Electoral and Party Systems:
Proportional Representation and Redefining “Minority” in American Democracy

Noah Kaplan

Government Honors Program
The University of Texas at Austin

May 2007

Dr. Robert Moser
Department of Government
Thesis Advisor

Dr. Sean Theriault
Department of Government
Supervising Professor
Abstract

Electoral and Party Systems: Proportional Representation and Redefining “Minority in American Democracy

Noah Kaplan
The University of Texas at Austin

Advisors: Dr. Robert Moser and Dr. Sean Theriault
May 2007

One of the most conspicuous features separating the American political and electoral system from those of other democracies around the world is the historical presence of only two political parties. This two-party situation has profound effects on the spectrum of political positions represented within the national Congress. American two-party democracy limits political debate to a polarized, though ultimately centrist, portion of the political spectrum and leaves moderate and extreme political ideologies and policy positions without a method to enter the national political conscience. This thesis examines the social and political roots of the two-party system and its effects on electoral politics, especially as pertains to its failure to fairly represent racial and political minorities. Subsequently, proportional representation is introduced as a possible remedy for the failures of plurality electoral rules and the two-party system in representing the racial and political diversity of the American electorate. Finally, this thesis contrasts proportional electoral systems in parliamentary and presidential democracies and proposes a preferred method of incorporating proportional electoral rules into American democracy.
Acknowledgements

Primary thanks for the development of this project must go to Dr. Sean Theriault. The initial idea to explore proportional representation as an answer to the ills of American democracy grew out of his course, and he has been instrumental in the further progress of this project, especially with the development and execution of the survey experiment. Dr. Robert Moser also deserves immense thanks for his guidance in the field of electoral and party systems and the numerous sources he was able to provide that pushed this project forward. I also thank Dr. Jason Casellas for granting me time in his classes to distribute the survey. Finally, I thank Dr. Larry Carver and the Junior Fellows for the incredible motivation and enrichment that that program provided me.
# Table of Contents

I. The Sociopolitical Causes and Effects of the Two-Party System  
   1

II. The History of America’s Two-Party Domination  
    5

III. Gerrymandering and Minority Representation  
     15

IV. Single Member Districting and Political Minorities  
    25

V. Typology of Proportional Representation  
   29

VI. Multipartyism and Minority Representation  
    37

VII. The New Zealand Case: Problems and Presidentialism  
     51

VIII. Conclusion  
     57

IX. Addenda  
    62
   A. 2-Party Survey
   B. 5-Party Survey

X. Works Cited  
    70

XI. Vita  
    75
One of the most conspicuous features separating the American political and electoral system from those of other democracies around the world is the historical presence of only two political parties. Whether those parties were the Federalists and the Anti-Federalists, the Democratic Republicans and the National Republicans, the Democrats and the Whigs, or the Republicans and the Democrats, the two-party monopoly on American politics has rarely been broken, and the breaks that have occurred have been short-lived. This two-party situation has profound effects on the spectrum of political positions represented within the national Congress. American two-party democracy limits political debate to a polarized, though ultimately centrist, portion of the political spectrum and leaves moderate and extreme political ideologies and policy positions without a method to enter the national political conscience.

**The Sociopolitical Causes and Effects of the Two-Party System**

There is much scholarly debate regarding the causal relationship that may or may not exist between the natural sociopolitical cleavages that exist in a democratic society and the party system that develops in that democracy. Many authors argue that the presence of a two-party system is evidence of a homogeneous social structure that allows the political system to structure itself around minor differences in political opinion rather than major divisions of race, religion, language, or ethnicity. Arend Lijphart explains the relationship as such: “In practice, majority rule works well when opinions are distributed unimodally and with relatively little spread – in other words, when there is considerable consensus and the majority and minority are in fact not very far apart. When the people are ‘fundamentally at one,’ Lord Balfour once said, they ‘can safely afford to
bicker”(28). Gabriel A. Almond trivializes the political divisions in Anglo-American democracies beyond mere bickering. “Because the political culture tends to be homogeneous and pragmatic, [the political process] takes on some of the atmosphere of a game. A game is a good game when the outcome is in doubt and when the stakes are not too high” (quoted in Lijphart, 27). Thus, in a homogeneous society, all parties involved in the political process have certain shared interests that will be represented regardless of the electoral winner, so electoral contests can be fought over less critical issues. Though the founders of American democracy certainly would not have conceded that the stakes of the decisions made early in America’s democratic experiment “were not too high,” the limited segment of the American population that was able to participate in the political process was a perfect example of the homogeneous society Lijphart and Almond had in mind. By leaving the question of suffrage to the individual state governments, the Framers of the Constitution had implicitly excluded African-Americans and Native Americans, as well as a demographic representing half the population of the new republic, women (Dahl 16). That a two-party system consisting of parties representing moderate positions on the political spectrum and with significant areas of general agreement would arise from this socio-political context was, in retrospect, a predictable result.

The influence of the homogeneous society that surrounded the creation of American democracy led to the choice of a majoritarian electoral system. Since so many common interests were present among the competing factions at the time of the democracy’s founding, the fear of the opposition holding majority control was not extremely salient. The two-party system that arose from this democracy is a direct and
inevitable result of the electoral system chosen for most American elections. Though not specified for in the Constitution, history has developed a system in which the United States Federal Government, in a method mirrored by the individual state governments, is elected in winner-take-all, plurality elections. The representatives in the House are elected by winning a plurality of the votes cast within their congressional districts, the senators by a plurality of their states, and the president by winning a plurality in enough states to achieve an Electoral College majority. William H. Riker explicates the connection between majoritarian/plurality voting systems and two-party democracy by developing Duverger’s two theoretical explanations for the lack of strong third parties in plurality democracies: “(1) a ‘mechanical effect’ of underrepresenting losing parties and (2) a ‘psychological factor’ in that voters do not want to waste their votes on losers” (761). Riker cites multiple authors who have demonstrated the mechanical effect of discrimination against smaller parties in plurality voting, including Sprague who found that the threshold point for receiving a positive bias from the system, that is a party receiving more legislative seats than the proportion of votes it received, is 32 percent of the vote in a plurality system, while only 12 percent in a proportional system. This finding falls directly in line with E.E. Schattschneider’s observation in his book, *Party Government*, that “[t]he [plurality voting] system discriminates *moderately* against the second party but against the third, fourth, and fifth parties the force of this tendency is multiplied to the point of extinguishing their chances of winning seats altogether” (75 italics in original).

The “psychological factor” is better proven by history than by political science. Those third party candidates who have shown high levels of support from the public

3
generally lose that support as the election nears. In 1972, the support for US presidential candidate George Wallace reached a high of 21 percent in September, but fell to only 14 percent on the day of the election. The same results of the “psychological factor” befell presidential candidate John Anderson in 1980, whose support fell from 23 percent in April to only 7 percent on election day (Merrill 47). H. Ross Perot was even ahead of the Democratic and Republican nominees in trial-heat match-ups early in 1992, and then fell to a still substantial 18.9 percent popular vote share on election day (Rapoport 4).

Though voters may have supported Wallace, Anderson, or Perot’s political positions, they were forced by the “psychological factor” of majority/plurality politics to cast a vote for a candidate who they supported less. Voters use “sophisticated” voting methods; that is voters vote in their best interest by combining their party preference with the likelihood of certain parties winning a share of legislative power to vote for the party most likely to represent their interests in the government, even if that is not their first choice of party (Riker 762). This coalescing of voters’ choices eventually leads to two large, multifaceted parties representing a coalition of diverse interests simultaneously. One might be led to believe that since each party needs the support of a diverse base of interests it would be possible for nearly all political positions to find a home in one of the parties, because the parties would not want to leave potential supporters isolated from the system. In fact, according to Schattschneider, nearly the opposite is true. “[A] major party has only one competitor and…party managers need not meet every demand made by every interest. To make extreme concessions to one interest at the expense of the others is likely to be fatal to the alignment of interests that make up the constituency of a major party” (Schattschneider 85, italics in original).
**The History of America’s Two-Party Domination**

Though now the major political parties, rather than the voters, are the gatekeepers that determine which policy positions will enter the American political debate, the founding fathers of American democracy were acutely aware of the danger strong parties could pose to their democratic experiment. In James Madison’s “The Federalist no. 10,” subtitled “The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection,” he manifests the threat that parties, which he refers to as “factions,” could pose to the new democratic regime and the strengths of the American system to lessen that threat.

Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.

Madison recognized that the causes of factionalism would be unavoidable in the new republic, since a large society will never spawn a completely unified populace and the founding fathers were not prepared to deny citizens the liberty to coalesce politically. He, therefore, focused his analysis on the ability of the new Constitution to control the effects of factionalism. Madison praised the capacity of a large republic to delegate the responsibility from the individual to “a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.” A large republic versus a smaller one “renders factious combinations less to be dreaded in the former than in the
latter.” Since a large republic will encompass such a wide variety of interests, Madison could not foresee one interest dominating the opinions of a majority that would then be able to coordinate to serve its interest.

The Supreme Court of the United States, the supposed defenders of the Constitution and protectors of the rights guaranteed to citizens by the founders of the Republic, does not seem to put much stock in Madison’s clear admonitions against developing factions large enough to control every branch of our federal system. Rather, though their dicta have at times expressed concern over the effects of the purely majoritarian system combined with political control of the drawing of district lines, they have stopped short at every opportunity of assuring American citizens representation in Congress proportional to their strength in the electorate. In many cases, the decisions of the Supreme Court, created by our founders to check the power of the popular branches of government, have only served to strengthen the stranglehold of the Democratic and Republican parties on American politics and to deny representation to large segments of the American populace by preventing them from having a real chance to elect representatives of their choice. In 1973, Associate Justice Byron White wrote for the majority of the Court in *Gaffney v Cummings*.

Even more plainly, judicial interest should be at its lowest ebb when a State purports fairly to allocate political power to the parties in accordance with their voting strength and, within quite tolerable limits, succeeds in doing so… [N]either we nor the district courts have a constitutional warrant to invalidate a state plan, otherwise within tolerable population limits, because it undertakes, not to minimize or eliminate the political strength of any group or party, but to
recognize it and, through districting, provide a rough sort of proportional representation in the legislative halls of the State (412 U.S. 735, 754).

On its face, this language would seem to embrace the idea that the Constitution, if not granting a guarantee of proportionality, at least allows states to make good faith efforts at achieving it in which the Court will not intervene. The issue is the Court’s extremely narrow idea of fair allocation of political power and “a rough sort of proportional representation.” The Court has blinded itself, as has much of the American populace, to the fact that there are more than two political ideologies that Americans can hold. In Gaffney, the Connecticut state legislature had passed a bi-partisan (notice: bi-partisan rather than non-partisan) redistricting plan that created a large number of safe seats for the two major parties in an attempt to achieve electoral outcomes that would roughly approximate the relative strengths of the Democratic and Republican parties on a statewide level. So, though the Court viewed this as an attempt to achieve “political fairness” and rough proportionality, it was in fact an example of the legislature de facto deciding which party would have its representative elected in most of the districts in the state, thus denying all Connecticut’s voters, and particularly the minority in each of those districts, the right to elect the representative of its choice and to assert effective power over the legislative process. It seems the Court has a fairly unique idea of “political fairness.”

One could make the argument that the Court views all constituents of a single-member district to be represented by that district’s elected officials regardless of party. Justice White made it abundantly clear, however, that he did believe that to be the case only two years earlier when he wrote for the majority in Whitcomb v Chavis. “As our system has it, one candidate wins, the others lose. Arguably the losing candidates'
supporters are without representation since the men they voted for have been defeated; arguably they have been denied equal protection of the laws since they have no legislative voice of their own. This is true of both single-member and multi-member districts” (403 U.S. 124, 153). The multi-member districts to which he refers are districts in which a number of representatives are elected at-large from a certain geographical region such that a majority vote is needed for each seat. So, the Court recognizes that voters in the minority of a safe district lack representation in any effective form, and yet not only refuses to strike down, but holds up as a model of fairness a plan in which the state has effectively made all of the electoral choices.

