



## Two Small Steps to Meaningful U.S. Electoral Reforms

**Mark Rush**, Washington and Lee University

Gerrymandering and safely ensconced incumbents are two issues prominent in today's U.S. debates about electoral reform. Elected officials gerrymander – draw district maps to favor a particular candidate or party – as a way of ensuring their own re-election. This practice has resulted in district maps that look more like Rorschach test patterns than compact constituencies. Why is this possible? Much of the answer lies in previous election results and rule changes that have created incentives and possibilities for incumbents to protect themselves from competition. Political party organizations have been weakened so much that they cannot control their own nominations or campaign funding for their candidates.

New rules could make a difference – including longer legislative terms and ranked choice voting in elections. These two reforms, especially, have the potential to make voters' choices more meaningful and strengthen America's increasingly imperiled democracy.

### How Prior Changes Have Weakened Parties and Entrenched Incumbents

The weakening of political parties can lead to bizarre nominations and nomination contests. In 2018, a Holocaust denier seized the Republican nomination for the third congressional district in Illinois. Presidential primaries may now feature free-for-alls among more than a dozen candidates. And party officials can end up being criticized for vetting candidates, which was once a normal. In 2016, for instance, Debbie Wasserman-Schultz was harshly criticized for using her position as the Chair of the Democratic National Committee to favor Hillary Clinton over Bernie Sanders.

Beyond partisan gerrymanders that are now embedded in many states, safe districts have evolved in another way. Section two of the Voting Rights Act requires legislators to draw voting districts that ensure racial minorities' voting power is not diluted and to give minority voters an equal chance to elect candidates of their choice. As a result, many districts have been drawn in ways that guarantee overwhelmingly Democratic votes for black or Hispanic candidates who may never see viable Republican challengers.

### How Longer Legislative Terms Might Help

In virtually all state legislatures, members of the lower house serve terms of only two years (only the states of Alabama, Louisiana, Maryland, Mississippi and North Dakota have four-year terms). In 44 states (not counting Nebraska, which has a one-house legislature), members of the lower house operate in what amounts to a constant process of re-election campaigning. As soon as representatives are elected, they have to plan a new campaign that will start barely a year after they take office. This situation is not only expensive and a distraction from effective governing. It also means that legislators have to fight through primaries and, if they win, fight all over again in a general election. Faced with such a gauntlet, it makes sense that legislators would want to gerrymander their districts as much as possible to minimize competition. Only if they can entrench themselves can they avoid worrying constantly about the next campaign.

The primary obstacle to this kind of reform is that legislative terms are usually specified in constitutions, so amendments would be needed to change the terms. However, legislators could make the case to their constituents for longer terms, by pointing out the ways such terms might lower election costs and improve governing.

### How Election Reforms Could Help

Another clear improvement would be to change the way elections are conducted. Single-member districts lend themselves to gerrymandering, and a shift to multimember districts accompanied by ranked choice voting would improve Election Day choices for voters.

Here is how multimember legislative districts with ranked voting could improve outcomes while reducing gerrymandering and the cost of elections. For every district line that a state does not need to draw, there is one less opportunity for gerrymandering. In my home state of Virginia, we have 100 delegates and 40 senators. They could all be nested in 20 districts, in each of which voters would select two state senators and five members of the state House of Delegates. Bigger districts would avoid splitting municipal boundaries and could include enough minority voters to comply with the Voting Rights Act and allow such voters to aggregate their strength to support some of the candidates on the ballot. All voters would rank candidates on the ballot, and several who came out at the top would win seats. Elected officials would reflect more of the groups present in each district.

Multimember districts with ranked voting would remove the need for primaries and, thereby decrease the cost of elections. Because voters could simply rank their candidates, they could vote for candidates of different parties, genders, races, and other identities. There would be no need to narrow the field of candidates down to one or two in a primary election. Voters could do that on Election Day itself simply by ranking their candidates to determine multiple winners.

## Going Forward

Such changes will likely be an uphill battle waged in referenda and litigation. Nonetheless, it is time to highlight the ways in which U.S. single-member districts and elections have reduced competition, lowered voter turnout, and allowed incumbents to manipulate districts and rules to weaken future competition. States continue to litigate gerrymandering cases and spend tremendous sums on attorneys and expert witnesses to draw district lines and then defend them in court.

Instead of pretending to change district lines for the better within the single-member system, it would work better to simply change the electoral system. Already, some 15 percent of state legislators across the United States are elected in multimember districts – so this is hardly a novel idea. Longer terms and multimember districts would give voters truly meaningful choices on Election Day – and more effective governance between elections. Providing substantive choices and agency to voters to shape electoral outcomes is what strengthening democracy is all about. To that end, the time has come to take these two small steps towards real electoral reform.

**Read more in Mark Rush “The Voting Rights Act and the Debasement of Minority Voting Rights in Virginia 2011-2015: A Preliminary Analysis” (forthcoming).**