



How Election Reforms Could Improve American Democracy

Michael S. Latner, California Polytechnic State University-San Luis Obispo

In Michigan, the electoral map was gerrymandered, district lines manipulated to favor one specific party, and thereafter the legislature elected in those districts side-stepped public opposition to policies that eventually led to, among other things, the Flint crisis that exposed 100,000 residents to toxic water. And Michigan is not the only place such distortions occur. States with restrictive election laws like Alabama are preventing local communities from passing local protections such as restrictions on fracking. My research shows that voter turnout for the 2014 and 2016 Congressional elections was lower in districts with high levels of air toxin exposure; and average district air quality is worse in heavily gerrymandered states compared to those more balanced partisan competition. Several states, including California in the west and Texas in the South, are **dominated by a single party**, leaving many residents with limited representation. Such imbalances should concern both conservatives and liberals.

Across America, the partisan capture of state legislatures coupled with an incapacitated U.S. Congress makes it impossible for citizens in many communities to hold officials accountable. U.S. voter turnout is regularly among the lowest in the developed world, partially because of restrictive election laws and gerrymandered districts. My research shows there are effective methods for addressing these problems, if the requisite commitment and work is forthcoming.

How Electoral Rules and Districts Can Distort Democracy

There are three components in the electoral cycle where political representation gets distorted in favor of powerful, entrenched interests.

- Rules about voter eligibility and registration requirements substantially impact voter turnout. Early registration deadlines, eligibility restrictions, and discriminatory voter file management can reduce eligibility by hundreds of thousands of voters in a given election.
- The voting process can shape representation in important ways. Restrictions on early voting and similar barriers to ballot access limit turnout, though less so than eligibility restrictions. For example, there is some evidence that targeted restrictions can reduce turnout among voters from marginalized groups. Limiting election timing, especially for early in-person and weekend voting, can also reduce turnout and exacerbate existing turnout differentials.
- The aggregation of counted votes to electoral seats to determine office-holding outcomes is the third place where representation can be distorted. My co-authored book *Gerrymandering in America* was cited by the Supreme Court as evidence of considerable partisan bias in the 2011 redistricting process. When majorities of voters are denied chances to determine legislative majorities – a common situation – entrenched interests in state legislatures can, in turn, distort the composition of the U.S. House of Representatives. Politics becomes dangerously unrepresentative and unresponsive to citizens.

Even if non-partisan electoral maps are created in the states with the most distorted gerrymanders, many U.S. elections could still remain uncompetitive. Nearly 40% of state legislative seats go uncontested in a given election cycle, and many voters of the same partisan bent often find themselves clustered into uncompetitive districts.

Necessary and Effective Election Reforms

Together, all of the imbalances just summarized result in the under-representation of many communities that bear the brunt of economic, environmental, and other injustices. But there are several ways redesigned institutions and rules could promote democracy:

- Eligibility to cast ballots could be expanded through the restoration of felon voting rights and innovations like automatic voter registration, same day registration, and pre-registration of 16- and 17-year-olds. All such steps would expand a more diverse, representative electorate.
- Automatic voter registration that provides official voter cards could improve turnout and election security, helping officials confirm voter eligibility and maintain accurate voter rolls.
- Turnout can be boosted by early voting, voting by mail, or setting up more places to cast ballots (such as centers in convenient locations throughout a municipality where voters can drop off or cast ballots for an extended number of days).
- In larger states, non-partisan redistricting commissions would produce less-biased district plans. In districts that would remain uncompetitive even after fairer lines were drawn, ranked-choice voting systems like the one used in Maine could be used to enhance voter choice and guarantee that, in the end, the more popular candidate would prevail. Or states could institute multi-seat districts and use proportional electoral formulas.

No Panacea, but a Priority

Along with any of the listed reforms, improved U.S. elections need upgraded voting equipment and security provisions like paper ballot backups and audit requirements. Costs are not really the issue, because expenditures on new voting equipment could be offset by doing away with party primaries and moving to a single ranked-choice November election. Similarly, costs could be reduced by replacing precincts with drop-off voting centers or mail ballots.

Electoral reform is not a panacea for all of U.S. democracy's ills, and my research indicates that no reform can fully overcome disadvantages from concentrated poverty and poor environmental quality. However, a reformed electoral system could amplify the voices of those who are currently less represented or heard. Accomplishing reform requires public leadership, resources, and the mobilization of many citizens who are disengaged from what they rightly consider an unresponsive system. Many places across America are already experimenting, and money is not the biggest hurdle. Everyone concerned with the health of U.S. democracy should learn about the impact of institutional designs and advocate for sound, evidence-based election reforms.

Read more in Anthony J. McGann, Charles Anthony Smith, Michael Latner, Alex Keena *Gerrymandering in America: The House of Representatives, the Supreme Court, and the Future of Popular Sovereignty* (Cambridge University Press, 2016)