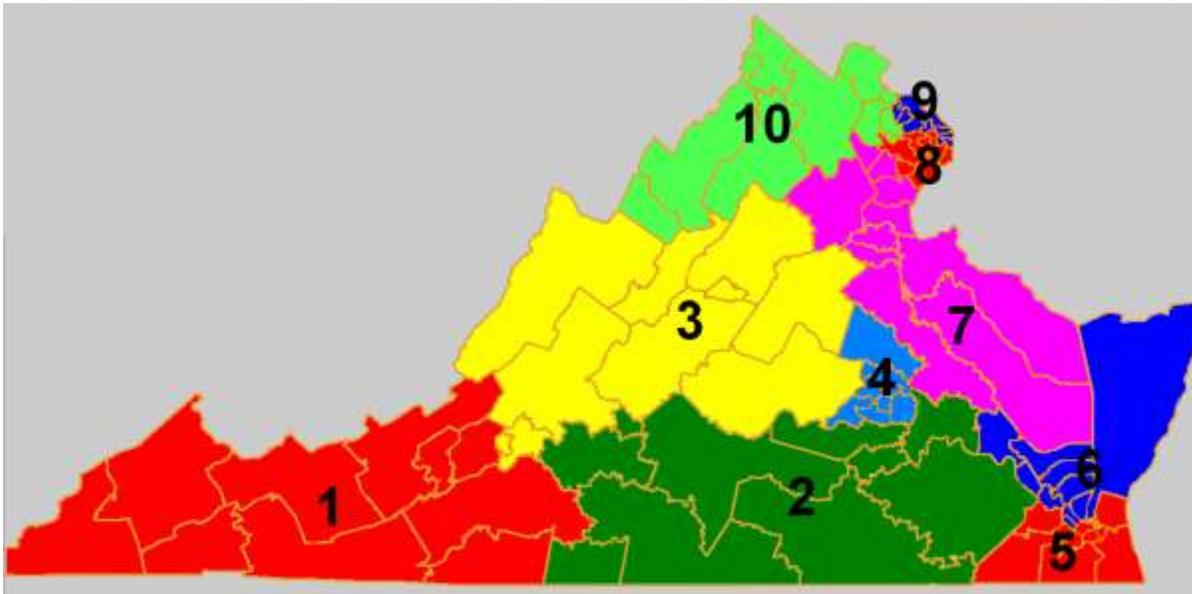
** Average percentages from single member districts*



State Senate

Districts (Four seats)	(Prev. Numbers)	Pop.	Partisan (Dem.)*	Black VAP*
1	1,2,3,4,5,6,7,8,9,10	807,447	41.76%	5.89%
2	14,16,23,22,60,61,75,63,66,62	801,943	45.20%	32.07%
3	11,12,17,19,25,59,56,58,57,24	804,609	47.55%	13.40%
4	65,27,70,69,68,55,72,73,71,74	804,814	56.01%	29.39%
5	76,78,80,77,79,81,84,21,83,82	814,261	50.78%	29.51%
6	89,90,87,95,92,94,91,96,64,100	795,676	57.40%	34.54%
7	97,98,99,54,28,30,88,31,13,85	794,618	43.17%	18.26%
8	52,51,42,44,43,40,50,41,39,37	788,540	55.82%	14.20%
9	46,45,49,38,47,35,53,48,34,36	794,781	66.73%	10.03%
10	93,67,33,86,32,26,29,15,18,20	794,335	43.99%	6.58%

** Average percentages from single member districts*



As the data shows, there are more opportunities for minorities to elect representatives, as well as a fairly even distribution of partisanship so that one party does clearly dominate.

From FairVote blog, April 13, 2011: <http://www.fairvote.org/research-and-analysis/blog/virginia-redistricting-part-ii/>

Women's Representation in Virginia

Parity Ranking: 50th of 50

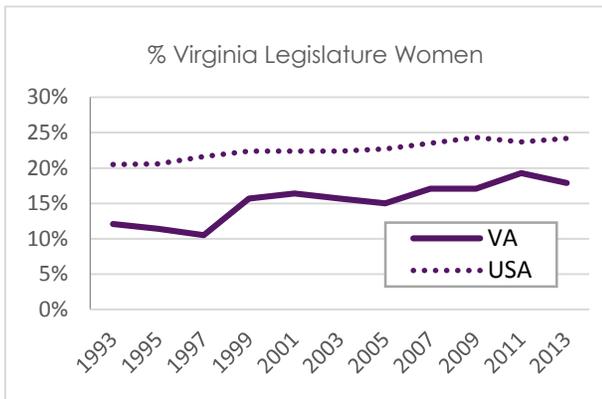
Score of 4: Four points for the percentage of state legislative seats held by women.

Quick Fact

Virginia has only ever elected one woman to a statewide executive office. Mary Sue Terry was elected attorney general of Virginia in 1985 and 1989. She resigned her post in 1993 to run for governor, but lost her bid.

Trending

The percentage of Virginia state legislative seats held by a woman has consistently trailed the national average, although it has been trending upward over the past two decades.



Source: Center for American Women and Politics, Rutgers University.

