

## State bar association adopts Single Transferable Vote

Described as favoring "fairness, efficiency, and diversity," proportional voting was adopted last September by the Minnesota State Bar Association for electing its officers, delegates, and other representatives.

MSBA executive director Tim Groshens said the organization's board and executive committee were dissatisfied with the previous majoritarian voting system that often required time-consuming, multiple ballots. Two years ago, the board gave its bylaws subcommittee the charge of coming up with a new system.

Brian Melendez, an attorney and member of the bylaws subcommittee that recommended the new voting rules, said the association has several boards, committees, and representatives to external groups where more than one person is elected. He suggested proportional voting be adopted, in part, to standardize election procedures where there previously had not been a standard.

Compared with the more common plurality voting rules, the subcommittee opted for proportional representation because it is a fairer system, according to the subcommittee's report. In September 2000, the subcommittee chair, Tom Roe, presented the subcommittee's report to the Board of Governors and its recommendation was adopted.

The first election under the new rules was held the same day. In fact, it was the next item on the Board of Governor's agenda. The subcommittee members, who

also included Andy Riches III and Ken White, oversaw the vote count while several interested board members observed.

The proportional voting rules, known formally as Single Transferable Vote, may also be used in single-winner elections, an application of preferential voting commonly known as Instant Runoff Voting.

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Melendez became aware of proportional representation in college and later wrote a law school thesis advocating proportional voting for Congressional elections. He says proportional representation makes sense. To gain acceptance by the bar association, Melendez said the members of the Board of Governors just needed the opportunity to understand it by seeing it in action.

*If you know an organization that would like to use fairer voting systems, such as proportional representation and Instant Runoff Voting, FairVote Minnesota offers education about various systems and technical assistance in their adoption and use. Contact info@FairVoteMN.org for more information.*

## Thanks to the following individuals for their recent contributions:

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### Fazio-Leach from page 2

options like same-day registration and universal registration; ballot access issues; mail-in balloting; internet voting; polling place closing times; ballot design; voting system technology; presidential debates; early voting; and other issues.

Membership on the commission would include a broad cross section of regional and political perspectives, and would include experts in the fields of federal election law, the U.S. Constitution, and United States history.

The Center for Voting and Democracy provided assistance and suggestions in the drafting of this bill. Passage of this legislation will boost electoral reform efforts nationally.

The authors are searching for other Members of Congress to co-sponsor this legislation, the "Federal Elections Review Commission Act."

You may contact your Member of Congress to tell him or her about your views on the Federal Elections Review Commission Act at (202) 224-3121.

*The Center for Voting and Democracy is a national nonprofit organization that studies how voting systems affect participation, representation and governance.*

*The Center can be found at 6930 Carroll Ave., Suite 901, Takoma Park, MD 20912. Phone (301) 270-4616. Internet cvdusa@aol.com, www.fairvote.org.*

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PO Box 19440  
Minneapolis, MN 55419  
(612) 724-5540  
info@FairVoteMN.org  
www.FairVoteMN.org

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# News

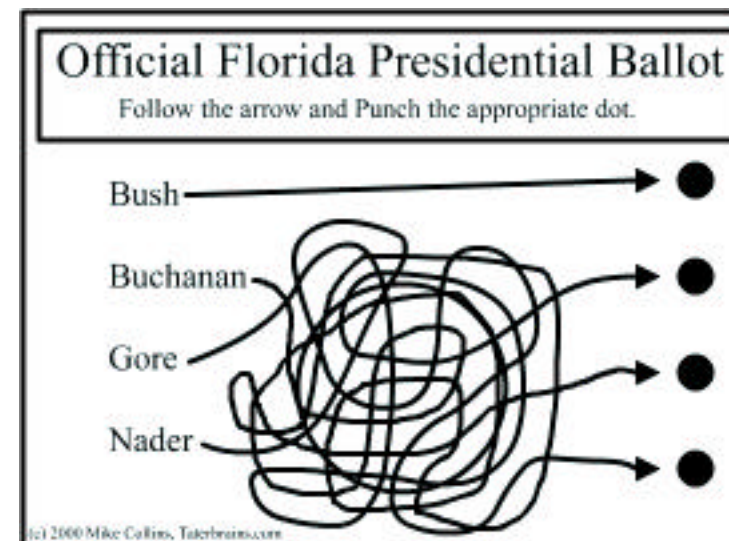
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## Presidential election unmaskes flawed voting system

The presidential election of November – and December – 2000 was one of the most disputed in the history of the United States. Election administration was discovered to be uneven across the country and, in some states, in shambles. A country that has often sent observers to assure fairness of foreign elections found itself scoffed at by overseas critics for the obvious shortcomings of this election.