In 1986, Justice White writes for the majority in Davis v Bandemer, and he admits that the decision in Gaffney essentially allows minority interests to be left without representation. “This consequence, however, is inherent in winner-take-all, district-based elections, and we cannot hold that [a reapportionment law denying proportionality] would violate the Equal Protection Clause because the voters in the losing party do not have representation in the legislature in proportion to the statewide vote received by their party candidates” (478 U.S. 109, 130). Associate Justice Sandra Day O’Connor writes a concurring opinion in Davis explaining the dangers of guaranteeing proportionality. She concurs in the final judgment (in this case, that the residents of a certain area of Marion County, Indiana, were not denied Equal Protection by the adopted districting plan), but warns that the Court should not accept Equal Protection challenges from the major political parties. “If members of the major political parties are protected by the Equal Protection Clause from dilution of their voting strength, then members of every identifiable group that possesses distinctive interests and tends to vote on the basis of
those interests should be able to bring similar claims” (478 U.S. 109, 147). This dictum seems to greatly limit the groups the Court believes to be protected by the Equal Protection clause from all distinct groups to only those groups whose group identity is not based on political interests and voting behavior. The Court decided this case, then, based on the ideal of limiting who can claim their right to Equal Protection of the law.

Ironically, Justice O’Connor’s reasoning for why the Democratic and Republican parties should not be protected by the Equal Protection clause opens the door for challenges from numerous other groups that she apparently would rather exclude from challenge. “Clearly, members of the Democratic and Republican Parties cannot claim that they are a discrete and insular group vulnerable to exclusion from the political process by some dominant group: these political parties are the dominant groups, and the Court has offered no reason to believe that they are incapable of fending for themselves through the political process” (478 U.S. 109, 152). Members of any other political party outside of the dominant two-party system are, in fact, “a discrete and insular group vulnerable to exclusion from the political process by some dominant group,” that have been left by courts and state legislatures “incapable of fending for themselves through the political process” by the creation and upholding of the tradition of single-member districts that greatly favor the two largest parties at the expense of smaller ones. These groups then should be able to claim numerous violations of their right to equal protection under the law based on the discriminatory and exclusionary nature of single-member districts with plurality electoral rules. Much as Justice White chose to deem a plan in which the legislature decided its own composition through extreme gerrymandering “politically fair,” Justice O’Connor views the Court as having a responsibility to decide
cases in the way that best precludes challenges that may threaten the dominant parties and the two-party system.

Unlike Justice White’s simple acceptance of political gerrymandering despite its negative consequences offered in Davis, the defense of gerrymandering offered by Justice O’Connor’s concurrence features much stronger language. She sees gerrymandering as a “self-limiting enterprise” in which the more ambitious a party chooses to be with its gerrymander, the more of its “safe” seats it must allow open to possible challenge. If a party unpacks its voters into as many districts as possible with a hope of winning small majorities in many districts rather than larger ones in fewer, it risks overestimating its support and handing electoral success to the other party. Looking back in Davis at the Gaffney decision, she sees no difference between a bi-partisan and a partisan gerrymander. “In each instance, groups of individuals are assigned to districts with an eye towards promoting the ends of a political party and its incumbent legislators. Some groups within each party will lose any chance to elect a representative who belongs to their party, because they have been assigned to a district in which the opposing party holds an overwhelming advantage” (478 U.S. 109, 154). Thus, based on the upholding of the Gaffney plan, the Court should continue to support the right of parties to engage in partisan gerrymandering. The fundamental error in her analysis lies in her definition of “self” in the phrase “self-limiting enterprise.” If she refers to only the majority party as the “self” who risks losing their political dominance, then she is absolutely right in that there is a measured risk associated with a gerrymander. If one broadens the scope of the analysis and looks at the “self” as the dominant two-party system, one sees that gerrymandering is not at all self-limiting, but rather self-promoting. In Gaffney, had the
legislature truly cared about proportionality, there is no constitutional bar to proportional representation. In fact, Madison and the founding fathers were silent on the issue of electoral rules, though Madison was anything but silent about his fear of strong parties controlling the separate powers of the divided government. It is possible that after the two-hundred year experiment of American democracy that they may have favored alternative electoral systems over the two-party dominance that exists today. Yet, the legislature in that case was restricted by Congressional mandate to the use of single member districts, rather than being able to establish another manner of election process that would achieve the goal of proportionality while giving every citizen an effective voice in the voting process and nearly every citizen a voice in the legislature. This districting plan thus effected the appearance of fairness between the two parties while denying fairness to smaller parties and the voters in the minority of each district.

Some dicta contained in Justice Clarence Thomas’s concurring opinion in *Holder v Hall* (1994) may give proponents of proportional representation hope that the Supreme Court is recognizing the narrow sense of representation and political fairness that they have embraced through their previous opinions. Justice Thomas acknowledges the trend in 14th amendment and Voting Rights Act jurisprudence of support for single member districting plans over alternative electoral methods.

It should be apparent, however, that there is no principle inherent in our constitutional system, or even in the history of the Nation's electoral practices, that makes single-member districts the "proper" mechanism for electing representatives to governmental bodies… On the contrary, from the earliest days of the Republic, multimember districts were a common feature of our political systems. The Framers left unanswered in the Constitution the question whether
congressional delegations from the several States should be elected on a general
ticket from each State as a whole or under a districting scheme and left that
matter to be resolved by the States or by Congress (512 U.S.874, 897-8).

While this recognition of Constitutional intent and open-mindedness towards alternative
systems may in isolation provide a foundation on which future jurisprudence could build
toward real electoral fairness, the context in which it appears is much less progressive.

Thomas disagrees with the Court being forced to make essentially political decisions
regarding what constitutes an “undiluted” vote. He reads very narrowly the protections in
the Voting Rights Act of 1965 regarding what is a “standard, practice, or procedure” of
voting. Justice Thomas, based on what he sees as the history and original intent of the
act, would only apply the protections of the Voting Rights Act to those activities that
directly involve the act of registering to vote or voting itself, and not any electoral rule or
system that may lessen or diminish the effectiveness or competitive value of a vote.

Since he views the right to vote as abridged only if a person or group of people is denied
physical access to registration or to the ballot, the open-mindedness toward alternative
electoral systems in this context would go farther toward allowing a lapse back into racist
and discriminatory electoral rules of the past rather than a move toward greater fairness
and equality in elections through the introduction of novel methods into the American
democracy.

The Supreme Court has not been alone in supporting the dominance of single-
member districting in American congressional elections. Congress first took up
clarifying the Constitutional mandate for the election of representatives in 1842 with the
Apportionment Act of June 25th, 1842. In that act, Congress declared for the first time
that representatives must come from districts “formed of contiguous territory, no one
district electing more than one representative,” or in other words, contiguous single-
member districts (Johnston online). Congress quickly changed course, however, and
redistricting legislation in 1850 did not contain the single-member district requirement, as
most states had accepted the idea and the push for a constitutional amendment on the
subject had faded (Canady, qtd. in United States Cong. 10). Congressional action on the
subject did not resurface until 1967 with the passage of “An Act for the relief of Doctor
Ricardo Vallejo Samala and to provide for congressional redistricting.” Eventually
codified as 2 U.S.C. §2c, this bill limited states to only electing their representatives from
single member districts. The wording of the law is as follows:

In each State entitled in the Ninety-first Congress or in any subsequent Congress
thereafter to more than one Representative under an apportionment made
pursuant to the provisions of section 2a(a) of this title, there shall be established
by law a number of districts equal to the number of Representatives to which
such State is so entitled, and Representatives shall be elected only from districts
so established, no district to elect more than one Representative.

The law allowed for the two states that still had purely at-large election rules for their
representatives to do so only for the 91st Congress, after which all fifty states were
required to elect their representatives from single-member districts. This legislation was
tied closely to the series of court cases analyzed above. Anita Hodgkiss, Deputy
Assistant Attorney General in the Civil Rights Division of the Department of Justice,
described the roots of the 1967 legislation as stemming from two major fears. First,
Congress feared that the many new Supreme Court mandates regarding districting, such
as the “one person, one vote” doctrine of Baker v Carr (1962), would lead courts to
prescribe at-large voting rules as a remedial method until new district maps could be
This would have threatened a number of incumbents. Second, the bill was a reaction to the use of at-large voting rules to diminish minority voting strength and prevent the election of minority-preferred candidates (United States Cong. 55).

Though the 1967 legislation remains on the books to this day, there have been multiple attempts to diversify the methods by which states can choose to elect their House delegations. Cynthia McKinney was the only Congresswoman from the state of Georgia and the only black Congresswoman from the Deep South states in the 104th and 105th Congresses (McKinney 36). Though she was initially elected in 1994 from a majority-minority district, after a redrawing of the districts she was able to win reelection in 1996 from a white-majority district. After her hard-fought reelection battle in the new majority-white district, McKinney realized that while the Supreme Court had banned the use of “bizarre” gerrymanders to put minorities into office, its decisions allow the same tactics to protect white incumbents (McKinney 35). With that in mind, she introduced the Voters’ Choice Act (HR 3068). The bill sought to overturn the 1967 act to allow states to choose to use multi-seat districts in congressional elections provided that the electoral method chosen met certain requirements. The electoral method chosen would have had to guarantee that a majority of votes could always elect a majority of seats, and that any group representing a third of the electorate would be able to elect a proportional share of the available seats (Voters’ Choice Act).

In 1999, another bill with a similar goal appeared in the House of Representatives, introduced by Congressman Melvin Watt of North Carolina. Watt’s 12th District of North Carolina has been the subject of a series of legal challenges, having been described as a “serpentine” district stretching along I-85 using “white corridors” to connect
concentrated black populations from Winston-Salem in the North to Charlotte in the South (Everett qtd. in United States Cong. 36). “The joke was that you could drive down Interstate 85 with both doors open and hit most of the people in the district” (Rosenkranz 50). Watt’s HR 1173 is a simpler version of Congresswoman McKinney’s bill, eliminating the strict requirements for majority rule and proportionality, and giving essentially free reign to states to choose their electoral rules within the limits of the Voting Rights Act of 1965 (United States Cong. 9-10). Though the bill had the support of Clinton’s Department of Justice (Hodgkiss qtd. in United States Cong. 52), the 1967 legislation remains the law of the land, eliminating any choice for states in selecting the method of election of their congressional delegations.

Gerrymandering and Minority Representation

Representing all segments of the American populace has grown increasingly difficult as that populace, and particularly those enfranchised in the electoral system, has diversified significantly. First, groups that were denied suffrage in the early years of American democracy slowly gained access to the ballot. The Fifteenth Amendment to the U.S. Constitution, as part of the reaction in American politics to the Civil War, assured every male US citizen the right to vote regardless of “race, color, or previous condition of servitude.” Though much of the early electoral success of African-Americans was undone in the Jim Crow South, the Voting Rights Act of 1965 has served to reinvigorate the tide of Black enfranchisement. The Nineteenth Amendment was ratified in 1920 granting suffrage to women, a “minority” group that currently represents 51 percent of the US population (Time 44). Other less notable extensions of the right to vote included
the Twenty-third and Twenty-sixth Amendments, which granted Federal suffrage to residents of the District of Columbia and lowered the voting age to 18, respectively. The statutory extension of voting rights to previously excluded minority groups has occurred concurrently with the diversification of the United States population. Non-Hispanic Whites only represent about two-thirds of the current US population and are projected to drop to half by 2050. Over 12 percent of Americans are Black, over 4 percent are Asian, and 1 percent are Native Americans. Hispanics of any race currently represent almost 15 percent of Americans and are projected to rise to 24 percent by 2050 (Time 44-45). John Stuart Mill would have seen this kind of diversity completely unmanageable as an element of a democracy. “Free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative democracy, cannot exist” (quoted in Issacharoff et al. 1168). Over 17 percent of Americans speak a language other than English at home (Time 45). Mill is correct that one political ideology banding together enough of the diverse segments of the American electorate to form a majority is highly unlikely, if not impossible. Unfortunately, the two-party system in American politics forces voters to select which interests are most vital to their electoral decision making process and to choose between the only two viable options available to them, the Democratic or Republican Party.

