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**FairVote's Successes in the 2000's Light the Way For Major Change**  
*An Overview by Rob Richie, Executive Director, December 2009*

FairVote is a catalyst for reforming our elections to respect every vote and every voice through bold approaches to increase voter turnout, meaningful ballot choices and fair representation. As the national organization most focused on fundamental structural reform of our elections, we pursue innovative analysis, research and outreach to turn challenging new ideas into widely accepted policy options. As examples:

- We pioneered the call for a **constitutional right to vote** and **universal voter registration**. Our proposal of **voter pre-registration** promises to become the norm after wins in California, Florida and North Carolina.
- Our research, writing and advocacy has led **instant runoff voting** to be a practical means to accommodate voter choice, with the active support of Barack Obama and John McCain and a string of ballot wins in cities like Oakland, Minneapolis, San Francisco and Memphis.
- The first group to endorse the **National Popular Vote plan** for presidential elections, we play a key role in its advocacy. We co-wrote *Every Vote Equal*, led the effort for its first win in Maryland, introduced the proposal to many supporters such as the *New York Times* and NAACP and produced several valuable research reports.
- We have worked closely with voting rights litigators in securing **proportional voting**, published widely used introductory materials and issued influential reports showing how winner-take-all election systems exclude most Americans from having an effective voice.
- We have organized a series of successful **Claim Democracy conferences** to promote reform coalitions.

### **What's Wrong with the Status Quo**

Under our electoral rules, too many potential voters do not participate, too many voters are ignored and too many elected officials poorly reflect the communities they represent. Loss of suffrage rights, antiquated voter registration rules and poor election administration keep millions of citizens from access to the ballot. Our Electoral College system leads campaigns to concentrate their resources on a handful of the same swing states, turning most Americans into spectators. Winner-take-all legislative elections undercut competition and fair representation. Underdog candidates increase voter choice and expand political dialogue, but without reform can divide the vote and thwart majority rule. Our schools leave significant, lasting gaps in Americans' understanding of their role in the democratic process.

The cumulative impact is an unrepresentative, overly narrow democracy that denies too many people from a seat at the table of government, limits dialogue and contributes to inadequate policymaking. Our future as a democratic, sustainable society depends on changes that will allow more Americans to contribute to our democracy with their ideas, experience and participation.

FairVote plays a unique, critically important catalytic role in the civic community by moving new ideas for fundamental reform into mainstream consideration. To carry out this mission, we pursue four core strategies:

- 1) We generate ideas through innovative research.
- 2) We act as a reform catalyst in states and cities.
- 3) We help implement our reform victories.
- 4) We create models of civic learning.

Even as we regularly offer new ideas to uphold fundamental democratic principles, we focus on several specific proposals within three general categories:

- *Fair access to participation:* We support universal voter registration, a constitutionally protected right to vote and expanded civic education about voting.
- *Fair elections:* We support a national popular vote for president, instant runoff voting for one-winner offices and transparent and accountable election administration.
- *Fair representation:* We support proportional voting systems such as choice voting for legislative elections.

### **How FairVote Makes a Difference**

FairVote articulates an uncompromising vision of a fully realized democracy, yet is solution-oriented. In national forums we promote how to achieve more open, fair, secure and representative elections while also providing resources and advice to state and local reformers, whose successes build momentum for state and national action. With reform allies at all levels of government and a broken system in obvious need of reform, we see our work leading a new wave of major structural reforms. Following are examples of our recent impact.

***Instant runoff voting:*** In 1992, our long-time board chair John Anderson, the former Congressman and 1980 presidential candidate, introduced instant runoff voting (IRV) to Americans through a *New York Times* op-ed, focusing on how IRV would accommodate the presence of Ross Perot in the presidential race. As interest in IRV increased, legislators in three states debated bills on it, and communities in California and Washington passed charter amendments establishing IRV as an option.

Ralph Nader's impact on the 2000 presidential race sparked a significant leap of interest in IRV. With FairVote providing ongoing advice and research, IRV was adopted in more than a dozen jurisdictions, including San Francisco (CA), Oakland (CA), Memphis (TN) and Minneapolis (MN), and several states passed laws facilitating its use. At least 55 colleges and universities have adopted IRV for student elections, and the Academy of Motion Pictures will use it this winter to select the Oscar for Best Picture. IRV has been adopted for prominent elections in several nations, and British government leaders seek a national referendum on IRV next year. In sharp contrast to its generally unknown

status in 1992, both of 2008's major party presidential nominees, Barack Obama and John McCain, have been active supporters of FairVote-backed IRV efforts.

