OPPORTUNITY 08

Independent Ideas For Our Next President

Empowering Moderate Voters

Implement an Instant Runoff Strategy

Rep. John Porter

Summary

U.S. elections and the conduct of elected representatives in recent years have been characterized by excessive partisanship that impedes their performance and, more important, thwarts the fundamental purposes of representative government. The next President should promote the concept of "instant runoffs" in U.S. elections, in order that candidates who appeal to a broader range of the electorate have a better chance to win their races and serve our citizenry. Specifically, the next administration should work to achieve either:

- competitive districts where the parties must nominate candidates who appeal to moderate and independent voters, or
- elections that permit voters to participate in deciding the final victors without voting in a party primary or two separate elections

Context

The problem of gerrymandered districts for seats in the U.S. House of Representatives is not new, but resurged during the 1990's. In recent years, redistricting patterns have created an extraordinarily high number of "safe districts," in which the incumbent or the incumbent party is highly likely to gain reelection. The 2006 election, in which a large number of seats changed party, was an exceptional case, and should not blind us to the general problem. Nor should it reassure us that future elections will be competitive.

The U.S. Supreme Court has adopted three basic principles for congressional redistricting: (1) one person, one vote, (2) protection for minorities, and (3) observance of traditional political boundaries where these do not interfere with the first two principles. (At no time has the Court intimated a need for *competitive* districts.) Legislative redistricting proposals are subject to federal court review as to whether they comport with these three principles.

Redistricting plans generally are drawn up by a state's legislature and governor. In only two states is redistricting conducted by a non-partisan commission, and in only a few by a bipartisan commission. Thus, in almost every case, one party's map or the other's becomes the redistricting template, which creates relatively safe districts for the majority and minority party alike. Only rarely does the party whose map is adopted put its own incumbents at risk.

In "safe districts," the primary is often the real election, and it is one that does not represent moderate Americans' views well. In a predominantly one-party district, the dominant party's candidate who wins the primary is very likely to win the general election. Considering that the more liberal Democrats and the more conservative Republicans—usually a small fraction of a district's eligible voters—are the people most likely to vote in primaries, the more extreme candidates are the ones most likely to prevail.

Unfortunately, the "moderate middle"—some 70 percent of the electorate—is left out of this process. Many moderate voters don't feel comfortable declaring party affiliation, and many independent voters simply refuse to vote in primaries. And, in some states, people who are not registered with a party—that is, independent voters—are barred from voting in primary elections, even if they wanted to. Finally, many voters don't understand the importance of primaries and choose to vote only in the "real election."

Reforming the Election Process

Reassessing the Primary System

The purpose of primary elections is, in theory, to give voters the best candidates. In practice, they are a dismal failure. In the days of the party bosses, when candidates were picked in the legendary smoke-filled rooms, the leaders at least had to consider which individuals would have broad enough voter appeal to win their elections. But today, with redistricting according to Court principles and with the primary system for selecting candidates, a small number of voters can ensure that the nation consistently elects the farthest left and the farthest right candidates.

As a result, do our elected representatives go to Washington intending to work with one another and try to solve our nation's problems in a cooperative and collegial atmosphere? Clearly, and sadly, no. Members come to Washington believing they have a voter mandate to uphold their party's principles, and that these principles—and only these principles—directly reflect the national interest. Such individuals have no intent or interest in compromising or collaborating with the "enemy" on much of anything. For example, for a long while the California congressional delegation—the nation's largest, containing many among the House of Representatives' most liberal Democratic and most conservative Republican members—never met to work together for the benefit of their state; in fact, many never even spoke to one another.

Campaign finance reform that would result in public funding of elections and eliminate as much party, political action committee (PAC), and individual support as possible is, without question, the most important change needed in our broken elections system. However, that is a difficult and doubtful prospect. Meanwhile, the next President could make a substantial contribution to achieving a more representative democracy by working to fix "the primary is the general" problem. This can be accomplished by ensuring that we have either (1) competitive districts where the parties must nominate candidates who appeal to moderate and independent voters or (2) elections that permit voters to participate in deciding the final victors without voting in a party primary or two separate elections.

Models for Change

Competitive districts are more likely to occur in states like Iowa where an independent commission is charged with initially drawing the redistricting maps and the culture generally respects the commission's judgment. But other states have been unable to move toward such commissions; in California, Governor Arnold Schwarzenegger is now making his third attempt to design a fairer redistricting process.