Along with the mechanical impossibility of a single-member districting system birthing a party system able to represent such a diverse electorate, the American electoral system has also been the victim of deliberate manipulation at the hands of the two-party system. Left with single-member districting as the de jure method of selecting
congressional delegations, many state legislatures have wholeheartedly embraced the myriad of abuses the system allows. Originally intended to prevent states from using at-large voting rules to exclude minorities from exercising an effective right to vote, the requirement for single-member districts has allowed legislatures to use the sophisticated technologies now available for census taking and district drawing to carve their states into congressional districts whose constituencies often share nothing other than the ability to consistently elect a representative of the party of the legislature’s choice.

Gerrymandering has become an art form in the modern political climate. The results are oddly shaped districts, such as Louisiana’s z-shaped “Mark of Zorro” district, or elongated districts stretching over immense geographic regions, such as Georgia’s “March to the Sea” district stretching from Atlanta to Savannah (Everett qtd. in United States Cong. 43). This pattern of power grabbing in the drawing of congressional districts has enabled a persistent under-representation of women and racial and ethnic minorities concurrent with the segregation of racial groups into separate political camps that serve to perpetuate racially-, rather than ideologically- or issue-, defined political identities.

The drawing of district lines under a single-member districting system forces legislatures to choose between two principles both of which most voters would consider essential to a properly functioning democracy: representation and competition. If the districts are drawn such that each has an ideologically divided constituency, the result will be a high level of electoral competition and a lack of predictable success for one or the other major political party. At the same time, these types of districts leave half of the constituency arguably without representation since those voters supported the losing
candidate and are likely to support the incumbent’s challenger in future elections. University of North Carolina at Charlotte political science professor and department chairman Theodore S. Arrington notes, “Whenever someone complains about the lack of competition in Congressional elections, I remind them that we are electing a House of Representatives not a House of Competitors” (qtd. in United States Cong. 100 italics in original). So if, on the other hand, the districts are drawn with an overwhelming majority of support for one political party, the resulting representative will mirror the beliefs of a larger number of his or her constituents. These types of districts, however, will be characterized by a very low level of electoral competition since the winning party was essentially chosen when the district was drawn. Legislatures seem to have chosen the latter method, in effect allowing legislators to pick their voters before the voters go to the polls to pick their legislators. In all House elections from 1988 to 1998, incumbents were reelected at a rate of over ninety percent and the average margin of victory for elected representatives was over thirty percent (Richie and Hill 7). Additionally, in 1994 voter turnout was on average thirteen percent higher in House races decided by less than ten percent than in those decided by over sixty percent (Richie and Hill 93). In the safest districts, then, the voters decline to even go to the polls since the outcome has been predetermined. By the 108th Congress, 294 districts could be called “safe,” while only 145 retained the competitiveness of “weak” districts (Theriault). In majority-minority districts, one often sees an initial surge in registration and turnout in response to new election opportunities, followed by a decline in response to the non-competitiveness of the elections (Guinier 1994 85). Even if political motivations are removed from the
districting process through non-partisan redistricting committees or other means, the political consequences of districting are unavoidable (Richie and Hill 7).

In addition to drawing districts destined to be won by one or the other of the two major political parties, often the intent behind the district lines is to create a district ordained to be controlled by a particular racial or ethnic minority group. These majority-minority districts have had fairly remarkable success at assuring the election of minority representatives, but have also been hotly contested by both sides of the ideological spectrum as state-sponsored reverse racism benefiting minorities disproportionately at the expense of white voters or as perpetuating the use of racial identities in defining political groups. The 1982 amendments to the Voting Rights Act of 1965 institutionalized a broad reading of the language of Sections 2 and 5 of the act, and interpretation that had already been embraced by the Supreme Court, and quieted protesters who claimed that dilutive effect on minority votes was not within the scope of the act (Lublin 6). The effect of the amendments was not felt until after the redistricting subsequent to the 1990 census, when the drawing of majority-minority districts produced a substantial leap in Black and Latino representatives. Districts with a majority proportion of African-Americans increased from seventeen in 1990 to thirty-two in 1992, and the number of majority-Latino districts rose from nine to nineteen (Peterson 11). Black representatives jumped to thirty-nine in 1992 compared to only twenty-six in 1990, and Hispanics increased to eighteen from only thirteen in the previous cycle (Parker 47). This result can traced directly to the new majority-minority districts; states drew fifteen new majority Black and ten new majority Latino districts (Lublin 7).
Also in 1992, the Supreme Court handed down a decision in *Shaw v Reno* that would reverse the tide of increasing minority representation and further limit the options of electoral reformers seeking to equalize access to effective legislative representation. Justice O’Connor’s majority opinion in the case seems to mirror much of the rhetoric of the reformers whom she thwarts by writing it.

Racial classifications of any sort pose the risk of lasting harm to our society. They reinforce the belief, held by too many for too much of our history, that individuals should be judged by the color of their skin. Racial classifications with respect to voting carry particular dangers. Racial gerrymandering, even for remedial purposes, may balkanize us into competing racial factions; it threatens to carry us further from the goal of a political system in which race no longer matters—a goal that the Fourteenth and Fifteenth Amendments embody, and to which the Nation continues to aspire (509 U.S. 630, 657).

The ruling seems to respond to bizarrely shaped districts and overtly racial intent by declaring that race is an acceptable factor as long as it is well disguised, but that districts that depart too drastically from traditional districting principles to be explained away by other factors in pursuit of minority representation are unconstitutional (Peterson 15). The Court followed their decision in *Shaw v Reno* with a related ruling in *Miller v Johnson*, holding that using race as the “predominant factor” in the drawing of district lines represents a violation of the Equal Protection Clause (Lublin 9). Holding up the ideal of a colorblind political system, the Court eliminates the only tool left to reformers forced to adhere to a single-member districting system. Though the effects on the numerical representation of minorities have not been significantly altered since the early nineties, it has prevented lawmakers from making further gains towards equalizing minority
representation with minority group shares of the population. Currently in the 110th Congress only eight percent of the membership is Black, compared to thirteen percent in the national population, and only five percent are Hispanic, though they represent fourteen percent nationally (Giroux online).

The number of minority representatives present in the legislature does not alone define the struggle for effective minority representation under single-member districting electoral rules. The translation of the election of descriptive representatives for minority populations into legislative effectiveness on issues of minority interest has proved another sticking point in the progress of fair representation. Even when majority-minority districts are used to assure the election of minority candidates, the voices of minority officials get lost in majority white legislatures just as their constituents’ voices were previously lost in majority-white states. Though there is a complete lack of consensus surrounding the superiority of minority controlled districts versus minority influence districts (districts with a sizable, but less than majority, minority population) in getting minority issues heard in legislatures, it is difficult to argue that segregating racial communities into different legislative districts limits the incentive of legislators to focus on coalition building and cross-racial issues.

Since gerrymandering packs super-majorities of minority voters into districts where they are assured to control the election of the representative for the foreseeable future, this practice greatly lessens the numbers of minorities present in neighboring “white” districts (Guinier 1994 85). This isolation of minority voters in majority-minority districts allows representatives from “white” districts to protect their own incumbency while ignoring completely issues of minority interest (Guinier 1994 65).
Districting is by its nature a zero-sum enterprise; as districts gain a greater majority of one racial or ethnic group over all others, the representative has less incentive to respond to the interests of or build coalitions with representatives of any other community outside the one that elected him (Bowler 112). “[B]lack representatives often become an ineffective, ‘seen but not heard’ minority in the legislature. Because the individual black elected official may not be able to overcome polarization to ‘infiltrate the decisionmaking process’ at the legislative level, the election of black representatives does not, by itself, translate into intergroup cooperation” (Guinier 1994 61). This lack of focus on minority issues may not only be a fault of officials from “white” districts. Lani Guinier even goes so far as to suggest that focusing on elections as the sole measure of minority electoral success may lead to a distorted analysis that ignores responsiveness of Black officials once they are elected. She argues that representatives from majority Black districts are not dependent on party organizations or community based organizations for their electoral success, and they can, therefore, act very independently once elected, even to the point of defining a political agenda without reference to their constituents’ interests (1994 83-4).

At the core of the problem of effective minority representation are the seemingly contradictory ideas regarding the relationship between racial identity and political identity that are guiding the districting process. One the one hand, legislators seem to think that minority interests are not represented while they do not have descriptive representation in Congress, and therefore the best solution under the current single-member districting rules is to create majority-minority districts to ensure at least some minority controlled districts, even at the expense of limiting minority influence districts.
On the other hand, African-American voters in 2006 voted for Democrats in House races at rate of 89%, while a still substantial 69% of Latino voters voted Democratic in those races (Elections 2006 – Exit Polls). In 1995, Democratic representatives served every district in minorities constituted a forty percent or greater share of the population (Peterson 11). Therefore, it is also critical to the success of issues of minority interests to maximize the success of the Democratic Party as whole.

In a great irony of political events, packing minority voters, among the most liberal democratic supporters, into majority-minority districts may even have helped the Republicans regain control of the House of Representatives in 1994. Districts which are already created to have super-majorities of minority voters also tend to contain white voters who lean Democratic, such that African-American representatives in 1992 won with an average of seventy-eight percent of the vote, twelve points higher than the average Democrat (Peterson 12). By leaving fewer Democrats to vote in other districts, this practice of packing minority and white Democratic voters together benefits Republican candidates overall. This resurgence of Republican power limits the votes available to achieve success for minority supported policies, thus leaving the newly elected minority representatives powerless in a conservative Congress (Lublin 10). By defining political identity as parallel to racial identity, legislators may in fact be decreasing the substantive representation of minority communities, even while their symbolic descriptive representation rises.

The level of Republican resurgence after the creation of majority-minority districts seems to depend largely on the regional and local dispersion of different racial and ideological communities. The phenomenon seems to be especially pertinent in the
South due to the demographic dispersion of African-American communities. First, legislators are forced to draw geographically sprawling districts that encompass Black communities in different parts of the state, including combinations of urban and rural Black communities, in order to include a sufficient number of Black voters to control the district (Lublin 96). Unlike their northern counterparts, Democratic representatives do not have other large communities that are consistent Democratic voting blocs to whom they can appeal, and therefore are dependent on biracial coalitional support. Often Democratic incumbents lose so much of their Black support to redistricting that the district goes Republican (Lublin 96). Though thirteen new Black and two new Latino representatives were elected from Southern states in 1992 (Lublin 109), the real winners in the South have certainly been the Republicans. The newly elected minority representatives are on average more liberal than their predecessors, causing liberal Democratic representation from southern states to rise from sixteen in 1990 to 28 in 1994. During the same time period, moderate white Democrats were left in the lurch by the redistricting process and their numbers fell from fifty-two to only twenty-seven. This in part led to a rise in Republican representation from thirty-eight to sixty, including gaining seven seats in states with Democratic controlled gerrymanders (Lublin 110). The subsequent loss of reliable votes for liberal policy issues led to a decrease in substantive representation for minorities (Lublin 111).

In the North, the process of redistricting to create majority-minority districts may not be as hazardous to Democrats, though it is just as hazardous to the biracial coalitions that previously elected them. Northern Democrats, when faced with a loss of Black constituents to redistricting can turn to the large Catholic and Jewish communities present
in those regions for consistent support (Lublin 92). In 2006 House races, Catholics voted for Democrats fifty-five percent of the time and Jews voted Democratic at an overwhelming rate of eighty-seven percent, compared to only twenty-eight percent of white, Evangelical or born-again Christians that predominate in the South (Elections 2006 – Exit Polls). The result is the loss of previous politically defined communities of interest made up of diverse racial and religious communities that are replaced by more racially and religiously homogeneous districts. Among the northern Black delegation elected in 1994, fifty-three percent of the representatives hail from districts that adjoin districts represented by Jewish Democrats (Lublin 93). One would assume this lack of interracial coalition-building of minorities is exactly the “balkanization” the fear of which Justice O’Connor expressed so vehemently in her Shaw decision. Unfortunately, “[r]acial redistricting may be the only way to overcome the discriminatory tendencies of the single-member-plurality district electoral system without completely scrapping the system itself” (Lublin 12).