Consider some of the more unseemly news coming out of Florida:

- Palm Beach County's infamous 'butterfly ballot' was so confusing that tens of thousands of voters apparently cast a vote intended for one candidate that ended up counting for another.
- Thousands of punch-card ballots were uncounted in the machine count if a 'chad' was hanging by a thread or was 'dimpled' or 'pregnant,' leaving beleaguered hand counters to try to discern the voter's intention.



*This parody of the "Butterfly Ballot" was created by a cartoon hobbyist. It circulated widely on the internet and has appeared in many publications. It seemed to strike a chord with the public's reaction to voting irregularities in Florida.*

years, the winner of the national popular vote was not the winner in the Electoral College.

The close race for President put tremendous pressure on third party candidates and their supporters to get out of the way and not "spoil" the election. Many voters were faced with the

• Less reported, but equally serious, was the charge that many African-Americans were harassed when they attempted to vote and some were even physically prevented from getting to their polling place.

But it is not just the mechanics of voting machines that are at issue. The bigger question raised by the election is whether we are getting real democracy when we cast our ballot.

For the third presidential election in a row, the winner received less than a majority of the popular vote. For the first time in over a hundred

Flaws page 3

## We hate to say it, but... We told you so!

### No-Contest Elections™ predictions borne out in results

In November 1999, FairVote Minnesota published *No-Contest Elections™*, an assessment of the competitiveness of state legislative elections. The conclusion? Most legislative election results are virtually predetermined by the party preferences of the voters in each district.

The report illustrated its point by predicting the results of two-thirds of the November 2000 legislative elections. Predictions were made without knowing who the candidates would be, whether an incumbent was running, or if the seat was an open seat. How did we do?

In the state Senate, the report predicted winners in 42 districts and was right in 38 of them. In the state House of Representatives, the report correctly predicted 87 out of 92

No-Contest page 2

### Inside

- ✓ Ventura Administration to promote "competitive" redistricting 2
- ✓ Bipartisan Federal Elections Review Commission Act introduced 2
- ✓ Instant Runoff Voting bills introduced in legislature 3
- ✓ State bar association adopts Single Transferable Vote 4

## Ventura Administration to promote "competitive" districts Advisory commission will consider fairer redistricting options

Governor Jesse Ventura has formed a citizens advisory commission to recommend a redistricting plan "that will fairly represent the citizens of Minnesota," according to a letter from the Governor. Minnesota Planning Director Dean Barkley, who will chair the commission, announced the plan December 1.

Barkley said the main goal for the commission is to come up with a redistricting plan that will pass the legislature and be signed into law by the Governor, avoiding court involvement that has been common in the decennial process. In addition, Barkley said the administration hopes to convince the legislature to draw more districts that are politically competitive.

Legally recognized principles of redistricting require that districts be of substantially equal population, of "con-

venient contiguous territory," and be compact. Boundaries should coincide with existing political subdivisions and preserve "communities of interest" as far as practicable. The Ventura Administration is proposing to add competitiveness as a principle of redistricting.

**Only one-third of legislative seats are competitive.**

FairVote Minnesota has been critical of the current districting arrangement because only one-third of the legislative seats are considered competitive. That means two-thirds of the legislative seats are safe for one party or the other, making election results virtually predetermined and not allowing the voters to alter the composition of the legislature (see *No-*

*Contest* article on page one).

The federal court adopted a principle in the 1981 redistricting process to increase the probability of electing members of racial or language minority populations where concentrations of those populations makes it possible. In announcing the commission, Barkley said he wanted to seriously consider this principle in drawing congressional district boundaries. This would mean creating an urban core district in Minneapolis and Saint Paul where there are currently two congressional districts centered on the respective downtowns.

Announced in mid-January, the appointees and the groups they represent are: Chris Allison, Green Party; Nancy Jorgenson, Independence Party; Jack Meeks, Republican Party; Elaine Voss, Democratic Party; Nancy Witt, League of Women Voters; Don Ludemann, Common Cause. Also appointed were at-large members former Ramsey County Attorney Tom Foley, former House Speaker David Jennings, former U.S. Attorney Todd Jones, and Adeel Lari, chairman of the Council on Asian-Pacific Minnesotans. Barkley will be the eleventh member of the commission.

FairVote Minnesota will monitor the work of the commission. ✓

### Bipartisan Federal Elections Review Commission Act Introduced

*From the Center for Voting and Democracy*

A bipartisan bill to fund a search for better voting systems was introduced on January 3, 2001.

HR 57, sponsored by U.S. Representatives Peter DeFazio (D-OR) and Jim Leach (R-IA), would establish a nonpartisan, 12-member commission to examine the advisability and feasibility of proportional voting systems, instant runoff voting, cumulative voting, and other election-related issues – including the electoral college; voter registration

Fazio-Leach page 4

Flawed from page 1

dilemma of voting their conscience or voting defensively for the "lesser of two evils."