IRV is living up to its promise in city elections, where it regularly elected candidates with strong grassroots support who were outspent by opponents. As more jurisdictions overcome election administration barriers to implementing IRV and as interest keeps growing in states across the country, we expect IRV will soon be adopted for elections for major statewide offices.

***Proportional voting:*** When founded in 1992, FairVote's was the only American group promoting proportional voting despite its use in most well-established democracies and the enormous obstacle to fair representation created by winner-take-all voting rules. Our efforts since then have included providing support to Members of Congress as they introduced the first proportional voting bills in decades and working with voting rights litigators in lawsuits that greatly expanded the number of jurisdictions with proportional voting. We helped win choice voting in 2006 in Minneapolis.

As our nation becomes increasingly diverse, prone to kneejerk partisanship and in need of new ideas, the case for proportional voting and fair representation only has become stronger. We are pleased to partner with leading voting rights groups that see the relevance of proportional voting. Last year the Brennan Center represented our amicus brief proposing proportional voting in a voting rights case in Port Chester (NY). A federal judge ordered enactment of proportional voting, as did another judge in a case in Euclid (OH). With our experience gained in coordinating Port Chester's voter education plan and developing arguments in recent highly competitive campaigns for choice voting in Cincinnati (OH) and Lowell (MA), we plan to greatly increase effective outreach in communities. Amidst the clamor of redistricting we also will increase our outreach on achieving proportional voting for Congress.

***National Popular Vote plan:*** FairVote has long favored direct election of the president to protect majority rule and promote equality. We saw no practical strategy to advance that goal until 2004, when we recognized the power and potential of the National Popular Vote plan. The National Popular Vote plan guarantees election of the winner of the national popular vote through coordinated action of state legislatures, relying on states'

constitutionally protected power to enter into binding agreements with one another and their plenary power under the Constitution to determine how to allocate electoral votes. It represents an eminently feasible to achieve a national popular vote that makes every vote equal in presidential races through passing laws in states representing a majority of Americans.

Some reformers initially dismissed the National Popular Vote plan's prospects, but we played a pivotal role in securing the support of key thought leaders, starting with our board members like John Anderson, *New Yorker* essayist Hendrik Hertzberg, Congressman Jesse Jackson Jr. and law professor Jamin Raskin (who as state senator played a key role in securing the first win for the plan in Maryland). FairVote: took the lead in securing the support of *New York Times* editorial page and groups such like the NAACP and Common Cause; laid an intellectual foundation for change through our *Presidential Election Inequality* report; assisted with writing National Popular Vote's *Every Vote Equal*; and, through FairVote Action, led the effort to earn the plan's passage in our home state of Maryland in 2007.

Now, less than four years after going public the National Popular Vote proposal has passed 29 legislative chambers in 19 states and been signed into law in five states representing nearly a quarter of the electoral votes necessary to trigger an election governed by a national popular vote. By 2016, if not 2012, the United States will likely experience the first national election for president in history in which everyone's votes will matter equally, bringing with it new incentives to take action to protect and secure voting rights for all.

***Universal voter registration / Youth voter pre-registration:*** In the wake of the 2000 elections that exposed massive problems with our election administration infrastructure, our senior policy analyst Steven Hill published high-profile pieces advocating for universal voter registration through automatic processes that put the responsibility for voter registration on the government. We renewed our advocacy in 2005, with new writings and outreach showcasing the racial and age disparities in registration, and in 2007-2008 we circulated new research into international models for achieving universal registration. Now the Brennan Center has mapped out a strategy for achieving universal voter registration, the Pew Charitable Trusts has issued valuable research and an impressive new coalition of Republicans, Democrats and election officials have

come together seeking change. Sparked by our catalytic writing and research, "voter registration modernization" may well be the next major national election reform.