**Single Member Districting and Political Minorities**

In addition to requiring race-conscious districting to gain even a semblance of fair representation for racial and ethnic minorities, the two-party system that results from using single-member plurality districts nearly eliminates opportunities for political and ideological minorities to affect electoral outcomes, thus leading to a stark limiting of the political opinions represented in the United States Congress. Schattschneider highlights the importance of the second major party, the non-majority party, in a two-party democracy due to its “monopoly of the opposition” (82). Because the second party is
likely to win all or nearly all of the seats not won by the majority party, it has the ability to rally all of those votes and groups opposed to the majority party and interested in a change in majority control. This duality of interests played itself out in a clear way in the 2006 midterm elections. The 2004 American National Election Study (ANES) found that the American political spectrum, when arranged graphically as in Figure 1 below and when excluding “Don’t Know, Haven’t Thought” responses, is distributed fairly normally with slightly more weight on the conservative side of the spectrum. Thirty-two percent of Americans self-identify as some level of conservative, twenty-six percent as moderate or middle of the road, and twenty-three percent as some level of liberal. After the 2004 elections, Congress represented a fairly similar ideological distribution, with a small Republican majority and a large number of moderate representatives within the ranks of both major parties. While there is no national ANES date for the 2006 midterm elections, it is reasonable to assume that the general ideological snapshot of the American electorate would not have been drastically different from only two years earlier. One major difference that did exist in 2006 was the growing discontent with America’s involvement in Iraq. CNN exit polls found that fifty-six percent of Americans disapproved of the U.S. war in Iraq, thirty-six percent voted specifically to oppose President Bush, and sixty percent said national issues were more
important to their congressional vote than local issues (Elections 2006 – Exit Polls). Not surprisingly with such high levels of dissatisfaction and salience on the Iraq issue a large number of conservatives voted for Democratic candidates in 2006. Fifteen percent of Bush supporters from 2004, twenty percent of self-identified conservatives, and eight percent of self-identified Republicans voted Democratic. Democrats also swung the middle of the spectrum to their side, winning fifty-seven percent of political independents and sixty percent of ideological moderates (Elections 2006 – Exit Polls). The result of this swing in political support towards the Democrats left a right-of-center country with a decidedly left-of-center Congress with a thirty-one seat Democratic majority. The Democrats “monopoly of the opposition” on the Iraq war issue allowed them to retake control of the House of Representatives at the expense of truly representative democracy for the American people.

Even in 2004, before the Iraq war became a referendum issue forcing voters to vote against their ideological preference in order to express their opinion on that single policy area, there was discontent among voters regarding the representativeness of the two-party system. In a political world dominated by the ideologically centrist voices of polarized political parties, neither the extreme nor the more moderate elements of the political spectrum can find a home in one of the two major parties. When asked in the 2004 ANES to place the Democratic and Republican parties on a seven-point ideology scale, no one who identified themselves as an extreme liberal and only just over five percent of extreme conservatives place their respective party at the same point on the scale (see tables below). While half of those who described themselves as “conservative” found a home in the Republican Party, only just over a third of self-identified “liberals”
placed the Democratic Party equally on the spectrum. About a third of self-identified “slightly liberals” match themselves with the Democrats, while only twenty percent of “slightly conservatives” do the same with the Republicans.

*Table 1: Percent of Self-Identified Liberals Who View the Democratic Party as…*

<table>
<thead>
<tr>
<th>Democratic Party→ Self-ID↓</th>
<th>Extremely Liberal</th>
<th>Liberal</th>
<th>Slightly Liberal</th>
<th>Moderate/Middle-of-the-Road</th>
<th>Slightly Conservative</th>
<th>Conservative</th>
<th>Extremely Conservative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extremely Liberal</td>
<td>0</td>
<td>11.11</td>
<td>44.44</td>
<td>25.93</td>
<td>7.41</td>
<td>3.7</td>
<td>0</td>
</tr>
<tr>
<td>Liberal</td>
<td>7.14</td>
<td>35.71</td>
<td>30.36</td>
<td>15.18</td>
<td>6.25</td>
<td>2.68</td>
<td>0</td>
</tr>
<tr>
<td>Slightly Liberal</td>
<td>2.94</td>
<td>28.43</td>
<td>36.27</td>
<td>17.65</td>
<td>6.86</td>
<td>1.96</td>
<td>0</td>
</tr>
</tbody>
</table>

*Table 2: Percent of Self-Identified Conservatives Who View the Republican Party as…*

<table>
<thead>
<tr>
<th>Republican Party→ Self-ID↓</th>
<th>Extremely Liberal</th>
<th>Liberal</th>
<th>Slightly Liberal</th>
<th>Moderate/Middle-of-the-Road</th>
<th>Slightly Conservative</th>
<th>Conservative</th>
<th>Extremely Conservative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extremely Conservative</td>
<td>11.11</td>
<td>0</td>
<td>0</td>
<td>2.78</td>
<td>30.56</td>
<td>50</td>
<td>5.56</td>
</tr>
<tr>
<td>Conservative</td>
<td>1.99</td>
<td>3.48</td>
<td>2.49</td>
<td>3.98</td>
<td>25.37</td>
<td>52.74</td>
<td>6.97</td>
</tr>
<tr>
<td>Slightly Conservative</td>
<td>1.38</td>
<td>3.45</td>
<td>2.76</td>
<td>8.97</td>
<td>20</td>
<td>52.41</td>
<td>11.03</td>
</tr>
</tbody>
</table>

The political spectrum represented by the elites in the two major parties seems to be centered to the political right of the American electorate, with the divide between the two major parties being moderate compared to the spectrum of ideologies that exists among voters. In 2000, the ANES found that 33 percent of the respondents saw no important differences in what the two parties stand for. Among respondents who identified a problem as the most important problem facing America today, 46 percent said that there would not be much difference between the two parties in their ability to improve the
government’s actions to deal with this problem. As the American electorate has diversified demographically and politically, the party system has not been responsive to those changes. While party politics in the United States may be polarized compared to the amount of polarization that has historically characterized the system, the system as it exists still enfranchises only a very moderate representation of the political spectrum among voters.

**Typology of Proportional Representation**

In 1947, Winston Churchill addressed the House of Commons defending democracy with these words: “No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except all those other forms that have been tried from time to time.” Though the negative impacts of the single-member districting system are copious and severe, and though the two major political parties in American democracy have addressed them inconsistently at best and exacerbated them at worst, these problems should not be seen as avoidable or as having been created by the two-party system. Instead, they are created by the same electoral rules that created the two-party system itself. That is not to say that steps can be taken to lessen or even eliminate the political and cultural effects on our electoral and party systems, but rather that addressing these problems would require significant changes to the electoral rules that have historically governed American elections. The question becomes, “Is single-member districting the worst form of democracy except all those other forms that have been tried from time to time”, or is there a better option available? Single-member districting is by no means the only, or even the primary, method of
distributing legislative seats in democratic regimes, and the United States could benefit from the political experiences of other world democracies.

The primary distinction that must be made in the study of electoral systems is that between single-member districts with majority/plurality election rules and the various forms of proportional representation. So far, this analysis has used the term “single-member districting system” to stand in for “single-member districting system with plurality election rules.” Simply describing a system as a “single-member districting system” does not, in isolation, dictate that elections in that system must use plurality election rules. Under plurality rules, the single candidate who wins the most votes among the field of candidates, however large that may be, is declared the winner of the election, regardless of whether that candidate received a simple majority, that is fifty percent plus one vote, of all the votes cast (Farrell 19). As discussed above, this system creates disproportional results, discriminating heavily against small parties, and does not easily accommodate increased diversity in the electorate. Simultaneously, it promotes stable, single-party governance, fosters constituency representation, and is an extremely simple, easy to comprehend method of election (Farrell 47).

Some single-member districting systems are defined by other, less simple, electoral rules that attempt to account for the drawbacks of simple plurality elections. The primary means of addressing the problems of single-member plurality rules is the use of single-member majoritarian rules, which require a candidate to receive a simple majority of votes cast in order to win an election. This variation prevents the division of votes among candidates from creating a situation where voters who cast a ballot for a losing candidate are represented by someone who may not be a preferred alternative for a
majority of the losing voters. In France as well as many other countries with directly
elected presidents, this result is achieved through the use of a second-ballot, or run-off
election (Farrell 50). The first ballot in these types of elections will be nearly identical to
a SMP ballot, but will then be followed a week or two later by another election in which
only candidates who received a certain threshold of the initial vote are permitted to
participate (Farrell 52). This allows voters to cast an initial ballot for their first choice of
candidate, and then to select a preferred alternative in the second ballot if their preferred
candidate is not present.

The Australian ballot requires voters to make these preferential choices all on one
election day. Under these “preferential voting” rules, voters rank order candidates on the
ballot, in some places only as many as they choose or in others, like Australia, all of the
contestants in a given election. If no candidate garners a majority of votes after the first
count, votes are recounted, redistributing the votes of the minority candidate using the
voters’ preferences, until a winner has been decided by a simple majority (Farrel 56).
Unlike the second-ballot system in which more than two candidates may progress to the
second round thus creating the possibility of non-majoritarian result, preferential voting
assures that at least the preferences of the majority of voters determine the final winner.
Both of these two systems share many of the advantages of single-member plurality
voting, stable government, constituency representation, and cohesive ruling parties,
though they also share many of its drawbacks. There is still strong discrimination against
smaller parties, which can only be remedied by a shift to some form of proportional
representation.
The second major category of electoral systems are proportional systems, which use electoral rules that attempt to approximate a match between the votes received by parties or groups of candidates and the number of legislative seats those groups receive. The level of proportionality they actually achieve varies widely, and no electoral system is perfectly proportional to voters’ preferences. In order to alter single-member plurality elections to achieve a level of proportionality, both the “single-member” and the “plurality” aspects need to be eliminated. The first step toward achieving this result is to expand the magnitude of the electoral districts, in other words, to elect representatives from multi-member, rather than single-member districts. As long as these districts do not maintain “first-past-the-post,” at-large plurality rules, increasing district magnitude would necessarily lead to fewer votes that do not help to elect a candidate and a greater level of proportionality in the legislature. Some electoral systems can be considered “semi-proportional” because they make use of multi-member districts in which a single majority cannot elect all of the winning candidates, as is true with at-large voting rules. Many corporations are run under Delaware corporate law, which uses as a method of election a system called “cumulative voting” (United States Congress 20). This system gives each voter a number of votes equal to the number of seats to be filled in the election, and allows that voter to disperse them over multiple candidates or to cast them all for the candidate he or she most prefers. Therefore, some voters may vote for a slate of candidates all of whom they would like to see in office, but this would require them to cast fewer votes per candidate, while other voters may cast all their votes for a single candidate, seeking to assure his election even if he has support from only a small number of voters. Cumulative voting can be simplified by limiting voters to an up or down vote.
on candidates and then dividing their total number of votes equally, rather than asking them to distribute them numerically. This method is called “equal allocation cumulative voting,” and was used for many years in elections to the Illinois state legislature and is still used commonly in local elections, particularly in the South (United States Congress 103). In a system of “limited voting,” multi-member districts are still utilized, but each voter receives a total number of votes that is less than the number of seats to be filled. For instance, each voter can vote for two candidates in a three-seat district, thus limiting the possibility that the majority party will be able to elect its entire slate (Farrell 45).

This system is also used by many local governments, particularly in North Carolina and Alabama (United States Congress 103).