In two states, Ralph Nader and Al Gore apparently divided the majority of liberal voters between them, resulting in Bush winning and Nader being labeled a spoiler even though he did not exceed low single digits in any state returns.

Less reported was the likelihood that Pat Buchanan and George Bush divided the conservative majority in four states, handing those electoral votes to Gore. Had the U.S. Supreme Court not blocked a hand count of undervoted ballots in Florida, Buchanan could have been labeled the spoiler, rather than Nader.

In Minnesota, several elections were decided by less than a majority of the vote, including contests for the state's votes in the Electoral College, the United States Senate, and three out of eight of Minnesota's representatives in the U.S. Congress. A handful of state legislative seats were also won by less than a majority due to the presence of Independence Party candidates.

What does it say about our democracy if the voting system can't handle more than two candidates? Is the third party candidate the spoiler? Or is it the system that spoils the election?

Instant Runoff Voting would end 'spoiled' elections by allowing voters to follow their conscience with the confidence that their votes will still count toward choosing the eventual winner. It eliminates the voters' dilemma and assures majority rule at the same time.

In order to use this up-to-date voting system, Minnesota needs to modernize its voting equipment, as well. While punch-card ballots are no longer used here, there are still many jurisdictions using paper ballots that cannot be read by state-of-the-art optical scanners. If there was ever a doubt about the need to modernize the

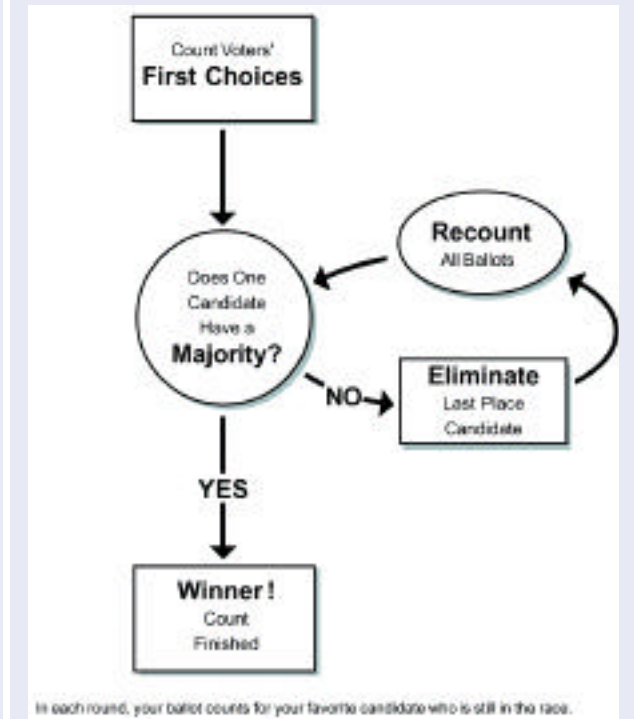
## Instant Runoff Voting

### Sample Ballot

Voting instructions: Fill in the oval marked "1" next to the name of the candidate who is your first choice. Next, fill in the oval marked "2" next to the name of the candidate who is your second choice. You may continue ranking as many candidates as you wish.

Margaret Haralson	①	②	③	④
John Rogers	①	②	③	④
Anne Stevens	①	②	③	④
Mark Johnson	①	②	③	④

### Ballot Count Flow Chart



election machinery in this country, it should be satisfied after this election.

An updated democracy requires both modern voting machinery and modern

voting rules that translate voters' wishes into truly democratic election results. ✓

## Instant Runoff Voting bills introduced at Minnesota legislature

Two bills to use Instant Runoff Voting in Minnesota elections have been introduced in the House of Representatives.

HF 327 and HF 930 would allow voters to indicate a second choice candidate who would receive their vote if their first choice was eliminated (See chart above for sample ballot and vote count procedure). The effect would be to end the 'spoiler' problem that afflicts elections under current plurality rules.

Authored by Rep. Phyllis Kahn (DFL-Minneapolis), HF 327 would apply to all federal and state elections, including elections for President, U.S. Senate and House, Governor and other statewide offices, and all state legislative seats. Co-

authors include Rep. Jim Rhodes of Saint Louis Park, Minneapolis Representatives Karen Clark, Jim Davnie, Scott Dibble, Margaret Kelliher, and Neva Walker, and St. Paul Representative Andy Dawkins. Dawkins is the sole author of HF 930.

Both bills have been referred to the Government Operations Committee. The bills' current status and full text are available at [www.leg.state.mn.us](http://www.leg.state.mn.us). At that site, you can also find out who your legislator is and send an email with your own views on HF 327, HF 930 and Instant Runoff Voting.

To stay informed about the progress of this legislation and other voting reform news, sign up for email notices at [www.FairVoteMN.org](http://www.FairVoteMN.org). ✓