Levels of Government

Statewide Executive

Female governors: None

Current female statewide elected executives: 0 of 3 positions.

Number of women to have held statewide elected executive office: Two, one of whom was appointed to fill a vacancy.

Congress

U.S. Senate: 0 of 2 seats are held by women

U.S. House: 0 of 11 seats are held by a woman

In its history, Virginia has elected 3 women to the U.S. House.

State Legislature

Percentage women: 16.4%

Rankings: 44th of 50

Senate: 6 of 40 (15%) are women

House: 17 of 100 (17%) are women

Method of election: Single-member districts

Local

None of Virginia's five largest cities with elected mayors has a woman mayor.

Words of Wisdom

"The barriers are not so much you have to overcome people not wanting you there, but now women have so many more options of what they can do. The problem now is balancing all the balls that we can have in the air." –Jennifer McClellan, state delegate for the 71st district of Virginia

Recruiting, Training, and Funding Women Candidates in Virginia

The state of women's representation in Virginia is poor – indeed, it ranks last in the nation in our Parity Ranking.

There are no women representing Virginia in Congress, none in statewide elected executive positions, and relatively few in the state legislature. As the state prepares for elections in November 2013, there are no women in the running for statewide offices. This imbalance between the sexes is even worse in the Republican Party: only eight of Virginia's 140 state legislators are Republican women even though Republicans hold a strong majority of legislative seats.



The Jennifer Byler Institute is dedicated to narrowing this deficit. The Institute was founded in 2004 by several high-profile women in Virginia politics, including Kate Obenshain, who was the first woman to head the Republican Party of Virginia. The institute is committed to educating Republican women on the ins and outs of electoral politics, and encouraging them to run for office.

“We want to give women the tools they need to get involved and make their voices heard,” the institute's Tina McArthur told us. “Women have almost always been underrepresented in politics, especially conservative women. The Republican Party of Virginia naturally wants to bring as many new people into elected office as possible who share our views and values. Expanding that pool to include women more than doubles our pool of potential candidates, and gives us more avenues to share what we stand for with the public.”

Elections to Watch

No women have declared their candidacy in any of Virginia's 2014 congressional races. Even if women do run for the U.S. House in 2014, it is unlikely they would be elected without defeating an incumbent in a primary, as none of Virginia's congressional districts are projected to be competitive in the general election.

Notable Recent Elections

No women were nominated by the major parties for any of Virginia's statewide elected positions, including governor, in 2013.

In the 2012 congressional elections in Virginia, only two of the twelve races featured a female candidate from one of the major parties. Democrats Ella Ward and Kristin Cabral both lost by more than 10% of the vote in their bids in Republican-leaning districts.

Districts Plus

2014 POLICY GUIDE



State Policy

August 2014

Districts Plus increases legislature leadership accountability by ensuring that if a party's candidates receive more than 50% of the votes, they will receive more than 50% of the legislative seats.

The Problem: When a state legislature is elected in districts, the districts have the potential to skew the overall partisan vote. For example, in Michigan in 2012, Democratic state house candidates received 54% of the two-party state house vote, yet won 46% of seats. New Jersey Republicans won a majority of votes in state assembly races in 2013, but won only 40% of seats. Such disconnects undermine the accountability of chamber leaders.

Efforts to better ensure a connection between seats and votes is quite difficult, particularly when seeking to uphold other reasonable redistricting criteria like compactness and upholding the Voting Rights Act. Furthermore, district plans nearly always will result in most districts having enough of a lean toward one party that general elections are not meaningfully contested.

The Solution: Under Districts Plus, most representatives are still elected from districts, but the overall statewide vote received by a party's candidates is aggregated, and then extra "accountability

seats" are awarded to ensure fair representation. Every vote in every district will have an impact on control of the legislature; parties will have incentives to field and support candidates in every district no matter how lopsided they are.

Here's one way it could work: The overall size of a chamber does not need to change. If a chamber today has 100 seats, it might go to 80 traditional districts and 20 accountability districts. Then, voters could vote both for their district representative and for their accountability seat representative. If a party's district nominees won 37 of 80 seats, but that party's accountability candidates won 54% of votes overall, then its 17 accountability candidates who did best would win, giving it 54% of overall seats. A minimum share of accountability seat support like 5% could be required to earn seats.

Success Stories: Districts Plus is not used in the United States, but many cities combine districts with at-large seats. International uses of Districts Plus include Germany, New Zealand, and Scotland.

Key Facts

Variations of Districts Plus are widely used internationally, including legislative elections in Germany, New Zealand, and Scotland.

Many major cities have a mix of district and at-large seats, including Denver, Houston, Philadelphia, Seattle, and Washington, D.C.

Fiscal Impact

Little to none. Depending on how it is implemented, there may be an additional office on the primary and/or general election ballot, but this should not affect costs. Because it is not necessary to increase the size of the legislature under Districts Plus, the state does not need to pay for any additional salaries. States may want to conduct voter education campaigns to ensure that voters know how the accountability seats are elected.

Related Reforms

- Ranked Choice Voting to Elect Legislatures
- Independent Redistricting
- Reasonable Ballot Access

Part Two Resources

- Model statute