The appeal of semi-proportional systems stems from the similarities they hold to the single-member plurality system, while still achieving a more proportional result. These systems are candidate and constituency centered, rather than focusing on party identification or having representatives that are not bound to a particular geographic region. Studies have proven that semi-proportional systems are easy for the American voter to grasp, which may not be the case for all electoral systems in use today (United States Congress 103). These systems provide positive results for racial minorities while also allowing non-racially defined political minorities to achieve representation. Where cumulative voting has been adopted in response to Voting Rights Act claims, it has been shown to remove barriers to political participation (United States Congress 56). Only once has the Justice Department refused to preclear a change to limited voting, and the denial stemmed from the fact that the jurisdiction had previously used the Single-Transferable Vote, another proportional method, that the Justice Department found more
desirable for minority voters. Only twice has a cumulative voting system been denied preclearance: once because it was not accompanied by adequate effort to explain the system to minority voters and once because the system also used numbered posts that eliminated the proportional result of the voting rules (United States Congress 57). While semi-proportional systems have been shown to have positive effects for racial minorities, they are also effective at limiting the race-conscious decisions that need to be made in order achieve fair representation under single-member plurality rules. California Representative Tom Campbell testified before the Judiciary Subcommittee on the Constitution, “Whether it be economic or political or social or of any particular variety, it is not defined by government. It is, rather, defined by the individuals; and thus it seems to me to escape any condemnation under the 5th or 14th amendments and yet account for something very valuable” (United States Congress 19). Racial minorities that also share political ideologies can achieve fair representation while not denying them the ability to form cross-racial coalitions of political interest.

The effects of semi-proportional systems on smaller parties are seen by some as an advantage and others as a drawback compared to more fully proportional electoral systems, such as the mixed and list systems discussed below. The larger the district magnitude under semi-proportional electoral rules, the greater the proportionality of result (Farrell 46). Using districts of relatively small magnitude, possibly three to five seat districts, would allow for a much higher level of minority representation than the complete lack afforded by single-member districts while limiting the diversity of parties in the legislature that sometimes cripples fully proportional democracies (United States Congress 103). At the same time, these low district magnitudes could be the prohibitive
factor for the formation of a greater spectrum of political parties, thus allowing the continuation of the political harms of the two-party system discussed above. At higher district magnitudes, these systems would begin to fall victim to many of the same dilemmas that plague more proportional democracies, such as legislative gridlock and the representation of extreme interests most voters would find reprehensible. So, by their very nature as semi-proportional electoral systems, cumulative and limited voting sit on a fault line between the advantages and disadvantages of both plurality and proportional electoral rules.

The highest degree of proportionality of representation is achieved using party list voting. In its simplest form, each party contesting in a given election draws up a list of candidate names, voters can vote only for a party, not for candidates, and then the parties receive proportions of the available seats equivalent to their share of the overall vote totals. In reality, the tendency to divide large electorates into sub-national or regional constituencies, as well as the distortion that occurs when applying the mathematical formulas used to distribute the available seats creates a less than perfectly proportional result, though still with a greater degree of constituency reflection than the majoritarian or semi-proportional electoral systems (Farrell 69). The advantage of party list proportional representation is apparent; it allows for a much lower threshold of votes needed in order to translate electoral support into legislative seats. In the Netherlands, all one hundred fifty members of the Tweede Kamer, or Second Chamber, are elected by a national constituency, which means that support from $\frac{1}{150^{th}}$ of the voters, or 0.67 percent, translates into a seat (Farrell 79). The advantages of allowing the proliferation of small parties are discussed below in the section on multipartyism. This fragmentation of
legislative bodies can also have its drawbacks. There is an increased risk of legislative
gridlock, since the lack of a single-party majority forces large parties to negotiate with
and make concessions to smaller parties in order to pursue a legislative agenda and the
possibility of these negotiations breaking down and stalling the legislative process is
ever-present (Farrell 199). Additionally, particularly in list systems with large district
magnitudes or national constituencies where electoral thresholds are very low,
proportional electoral rules can engender extremist parties whose views may be contrary
to the moral sentiments of vast segments of society. Finally, there are a number of
objections to list proportional systems based on their ability to form stable,
democratically elected executive governments, and these drawbacks are addressed more
fully below in the discussion surrounding proportional representation and presidentialism.
List proportional systems are also attacked for their inability to connect voters with a
particular representative since geographic constituencies tend to be very large and party
elites often have complete, or near-complete, control over the selection and ordering of
candidate names that comprise the party’s list (Farrell 97).

Some electoral engineers have attempted to counter this final drawback of list
proportional representation through the use of what have come to be called “mixed
electoral systems” (Farrell 97) or “mixed-member electoral systems” (Shugart and
Wattenberg 1). Though scholarly opinion is not unified on what systems fall into this
category, Shugart and Wattenberg offer a definition that seems to capture the essence of
these systems without being over-inclusive. In their view, in order for a system to fall
into the “mixed-member” category, there must be a division of electoral tiers in the same
legislative body, in which one tier is distributed nominally, that is seats are given to
individual candidates who receive votes by name like in a single-member plurality system, and in the other tier seats are distributed based on lists, similar to the list proportional systems discussed above (Shugart and Wattenberg 10). These systems leave intact constituency representation in the nominal tier, with its characteristics of candidate centered politics, constituency servicing and local accountability, and advantage to large parties due to the mechanical effect of plurality elections along with heavy strategic voting. At the same time, especially if the vote in the list tier is separated from the nominal vote, the advantages of proportionality enter into the system as well, with a proliferation of smaller parties leading to more accurate representation of the full electorate (Shugart and Wattenberg 584).

**Multipartyism and Minority Representation**

With this plethora of electoral systems available to electoral engineers, and new variations constantly being created in new or reforming democratic regimes, the United States remains locked into an antiquated system that can no longer fairly and accurately represent the needs of the American electorate. As long as the Federal requirement of single-member districts remains on the books, states have no freedom to experiment with new methods of creating color-blind representation that adequately mirrors the diversity, both racial and political, that exists among American voters. Gary W. Cox points out that “increasing the diversity of the social structure in a non-proportional electoral system does not proliferate parties, whereas it does in a proportional system” (25). Though new
parties have formed at similar rates in the United States and in European democracies using proportional electoral rules, and although polls show most Americans would support the success of third party candidates at every level of government, American democracy has shut these new voices out of representation, while European systems have allocated them influence and electoral viability (Richie and Hill 6). In 1999, only three of the nearly eight thousand state and congressional legislators were elected on minor-party tickets, and all three were in Burlington, Vermont (Richie and Hill 6). So, as long as the United States retains its majority/plurality elections rules, voters will be forced into big-tent coalitions under the banners of the two major parties, which cannot accurately represent the full spectrum of positions and ideologies held by American voters on the gamut of issues that characterize the American political arena.

Duverger’s “mechanical” and “psychological” propositions to explain the growth of two-party systems under majority/plurality electoral rules actually represent one end of the spectrum created by comparing the level of proportionality in an electoral system and the level of multi-partyism in the resulting party structure in the legislature. Using the Gallagher index of disproportionality, the United States receives a disproportionality rating of 5.43 (Farrell 158). This actually places the US as the most proportional of all established majority/plurality democracies, however that may be a result of the strength of the two-parties historically and the importance of presidential elections preventing smaller parties from even contesting seats, thus giving the appearance of greater proportionality. In parliamentary democracies, parties with regional appeal can attain more national importance through the creation of the government, whereas it is all but impossible for a party outside the two-party mainstream to influence American politics.
on a national scale. For instance, while the United States has only 1.95 effective parties in the legislature, the United Kingdom is characterized by 2.20 effective parliamentary parties reflecting the presence of the Liberal Democrats and various nationalist parties (Farrell 163), and therefore the UK has a much higher disproportionality rating of 15.19 (Farrell 158). Overall, plurality systems have an average disproportionality rating of 12.28, compared to 4.96 and 2.13 for the two most popular forms of proportional representation (Farrell 161). Disproportionality is also affected heavily by district magnitude. Countries using single-member districts, like the United States, have an average disproportionality rating of 12.93. One can contrast that rating to a rating of only 2.27 in countries with national constituencies and 6.08 for any system with district magnitude greater than one but less than national (Farrell 161). This high level of disproportionality is critical because it is directly tied to presence of only small numbers of effective parliamentary parties. While democracies with disproportionality ratings of 10.00 or more have an average of only 3.15 effective parliamentary parties (still much higher than the US’s 1.95), the most proportional systems, those with disproportionality ratings of 3.92 or less, are characterized by the average presence of 4.60 effective parties in their parliaments.

As demonstrated above, the two-party system has left Americans discontented with their choices at the polls, in the decreasing segment of America where that choice still exists in any realistic form. Many Americans are left without an effective outlet for their political voice, and enormous percentages are unwilling to even go to the polls to express a preference between the two options presented. In general, when a person is presented with more options from which to choose, their overall satisfaction with their
eventual choice would be expected to be higher. The chooser can be more discerning and contrast each option to a greater level of detail than would be possible or necessary to decide between only two options. Lacking cross-national opinion polls and understanding the impossibility of isolating the party structure in any analysis of actual voter satisfaction with their electoral options, analysis of the effects of multi-partyism on voter satisfaction is forced to remain in the hypothetical/experimental realm.

In order to help determine if the presence of a greater number of effective parties would lead to greater policy agreement between voters and their chosen party, I created a survey based experiment, the details of which are explained in Figure 2. Six issue areas were chosen, and a statement about each area was taken from each of five party platforms. One group of respondents was given the policy positions of only the two major parties, while another group was given the policy positions of all five parties chosen for the survey. On both surveys, the names of the parties had been removed. For each policy position, respondents were asked to rate their level of agreement on a five-point scale. After rating all six policy positions on each platform, each respondent was asked to cast a “vote” for a hypothetical candidate.
from one of the provided parties. The respondents were then asked to rate the importance of each of the chosen issue areas on a five point scale and given space to specify other issue areas or factors that would be deciding factors for their vote. The respondents were asked to provide a description of their party self-identification and their ideological self-identification on a five point scale.

My initial hypothesis was that the respondents given the choice among five parties would demonstrate a higher average level of agreement with the party of their vote than those who only had two parties from which to choose. Theoretically, those voters who fit ideologically with the Democratic and Republican platforms would show similar agreement regardless of among how many parties they were provided a choice. Those voters who are not ideologically equivalent to one of the two major parties are forced to choose the better of two inadequate options when only two are present, and would show higher agreement with the party of their choice when choosing among five, thus raising the average agreement of that group. As demonstrated by Figure 3, this hypothesis did not bear fruit. Instead both groups showed almost identical average agreement with the party of their choice. Though the respondents given five parties showed slightly higher agreement, the results did not approach statistical significance.
The result, I believe, is a result of my initial oversimplification of the ideological spectrum. I suspected that each party would correspond to a segment of the ideological spectrum, with Green on the far left, followed by Democratic, Libertarian, Republican, and Constitution moving right. Therefore, I suspected that the voters who chose each party would also correspond to that spectrum and there would be linear relationship between party choice and ideology. Instead, as demonstrated by Figure 4, voters grouped themselves into two camps, with the Green, Democratic, and Libertarian parties representing liberal voters and the Republican and Constitution parties representing the conservative side of the spectrum. This result refutes the initial theory of the existence of a linear ideological spectrum and seems to manifest more of the bi-polar political world that would be well served by a two party system. In reality, a five-party system would be based on much more complex decisions by voters than a simple determination of where a party stands on a linear left-right, liberal-conservative spectrum. This kind of simplicity isn’t even present in the two-party system. In the 2004 American National Election Study, only a third of respondents called themselves strong partisans, and over a third called themselves independent or leaning independent. Yet, the ANES reports that seventy-seven percent of voters report going to the polls in November of that year,
meaning that even without strong opinions favoring one parties positions over those of the others, voters are able to go to the polls and cast a vote demonstrating a preference.

The answer to how general indifference translates into voter preference may lie in issue salience. While voters may not consider themselves strong partisans for one of the two major parties or find a better ideological home when presented with five parties from which to choose, both of these evaluations depend on viewing parties as collections of issue opinions that correspond to a certain ideology. With the nearly infinite variety of issues that gain salience in national politics and the multitude of influences that affect voter opinions on these issues, it is unreasonable to assume that the average voter would share all or even most of the same individual issue positions with the platform of a political party. Even when the options are limited to only six issue areas from only five party platforms, the survey demonstrates that voters do not have greater agreement across all issues than they demonstrated with only two available options. Instead, the breakdown of voters into parties seems to be occurring on individual issue positions rather than agreement across large segments of the party’s platform.