Even Louisiana, which has had more than its share of political scandals, has devised a better election system, one that eliminates party primaries. When Louisianans go to the polls, they find all the candidates for each office on one ballot, identified by party or not, as the candidates choose. If no candidate receives more than 50 percent of the votes cast for a particular office, the top two vote-getters appear in a run-off election the following month.

The above two reform models are not necessarily appropriate for national implementation. Iowa's redistricting system probably will not work in states with a more contentious political culture, and Louisiana's approach involves frequent runoff elections that require voters to make a second trip to the polls.

A third—and extremely promising—way to move to a more representative democracy is through what is called "instant runoff voting" (IRV). With IRV, voters indicate their first, second, third, fourth, and so on, choices, up to the number of candidates on the ballot for a particular office. If one candidate receives a majority of first-choice votes, he or she wins. If no one receives a majority of first-choice votes, the candidate with the *fewest* first-choice votes loses those votes to the second-choice candidates of the people who voted for him or her. The process repeats until one candidate has a majority of the votes. In one day the election is over, no party affiliation needs to be expressed, no later runoff is held.

IRV systems have been adopted by some cities, including San Francisco and Minneapolis, and have proved both fair and efficient. Certainly the outcomes better reflect the preferences of the electorate and, in all types of elections, can mitigate the impact of a "spoiler" candidate who splits the majority vote. (More information about IRV can be found at *www.fairvote.org*.) With the new administration's support, IRV can turn U.S. elections from an embarrassment into a much closer representation of the democratic ideal.

How Instant Runoff Voting Works

Several methods of instant runoff voting are used in the United States and numerous foreign countries. The following examples shows how the process might work in two-way and three-way (or more) races. For simplicity's sake, in this example, assume that there were 100 voters, so that the number of votes a candidate receives and the percentage of the vote received are the same. Our candidates are Mark and Ellen. In a traditional two-way race, say the results are:

Mark – 55

Ellen – 45

Mark is the obvious winner.

Now Frank enters the race. The exact same voters electing the exact same office might generate this result:

Mark – 38

Ellen – 42

Frank – 20

Ellen receives even fewer votes than she did in the two-way race, but in a conventional election, she would win despite having less than a majority of the votes (often described as "50%, plus one").

But with Instant Runoff Voting, the election would not be decided until one candidate has a majority. If that cannot be achieved based on people's first choices, then the second choices of some of them come into play. In this example, candidate Frank is

eliminated, because he was the last-place finisher. Frank's votes are then reassigned to the candidates his voters chose second. Here are Frank's voters' second-place choices:

Candidate	Round 1: All voters' 1st choices	Round 2: Frank's voters' 2nd choice	Final Tally
Mark	38 votes	17 votes	55 votes
Ellen	42 votes	3 votes	45 votes
Frank	20 votes	eliminated	

In this example, Mark wins, just as he did when there were only two candidates. The effect of a "spoiler" candidate—that is, one who cannot win, but draws enough votes from others so that no one has a majority—is thus avoided.

In elections with more than three candidates, the runoff process can be repeated, each time dropping the lowest vote-getter and reallocating his or her votes until one candidate has a majority of the votes—the "50%, plus one." This system produces a result that better reflects the preferences of the majority of voters.

Concluding Observations

Our next President should work aggressively toward bringing moderate and independent voters back into the election process. The election of less partisan, more mainstream candidates to offices of all kinds will reduce the rancor and extremism that currently characterize U.S. politics, drive more and more Americans away from the polling booth, and even discourage them for seeking political careers. Assuredly, it is in our President's best interest to have a Congress (and other elected officials) willing to compromise and collaborate on solving the many serious issues that face America.

About the Author and the Project

John Porter

John Porter, a partner in the law firm Hogan & Hartson and a former member of Congress and the Illinois House, is a member of the Board of Trustees at Brookings. Porter is an expert on health law and education matters, including administrative and regulatory, international, legislative strategy, and education and health policy. He was Republican chairman of the House Appropriations subcommittee on Labor, Health and Human Services, and Education.

Opportunity 08 aims to help 2008 presidential candidates and the public focus on critical issues facing the nation, presenting policy ideas on a wide array of domestic and foreign policy questions. The project is committed to providing both independent policy solutions and background material on issues of concern to voters.