FairVote also began to develop incremental steps toward universal voter registration. One example was "pre-registration" of young people turning 16, ideally twinned with school programs to systematically register young people and introduce them to voting. After FairVote introduced the idea to Rhode Island lawmakers and spoke at a news conference kicking off the proposal, the legislature in 2006 sent a bill to the governor. Voter pre-registration became law in Florida in 2007, and the governors of North Carolina and California this year signed legislation enacting it. With a bill expected to be introduced in Congress and new research by voter turnout authority Michael McDonald measuring its positive impact, we have every reason to believe that pre-registration will become a national norm.

***A constitutional right to vote / Changes in its spirit:*** The inequities of the 2000 presidential election sparked Congressman Jesse Jackson, Jr., historian Alex Keyssar and law professor Jamin Raskin to make the case for an affirmative right to vote in the Constitution. In 2001, we helped Rep. Jackson with the drafting of his right to vote amendment, HJR 28, which by 2005 had been co-sponsored by the entire Congressional Black Caucus. We held a strategic dialogue on the amendment attended by dozens of leaders of influential groups and two public conferences highlighting the amendment with some 800 attendees. Congressman Jackson and Professor Raskin joined our board of directors, and we developed our Municipal Right to Vote strategy as a means to have an immediate positive impact by asking jurisdictions to join a national effort to endorse the proposed amendment while pledging to review how best to protect and expand voting rights in their community – as recently proposed in Chicago. The Advancement Project has secured funding to expand advocacy for the amendment in a project overseen by our board vice chair Eddie Hailes.

***Elections to fill U.S. Senate vacancies:*** In 2007, we published commentaries and a report on the practice of allowing governors to appoint replacements when U.S. Senate seats became vacant – pointing out that governors had appointed nearly a quarter of all senators serving since the 1913 enactment of the 17th Amendment requiring direct elections. The editorial boards of the *Washington Post* and *New York Times* used our research

in calling for elections to fill all vacancies after the 2008 vacancy scandal in Illinois. In 2009, we published a *New York Times* op-ed arguing our case, worked with Sen. Russ Feingold on his proposed constitutional amendment to require elections, testified before Congress on the issue and spurred legislation requiring Senate vacancy elections that was signed into law in Connecticut and passed both chambers in Rhode Island.

***Understanding congressional election non-competitiveness:*** FairVote's reports on congressional elections: *Dubious Democracy* and *Monopoly Politics* on how noncompetitive most congressional races have become transformed thought leaders' understanding of the roots of non-competitiveness in U.S. House races. Our reports established that the partisan composition of districts rather than the nature of campaigns was the most important factor in determining victory margins. Analyst Charlie Cook used our methodology to establish his oft-cited "partisan voting index." While our findings show the need for proportional voting to elect our representatives to have universal voter choice, they also laid the statistical basis for an impressive new round of efforts to reform partisan gerrymandering.

***Improving the presidential primary process:*** Among the chorus of voices calling for modest changes to our major parties' presidential nomination process, FairVote has stood out in drawing attention to broad and substantive potential solutions available to the parties. In 2007, we established Fixtheprimaries.com, an initiative that convened advocates of several different reform approaches behind the general goal of encouraging the major parties to work together to make improvements. The project led to a cover story in the *Nation* magazine and numerous television and radio appearances.

### **A Reform Tapestry Based on Respect for Every Vote**

Even as we build the case for these existing priorities and work with new partners in their advocacy, we will keep transforming new reforms ideas from "impossible" to "inevitable." Examples may include increasing the size of the U.S. House of Representatives for the first time in a century and establishing government-owned voting equipment that would be available to jurisdictions seeking trustworthy, open source machines and software.

We see each of our reform proposals enhancing the impact of other reforms. Enactment of the National Popular Vote plan, for example, will make voter participation and engagement more important in presidential elections, and encourage re-evaluation of how best to protect voting rights. Given the high-profile nature of presidential elections and past pessimism about reforming the Electoral College system, the very fact of this plan's pursuit and enactment holds the promise of opening the minds of Americans to other changes. Major electoral reforms traditionally have come in half-century waves. By this calendar, it is again time for major change, and conditions again demand it. FairVote's role is to be a catalyst to make the most of this opportunity.

*FairVote brings an important voice to the democracy reform world – always looking for new ideas to invigorate democracy in America, and working with others to help bring those ideas to fruition. We need FairVote's out-of-the-box thinking to help us fix American democracy."*

Stuart Comtstock-Gay, former director of Demos' Democracy Program'