Take for example the issue of drug policy, or the “War on Drugs.” Both the Democratic and Republican platforms address the issue with similar policy stances, as can be seen in Addenda A and B, the two- and five-party surveys, respectively. Though the Republican platform uses more “crime control” and deterrence language while the Democrats embrace a more therapeutic approach to criminal justice, both put forth a general continuation of the status quo policy of viewing individual drug use as a crime and a threat to general society. The Libertarian platform takes a vastly different approach to drug policy, summarized in the survey as, “The “War on Drugs” and the prosecution of
victimless drug use as a crime are threats to individual liberties, and laws prohibiting the use of recreational drugs should be repealed.” When presented with only the two major parties’ platforms, predictably there was little difference in the importance of drug policy to those that chose either party, with respondents voting Democratic giving the issue an average importance of 2.26 out of a possible 4, and those voting Republican a 2.30. As shown in Figure 5, when five parties were present, the average importance of drug policy to the Democratic and Republican voters fell, to 1.92 and 2.09 respectively, with those respondents to whom the issue was important and who desired a shift in the status quo fleeing to the Libertarian party, giving the issue an average importance of 2.80 to Libertarian voters. Though the mean agreement of Libertarian voters across all six issue positions, 0.65 out of 1, was the lowest of any party on either of the two surveys, the high level salience of the drug policy issue brought voters over to the party who may not have agreed as strongly with other parts of the party’s platform.

The Libertarian party’s economic conservatism did not seem to prevent it from drawing voters to its liberal social policies that are absent from the debates between the two major parties. Across both surveys and all six issue areas, the highest overall level of importance for any issue was Libertarian voters on the issue of national security,
terrorism, and the PATRIOT Act. The Republican platform, predictably, expressed strong and complete support for the PATRIOT Act, while the Democrats again hedge a more liberal policy stance with a qualifying statement. “We will change the portions of the Patriot Act that threaten individual rights, such as the library provisions, while still allowing government to take all needed steps to fight terror.”

On the two-party survey, Republicans showed a high level of importance of the national security issue area, 3.09 out of 4, with Democrats significantly lower at 2.49. On the five-party survey, respondents who voted Libertarian showed an enormously high level of importance of the issue, 3.40. They were responding to the Libertarian decree that, “Provisions of the PATRIOT Act allowing for government surveillance and viewing of personal records without the due process normally required of law enforcement agencies are unacceptable and should be repealed.”

These types of responses to progressive policy positions that are lacking from our bi-partisan political arena were not limited to Libertarian voters. A similar result occurred around the issue of gay rights and gender and sexuality issues. Like on national security but different from drug policy, the Republican and Democratic party platforms are in no way similar in policy or tone on gay rights. The Democrats call for, “full inclusion of gay and lesbian families in the life of our nation and seek equal
responsibilities, benefits, and protections for these families,” while hedging their support with the caveat that, “marriage should continue to be defined at the state level.” The Republican platform strikes a chord far from the inclusive, if half-hearted, language of their opposition, declaring that they, “strongly support a Constitutional amendment that fully protects marriage, and [they] believe that neither federal nor state judges nor bureaucrats should force states to recognize other living arrangements as equivalent to marriage.”

Though these two positions are vastly separated from each other, they do not encompass nearly the full range of possibilities in this issue area. The platform of the Green Party makes this very clear by declaring that they, “support the recognition of equal rights of persons gay, lesbian, bisexual, or transgender to housing, jobs, civil marriage, medical benefits, child custody, and in all areas of life provided to all other citizens.” This strong statement of a progressive policy stance avoided by both major parties drew clear interest from those survey respondents for whom this issue area was important. When only two parties were presented, as is apparent from Figure 7, Republicans evaluated this issue area as slightly more important, which could be a result of the salience given to the issue by the media and political elites combined with the relative strength of their policy position compared to that of the Democrats. When five parties were presented to respondents, the
importance of gay rights and gender and sexuality issues to voters for the two major parties paled in comparison to that of Green Party voters, who showed a mean importance of 2.65 out of 4. The implication is that voters who support equal inclusion of GLBT individuals in American society and hold this issue as a high priority are willing to vote Green though their overall agreement with the party’s stances across issues may be equal or even less than their overall concordance with the positions of other parties.

These results seem to signal that the dissatisfied voters of the progressive left who have not been able to find a home in the Democrat party would be well served by a multiparty system. Of the respondents who called themselves “Independent/No Affiliation,” thirty-five percent listed themselves as ideological liberals, and forty-one percent self-identify at some point on the liberal side of the spectrum. This finding supports the ANES data showing that liberals do not feel that they share an ideology with the Democratic Party. Even among those who declared themselves to be Democrats, over half, fifty-three percent, abandoned the Democrats for a third party when more options were available. Eighty-three percent of those voters went to the Green Party, signaling that even Democratic partisans may be looking for a more progressive option.

There is additional evidence that the other large segment of the American populace that is left adrift in the two-party system, the moderates, could also be well served by more parties from which to choose. Forty-seven percent of those self-declared to be “Independent/No Affiliation” listed their ideology as “Moderate/Middle-of-the-Road,” and forty-one percent of those voters opted for a third party. Though not as striking as the vote breakdown among self-identified Democrats, the presence of more parties also
seems to assist the moderate segment of voters in finding an option preferable to the two major parties.

While this survey research certainly does not prove it definitively, nor was it ever intended to, the research seems to at least suggest that the salience of an issue is tied to the strength of voters’ agreement with the policy options presented. The presence of new policy positions on the left side of the spectrum did not cause significant drops in the rated importance of those issues by voters who remain with the two major parties. If salience was a static concept and issue areas were considered equally important regardless of the voters’ agreement with the available options, the shift of voters with high issue salience in the areas of drug policy, gay rights, and national security to third party camps should have created a drop in the salience of those issues among the two major parties. Instead, the salience of those issues to voters for the Democratic and Republican parties stayed fairly constant, while the salience was much higher for third party voters. It is possible that American voters are not aware of the high salience of certain issues in their ideological formation because they have relegated those issues to a back-burner, under the impression that they will never be appropriately addressed by one of the two major parties. By bringing new policy positions to the table in American politics, multipartyism could bring new life to issues that have long been ignored due to the convergence of the positions of the two major parties.

This new life would be seen particularly on the liberal end of the political spectrum. As the ANES data proved above, conservatives tend to be more comfortable with the stances of the Republican Party than are liberals with those of the Democrats. Instead of Democrats courting the moderate vote and therefore shifting ideologically to
the right, multipartyism achieved through proportional representation could force more progressive policy positions into the national discourse, and thus force the Democratic Party to swing back to its left-wing base or face the challenge of a strong third party to its left (Richie and Hill 18).

A shift in American congressional elections to proportional electoral rules and the multipartyism that results from that could benefit racial minorities and women as it simultaneously redefines the focus of American politics on political minorities. Representative Tom Campbell of California described the goal of color-blind government as “the correct constitutional maxim as well as good public policy” (United States Congress 19). Already, more than seventy-five localities have adopted some form of semi-proportional voting rules to settle voting rights cases, recognizing that these systems allow increased fairness in representation of minorities without introducing the fundamental democratic flaw of focusing our laws race-consciously (Richie and Hill 14). Lowering the threshold of inclusion in the American legislature through the use of alternative electoral systems could help to achieve real enfranchisement for white liberals in Republican dominated suburbs, non-geographically defined white women, dispersed Latino communities, or any other politically cohesive minority group while still eliminating truly fringe ideologies or political groups (Guinier 1995 22).

Continuing a race-conscious method of assuring minority representation may not even be feasible into the future. In addition to the Shaw v Reno decision imposing significant challenges on the drawing of majority-minority electoral districts and causing minority representation in Congress to plummet, the increasing diversity of urban areas combined with the decline of geographically defined interests may make substantive
representation of minorities impossible. Shaw has fundamentally altered the idea of “geographically concentrated” minorities in a way that may prevent even numerous, politically cohesive minorities from ever electing the candidate of their choice due solely to their geographic dispersion (United States Congress 98). “Right now, [states] are caught between the rock of the Voting Rights Act requirements and the hard place of the Supreme Court’s decisions in Shaw v. Reno and its progeny; and multi-member districts… allows them an opportunity to craft districts which are not strangely shaped, which take several communities into account, and which represent them using different voting rules” (United States Congress 106). Paul E. Peterson explains the necessity of finding not only a morally, but more importantly a politically viable solution to the problems of racial classification. “Paradoxically, those who first attempt to find a politically satisfactory resolution to racial classification and only then place it within a moral or legal framework are the more likely to have found an ethically satisfying answer” (3).

Any electoral system support by both Lani Guinier and Clarence Thomas must be doing something to achieve results that satisfy the needs of all parts of the political spectrum. Clarence Thomas wrote, “In principle, cumulative voting and other non-district based methods of effecting proportional representation are simply more efficient and straightforward mechanisms for achieving what has already become our tacit objective: roughly proportional allocation of political power according to race” (qtd in Rosenkranz 52). Critically, though, proportional representation achieves this goal while simultaneously separating the idea of racial identity from political identity and ending the
debate over minority control versus minority influence of legislative seats. Guinier describes the effect this way:

In other words, geography and race rely on representational assumptions about group association but do not suggest the necessity, standing alone, of either representing or defining group interests a particular way. Modified at-large systems, such as cumulative voting, could be viewed as preferable alternatives that allow members of racial groups, politically cohesive groups, and strategically motivated individuals to be both self-defined and represented, while minimizing the problem of wasted votes for all voters (1994 137).

Robert Richie and Steven Hill compare the use of proportional voting rules to benefit minorities to the use of the Social Security system to benefit low-income seniors; we are able to protect the needs of the most disadvantaged by providing benefits to all (14). The goal of eliminating race-conscious electoral politics, deemed desirable by advocates on all sides of the copious debates surrounding these issues, while maintaining, or more likely improving, the status of representation of disadvantaged groups in our society is achievable through the use of proportional representation. These systems would allow politicians and political scientists to redefine the term “minority” in the political realm as a politically cohesive group of like-minded individuals, rather than a group who happen to share a skin color or ethnic background, while not reverting to a Congress that lacks descriptive or substantive representation of significant segments of the American population.

*The New Zealand Case: Problems and Presidentialism*
Though some form of proportional representation has been the choice of many emerging democracies over the last half-century, one case study is particularly relevant to those who concern themselves with how proportional representation may affect the American political landscape. On November 6, 1993, the mass electorate of New Zealand voted in a binding referendum to scrap their previous use of single-member plurality voting rules, a vestige of British heritage, in favor of a mixed-member proportional system (Denemark 70). Both the reasons for this drastic message from the voters to the elites and the result of the shift are informative to Americans considering the strengths and weakness of the two forms of electoral rules.

New Zealand’s 138 year old plurality system was, as would be expected, characterized by two large, dominant parties, the Labour and National Parties (Denemark 70). In response to increasing dissatisfaction with the policy positions pursued by the governments in power, voters understandably fled to minor parties with virtually no chance of securing parliamentary seats, rather than to the ideologically opposite major party (Denemark 73). This flight, in turn, lead to the revelation that the plurality system left voters with few options for holding their representatives accountable, since the only other viable electoral option was likely vastly different from the voters ideologically. Increasing numbers of voters voted for minor parties, while the major parties showed declining membership, declining strength of partisanship, declining voter turnout, and increasing numbers of voters suggesting they were choosing the lesser of two “evils” to avoid wasting votes on minor parties (Denemark 74). Trust in government declined rapidly as voters realized that the plurality system could not accommodate views outside
the two-party mainstream and would allow those two parties to rule unabated despite the lack of a true popular mandate (Denemark 74).

Though New Zealand’s minor party support, averaging 12% of the vote between 1935 and 1993, was significantly higher than that seen in the United States (Denemark 75), the two countries shared under plurality elections a dearth of racial minority representation. The most significant minority group in New Zealand is the indigenous Maori population, 12.5% in 1990, and due to the inability of the plurality system to represent non-concentrated minorities, New Zealand used a segregationist method similar to that in the United States to assure Maori representation (Denemark 79). Much like the drawing of majority-minority congressional districts in the US, New Zealand designated certain seats in parliament as Maori seats, and allowed Maori to register on separate voting rolls to vote for these representatives. This system led to increasing under-representation of Maori as their population grew, and was a critical factor in the choice for electoral change (Denemark 81).

The shift to a mixed-member proportional system had vast implications for the functioning of New Zealand’s parliamentary system, both positive and negative. First, the new system ushered in a much greater number of minority and female representatives than had been present under the plurality rules. The creation of party lists forced new recruitment strategies onto the parties, thus changing the demographic make-up of the party elites. Overall, the number of women in parliament increased by nearly half (from 21.2 to 29.2%), the number of Maori more than doubled (from 6.0 to 12.5%) as did the number of Pacific Islanders (from 1.0 to 2.5%), and the first Asian was elected to New
Zealand’s parliament (Barker et al. 307). “Parliament of 1996 is more like the population than…the previous Parliament” (qtd in Barker et al. 307).

The results of the switch were not, however, all so positive. The first government formed in New Zealand’s parliament after the 1996 election was a coalition of New Zealand First and National, since National had received the most seats but no party had achieved a majority of the new parliament (Barker et al. 301). This government lasted until August of 1998, when one New Zealand First MP withdrew his support and leadership conflicts of both inter-party and intra-party varieties tore the coalition apart (Barker et al. 302). The party structure that had been ushered in the benchmark election was not characteristic of the one that resulted inside the parliament; while six parties had been elected, by the end of the first term splinters and break-aways accounted for four new parliamentary parties (Barker et al. 304). New Zealand saw three different government formations during the 1996-9 period, largely due to New Zealand First’s long standing ties to Labour and thus the ideological and leadership quarrels that arose from its partnership with National (Barker et al. 312). This possibility of “undemocratic” government formation contrary to the pre-election rhetoric of party elites is always an inherent danger in parliamentary democracies.

“[C]oalitions are produced after the election as a result of secret meetings between party leaders. The voters’ ‘word’ on which party or parties should form the government is peripheral to the outcome; what matters is who can strike the better deal. In consequence, ‘there is little connection between the elections and the creation of governments’” (Farrell 196).

When this “behind closed doors” bargaining is related to the fact that smaller parties can swing their support from major party to major party, thus perpetuating their place in the
government, one sees the danger to accountability present in this type of system. The
necessity for coalition government in parliamentary democracies with proportional rules
puts the execution of the campaign promises of the elected parties at the mercy of the
negotiations to form a governing coalition.

Presidentialism, a feature of American democracy that would not be altered or
eliminated by changing congressional elections to proportional rules, could be the answer
to avoiding the major pitfalls of multipartyism and government formation. The
accountability of the President to his national constituency, while not directly at least
through the Electoral College, is assured by his desire for reelection or the election of
presidents from his party in the future. Under parliamentary rules, as was demonstrated
by New Zealand’s first term as a proportional democracy, voters, particularly those
voting for small parties, cannot be sure how to cast a vote for or against a particular head
of state since their party of choice has the ability to negotiate with any other parties to
form a governing coalition (Mainwaring and Shugart 461). “New Zealand First was
largely perceived to have betrayed its voters by choosing National rather than Labour as
its partner” (Barker et al. 313). Strom’s index of indentifiability, measuring a voters
awareness of the identity of the likely head of state at the time they cast their vote, tends
to be very low for parliamentary democracies, .39 out of 1.00, for Western European
nations between 1945 and 1987, while it tends to approach one for presidential systems.
Looking at only democracies with proportional electoral rules, the numbers are even
more striking: .10 in Belgium, .14 in Israel, and .12 in Italy (Mainwaring and Shugart
462).
This ability of voters to identify a likely head of state, or at least that the head of state will be one of two likely candidates, would help to facilitate the shift to proportional representation and multipartyism. Because presidential elections would maintain central importance in American democracy, it is extremely likely that the two major parties would also maintain centrality, though not utter dominance, of the political landscape.

“The presidential election is so important, that it tends to divide voters into two camps, and the voters are more likely to choose the same party in legislative elections” (Mainwaring and Shugart 467). The minimization of party fragmentation that would occur in a presidential system would facilitate consistent coalition building on individual issues or groups of issues, rather than the quasi-dictatorial governing coalitions that can be formed under parliamentary rules. This would, in turn, represent the issues voters declared most salient through their party vote, by allowing parties to negotiate to achieve concessions on the issues of most salience while giving concessions on other issues.

New Zealand’s shift from plurality to mixed-member proportional electoral rules sparked a number of changes in the country’s political arena. More women and ethnic minorities were ushered into the new parliament, along with a number of small parties that had formally been denied representation even approximating their share of the electorate gaining increased representation and importance. This new party structure soon began to fragment within the legislature, and governing coalitions became more difficult to sustain, but New Zealand maintained the composition of the parliament elected in 1996 through an entire three-year term and saw a peaceful and orderly transition in 1999. Though there was no constitutional crisis or collapse of basic government functioning, the new system created some tribulations that may have limited
its initial effectiveness at achieving the goals it was elected to pursue. Partly due to a 31% share that still supported the plurality system prior to the first MMP election, and partly due to the disillusionment surrounding the undemocratic government formation, support for MMP fell to 30% by May 1998 and support for plurality rose to 57% (Barker et al. 316).

**Conclusion**

While any change in electoral rules will have its winners and losers, and surely there will be segments of the population who currently benefit from plurality rules who would be loathe to see changes, it is highly possible that legislation that would give states more freedom in choosing the method of electing their congressional delegations, such as the States’ Choice of Voting Systems Act introduced in 2000, could be positive for American democracy. In assessing the need for change it is critical to fairly analyze the differences between the successes of proportional representation in long established proportional democracies and the struggles that have ensued following altering electoral methods in countries like New Zealand. Any advocate for electoral change must take to heart the cautionary note that ends Taagepera and Shugart’s comparative study of electoral systems:

> Even if imperfect, a long established existing electoral system may…supply a stable institutional framework for the expression of various viewpoints…better than could a new and unfamiliar system, even if it were inherently advantageous…Familiarity breeds stability. In contrast, introduction of a new electoral system involves….a period of enhanced surprise, disappointment, and frustration” (qtd in Barker et al. 316).
Though not unique in American history, the use of single-member districts with plurality elections rules has been at the very least the dominant electoral method, and in recent history the only electoral method, used to elect candidates to the national legislature. It is a system that American voters understand and respect as part of America’s distinct political culture.

How long can that “distinct political culture” be maintained when its products are inequality, disproportionality, discrimination, and disillusionment? The American electorate in increasingly being forced to choose between two options that collectively represent only a tiny fraction of the diversity present among American voters. The Republican party of the right and the Democratic party of the center-left are increasingly ignoring the demands of centrist and progressive voters in favor of maintaining dominance of the political system through policy stagnation. Political elites would rather draw legislative districts that guarantee victory than compete for the hearts and minds of American voters. In those districts where true competition of ideas does occur, half the constituency is left without ideological representation when fifty percent plus one vote is enough to assure one hundred percent of the representation. Racial minorities briefly saw their electoral effectiveness improve in the early nineties, only to have that success pulled out from under them by a Supreme Court decrying “racial balkanization” and calling for “color-blind” democracy. As a country we are forced to choose between balkanization and discrimination, and legislatures must abide by the Voting Rights Act of 1965 and protect minority voting rights while not using race as a “predominant factor” in their decisions. Eventually the comfort and stability of an electoral system is undermined by its fundamental unfairness and unworkability. Eventually as a nation we must see that
protecting America’s distinct political culture should not mean turning a blind-eye to the multitude of options democracy affords us. The world is full of democratic laboratories constantly experimenting with new electoral systems from which America could benefit. It is time for American politics to recognize that we do not live in a bi-polar, racially balkanized world, and we should not be represented by a bi-polar, racially balkanized electoral system.

The beauty of American democracy is its uniqueness in the world. There are two major elements of that uniqueness that were fundamentally ignored in order to cement single-member plurality districting as the de jure method of electing our congressmen: Constitutionalism and federalism. Whether they call themselves originalists or progressives, every judge who interprets the US Constitution must do exactly that, interpret. The Founding Fathers left the document intentionally vague so it could be interpreted to fit time and circumstance within certainly inalienable boundaries. When Congress declared in 1967 that states must use single-member districts to elect their congressional representatives, they stepped on the intention of the Framers to allow freedom and variation to each state of the Republic in choosing its delegation. The Constitution even specifies some restrictions on the states in this context; no one shall be elected to the United States House of Representatives if he “shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and… shall not, when elected, be an Inhabitant of that State in which he shall be chosen.” These restrictions imply that the role of the Federal Government in determining the constitution of method of selection of the individual state delegations to the United States Congress should end at the specific decrees of the US Constitution.
This respect for the rights of the individual states to act independently of the national government is a critically ingrained concept of our constitutional system and should be respected. It has served to allow states to adopt policies that may function well due to the particular circumstances in that state, or to adopt policies that, having been seen as successful in one state, go on to be adopted in others. This laboratory role of the individual states would serve an ideal purpose in determining the most effective method for curing the ills of the single-member plurality system.

Our states are the great laboratories for reform. This is one of the most important features of our federal structure. The Congress should free the state legislatures to experiment with these proportional or semi-proportional systems. If the experiment proves successful, other states will follow. If the experiment is not successful it will be abandoned. I recommend that we allow states the right to use a variety of methods to choose Congressmen. No more than this is needed, no more is wise at this time.

Just as there is great variation among the multitude of countries that use the various methods of democratic elections to structure their political systems, there is great variation between the states of this Union. Certainly the seven states that send only one member to the House of Representatives would not be served equally by an electoral system as California with its delegation of 53 or Texas with its 32 members. There is no one right answer to democracy, not for the world and not for the United States.

Confronted with American democracy as it exists today, segregated, unfair, unrepresentative, and non-participatory, how long can we sit and watch the system destroy itself before we step up to the plate to affect change. Congress should not mandate electoral rules to the states; that type of breech of the federalist ideal is why our
democracy sits where it does today. Instead, Congress should open the door to experimentation with new forms of democracy and acceptance of the lessons of democracies worldwide. There is no perfect governmental system and there is no perfect democracy. There are, however, democratic structures that are ideal under certain conditions, and the conditions of the United States no longer fit its choice of electoral system. We must allow change to occur organically by removing the restrictions that prevent that change, or we will continue to watch our democracy rot as it fails to adapt to its changing environment.
Addendum A: 2-Party Survey

Below are 2 different party platforms. Within each of the platforms is a list of the party’s position on six different issues. For each of the positions, please circle your level of agreement with that policy on the scale provided below the position. After you have read all the positions of both of the parties, you will be asked to vote for a presidential candidate of one of the parties.

Party Platform A

1. Because it has proved to be instrumental in helping to break up terror cells and plots and seizing terrorist assets, we support the reauthorization of the PATRIOT Act.

   Strongly Disagree  Disagree  Neutral/Don’t know/Don’t Care  Agree  Strongly Agree

2. We support a human life amendment to the Constitution and we endorse legislation to make it clear that the Fourteenth Amendment’s protections apply to unborn children.

   Strongly Disagree  Disagree  Neutral/Don’t know/Don’t Care  Agree  Strongly Agree

3. We must believe that jail time is used as an effective deterrent to drug use, and support the continuation of that policy in the law enforcement community.

   Strongly Disagree  Disagree  Neutral/Don’t know/Don’t Care  Agree  Strongly Agree

4. We strongly support a Constitutional amendment that fully protects marriage, and we believe that neither federal nor state judges nor bureaucrats should force states to recognize other living arrangements as equivalent to marriage.

   Strongly Disagree  Disagree  Neutral/Don’t know/Don’t Care  Agree  Strongly Agree

5. We believe that the federal government should be limited and restricted to the functions mandated by the United States Constitution, and that the taxation system should not be used to redistribute wealth or fund ever-increasing entitlements and social programs.

   Strongly Disagree  Disagree  Neutral/Don’t know/Don’t Care  Agree  Strongly Agree

6. We link the security of private property to our environmental agenda because environmental stewardship has been best advanced where property is privately held.

   Strongly Disagree  Disagree  Neutral/Don’t know/Don’t Care  Agree  Strongly Agree
**Party Platform B**

7. We will change the portions of the Patriot Act that threaten individual rights, such as the library provisions, while still allowing government to take all needed steps to fight terror.

   Strongly Disagree   Disagree   Neutral/Don’t know/Don’t Care   Agree   Strongly Agree

8. Because we believe in the privacy and equality of women, we stand proudly for a woman's right to choose, consistent with Roe v. Wade, and regardless of her ability to pay.

   Strongly Disagree   Disagree   Neutral/Don’t know/Don’t Care   Agree   Strongly Agree

9. We will increase drug treatment, including mandatory drug courts and mandatory drug testing for parolees and probationers, so fewer crimes are committed in the first place.

   Strongly Disagree   Disagree   Neutral/Don’t know/Don’t Care   Agree   Strongly Agree

10. We support full inclusion of gay and lesbian families in the life of our nation and seek equal responsibilities, benefits, and protections for these families, and we believe marriage should continue to be defined at the state level.

   Strongly Disagree   Disagree   Neutral/Don’t know/Don’t Care   Agree   Strongly Agree

11. We should set taxes for families making more than $200,000 a year at the same level as in the late 1990s, and end tax breaks for companies that move jobs overseas.

   Strongly Disagree   Disagree   Neutral/Don’t know/Don’t Care   Agree   Strongly Agree

12. We will strengthen environmental protections by requiring corporations to control the level of pollutants emitted into our air, water, and land.

   Strongly Disagree   Disagree   Neutral/Don’t know/Don’t Care   Agree   Strongly Agree

**Party Vote**

13. If I had to vote in a presidential contest that had a candidate from each of the 5 parties, I would vote for:

   Party A   Party B   Party C   Party D   Party E
Please rate on the following scale the level of importance each of the following issues has on your decision to vote for or against a candidate or party:

<table>
<thead>
<tr>
<th>Issue</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terrorism/Patriot Act/National Security</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Reproductive Rights/Abortion</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Drug Policy/&quot;War on Drugs&quot;</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Gay Rights/Gender and Sexuality</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Tax Policy/Welfare State</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Environmental Protection</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

Please indicate any other issues that you consider deciding factors in your decision to vote for or against a candidate or party:

_________________________________________________________________________________________________________
_________________________________________________________________________________________________________
_________________________________________________________________________________________________________

Please circle which of the following best describes you:

1. Party Identification
   - Democrat
   - Republican
   - Independent/No affiliation

2. Ideology
   - Liberal
   - Somewhat Liberal
   - Moderate
   - Somewhat Moderate
   - Conservative
   - Somewhat Conservative
   - Don't Know/Don't Care

64
Addendum B: 5-party Survey

Below are 5 different party platforms. Within each of the platforms is a list of the party’s position on six different issues. For each of the positions, please circle your level of agreement with that policy on the scale provided below the position. After you have read all the positions of all the parties, you will be asked to vote for a presidential candidate of one of the parties.

Party Platform A

1. Provisions of the PATRIOT Act allowing for government surveillance and viewing of personal records without the due process normally required of law enforcement agencies are unacceptable and should be repealed.

   Strongly Disagree    Disagree    Neutral/Don’t know/Don’t Care    Agree    Strongly Agree

2. Decisions regarding abortion are the most personal of decisions and should be left for individuals to conscientiously consider without the interference of government regulations or prohibitions.

   Strongly Disagree    Disagree    Neutral/Don’t know/Don’t Care    Agree    Strongly Agree

3. The “War on Drugs” and the prosecution of victimless drug use as a crime are threats to individual liberties, and laws prohibiting the use of recreational drugs should be repealed.

   Strongly Disagree    Disagree    Neutral/Don’t know/Don’t Care    Agree    Strongly Agree

4. Sexuality or gender should have no impact on the rights of individuals to marry, adopt children, serve in the military or receive any of the other privileges granted citizens.

   Strongly Disagree    Disagree    Neutral/Don’t know/Don’t Care    Agree    Strongly Agree

5. Efforts to forcibly redistribute wealth or forcibly manage trade are intolerable, and we oppose government-enforced charity such as welfare programs and subsidies.

   Strongly Disagree    Disagree    Neutral/Don’t know/Don’t Care    Agree    Strongly Agree

6. Current problems in such areas as energy and pollution are not solved, but are primarily caused, by government, and we oppose all intervention by government into the area of economics.

   Strongly Disagree    Disagree    Neutral/Don’t know/Don’t Care    Agree    Strongly Agree

Party Platform B

7. We call for the repeal of the USA PATRIOT Act, because it undermines and erodes our Bill of Rights, and contributes to the destruction of the democratic foundation of checks and balances between the branches of government.

   Strongly Disagree    Disagree    Neutral/Don’t know/Don’t Care    Agree    Strongly Agree
8. Women’s right to control their bodies is nonnegotiable. It is essential that the option of a safe, legal abortion remains available.

9. We call for an end to the “War on Drugs,” because substance abuse should be addressed as a medical problem requiring treatment, not imprisonment.

10. We support the recognition of equal rights of persons gay, lesbian, bisexual, or transgender to housing, jobs, civil marriage, medical benefits, child custody, and in all areas of life provided to all other citizens.

11. Tax policies should foster a more equitable progressive tax structure, as opposed to the present regressive nature of taxation that levies the heaviest burdens on those least able to pay.

12. We strongly oppose the recent attempts to roll back the federal environmental protection laws that safeguard our air, water, and soil.

**Party Platform C**

13. We oppose legislation and executive action that deprive the people of their constitutional rights under the guise of “combating terrorism” or “protecting national security.”

14. We affirm the God-given legal personhood of all unborn human beings, without exception.

15. We will uphold the right of states and localities to restrict access to drugs and to enforce such restrictions.
16. We oppose government funding of “partner” benefits for unmarried individuals, and we oppose any legal recognition of homosexual unions.

**Strongly Disagree**  **Disagree**  **Neutral/Don’t know/Don’t Care**  **Agree**  **Strongly Agree**

17. We are opposed to any form of direct Federal taxation as it is a perversion of the intent of the authors of our Constitution.

**Strongly Disagree**  **Disagree**  **Neutral/Don’t know/Don’t Care**  **Agree**  **Strongly Agree**

18. We support realistic efforts to preserve the environment and reduce pollution - air, water, and land; however, we reject costly governmental interference, accompanied by multitudes of regulations and bureaucrats spurred on by pressure groups.

**Strongly Disagree**  **Disagree**  **Neutral/Don’t know/Don’t Care**  **Agree**  **Strongly Agree**

**Party Platform D**

19. Because it has proved to be instrumental in helping to break up terror cells and plots and seizing terrorist assets, we support the reauthorization of the PATRIOT Act.

**Strongly Disagree**  **Disagree**  **Neutral/Don’t know/Don’t Care**  **Agree**  **Strongly Agree**

20. We support a human life amendment to the Constitution and we endorse legislation to make it clear that the Fourteenth Amendment’s protections apply to unborn children.

**Strongly Disagree**  **Disagree**  **Neutral/Don’t know/Don’t Care**  **Agree**  **Strongly Agree**

21. We must believe that jail time is used as an effective deterrent to drug use, and support the continuation of that policy in the law enforcement community.

**Strongly Disagree**  **Disagree**  **Neutral/Don’t know/Don’t Care**  **Agree**  **Strongly Agree**

22. We strongly support a Constitutional amendment that fully protects marriage, and we believe that neither federal nor state judges nor bureaucrats should force states to recognize other living arrangements as equivalent to marriage.

**Strongly Disagree**  **Disagree**  **Neutral/Don’t know/Don’t Care**  **Agree**  **Strongly Agree**

23. We believe that the federal government should be limited and restricted to the functions mandated by the United States Constitution, and that the taxation system should not be used to redistribute wealth or fund ever-increasing entitlements and social programs.

**Strongly Disagree**  **Disagree**  **Neutral/Don’t know/Don’t Care**  **Agree**  **Strongly Agree**
24. We link the security of private property to our environmental agenda because environmental stewardship has been best advanced where property is privately held.

*Strongly Disagree*  *Disagree*  *Neutral/Don’t know/Don’t Care*  *Agree*  *Strongly Agree*

**Party Platform E**

25. We will change the portions of the Patriot Act that threaten individual rights, such as the library provisions, while still allowing government to take all needed steps to fight terror.

*Strongly Disagree*  *Disagree*  *Neutral/Don’t know/Don’t Care*  *Agree*  *Strongly Agree*

26. Because we believe in the privacy and equality of women, we stand proudly for a woman's right to choose, consistent with Roe v. Wade, and regardless of her ability to pay.

*Strongly Disagree*  *Disagree*  *Neutral/Don’t know/Don’t Care*  *Agree*  *Strongly Agree*

27. We will increase drug treatment, including mandatory drug courts and mandatory drug testing for parolees and probationers, so fewer crimes are committed in the first place.

*Strongly Disagree*  *Disagree*  *Neutral/Don’t know/Don’t Care*  *Agree*  *Strongly Agree*

28. We support full inclusion of gay and lesbian families in the life of our nation and seek equal responsibilities, benefits, and protections for these families, and we believe marriage should continue to be defined at the state level.

*Strongly Disagree*  *Disagree*  *Neutral/Don’t know/Don’t Care*  *Agree*  *Strongly Agree*

29. We should set taxes for families making more than $200,000 a year at the same level as in the late 1990s, and end tax breaks for companies that move jobs overseas.

*Strongly Disagree*  *Disagree*  *Neutral/Don’t know/Don’t Care*  *Agree*  *Strongly Agree*

30. We will strengthen environmental protections by requiring corporations to control the level of pollutants emitted into our air, water, and land.

*Strongly Disagree*  *Disagree*  *Neutral/Don’t know/Don’t Care*  *Agree*  *Strongly Agree*

**Party Vote**

31. If I had to vote in a presidential contest that had a candidate from each of the 5 parties, I would vote for:

*Party A*  *Party B*  *Party C*  *Party D*  *Party E*
Please rate on the following scale the level of importance each of the following issues has on your decision to vote for or against a candidate or party:

<table>
<thead>
<tr>
<th>Issue</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terrorism/Patriot Act/National Security</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reproductive Rights/Abortion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug Policy/&quot;War on Drugs&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gay Rights/Gender and Sexuality</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tax Policy/Welfare State</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environmental Protection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please indicate any other issues that you consider deciding factors in your decision to vote for or against a candidate or party:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Please circle which of the following best describes you:

1. Party Identification
   - Democrat
   - Republican
   - Independent/No affiliation

2. Ideology
   - Liberal
   - Somewhat Liberal
   - Moderate/Road
   - Somewhat Conservative
   - Conservative
   - Don't Care
   - Don't Know/Don't Care
Works Cited


Theriault, Sean M. Party Polarization in the U.S. Congress: How the Interaction of Constituency Change and the Lawmaking Process Has Separated the Political Parties on Capitol Hill. Ms. U of Texas, Austin, TX.


Vita

Noah Kaplan was born on November 24th, 1984 in Memphis, TN. He moved to Houston, TX at age 7 and remained in Houston until he graduated from Bellaire High School in 2003. Noah will be awarded a Bachelor of Arts in Government with Special Honors and a Bachelor of Arts in Spanish, both with High Honors. Noah was recently inducted into Phi Beta Kappa. Noah will soon begin his training to teach elementary school as a member of the 2007 TeachForAmerica corps for Phoenix, AZ. When he completes his two year commitment to TFA, Noah plans to attend law school.