

EXHIBIT 15

Fair representation for all

By **Jamie Raskin and Rob Richie**

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The battle over legislative redistricting in Maryland provides only the latest evidence of the failure of winner-take-all congressional elections in single-member districts. In these districts huge numbers of people will, by design, vote regularly for losing candidates and be left feeling that they are without meaningful political representation. As everyone knows, single-member districts are a standing invitation to computer-facilitated partisan gerrymandering, a process that has turned ferocious all over America.

It's time to look for a better way, grounded in our electoral traditions: proportional representation in a fair voting system where nearly all voters can elect a preferred candidate, no matter where they live.

Democrats control the redistricting process in Maryland. Just as **Republicans** in states like Ohio, Michigan and North Carolina gerrymandered U.S. House seats for next year in order to protect incumbents and pick up new seats, Democrats here hoped to pick up a seventh House seat through redistricting. Not surprisingly, Republicans harshly criticized the plan as a partisan gerrymander. But when elected officials choose voters before voters choose elected officials, the party in control will always draw the most advantageous districts possible. (In North Carolina, a state carried by **Barack Obama** in 2008, Republican legislators recently drew 10 majority-Republican seats and packed Democrats into three majority-Democratic seats.)

To put voters in the driver's seat and greatly reduce the role of partisan tactics, we need to address the root of the problem: a combination of winner-take-all rules that make gerrymandering inevitable and a national redistricting arms race that makes any kind of fair redistricting by a single state a kind of "unilateral disarmament" in the gerrymander wars.

Independent redistricting commissions can improve things slightly, but under current rules they still cannot guarantee what John Stuart Mill called "full representation." There will still be big-time winners and total losers even in the most competitive single-member districts.

It is time to take on the winner-take-all rule itself by conducting elections in multi-seat "super-districts," with a fair voting system in place.

Used in many national elections and in a growing number of American cities, methods of fair voting (also called proportional voting) allow like-minded voters to pool their votes to elect representatives in numbers mirroring their level of public support. It puts voters, rather than partisan mapmakers, in charge of their representation in every election; citizens essentially "district" themselves by voting.

Several candidate-based forms of fair voting have been upheld by our courts and fit well within our traditions. "Choice voting," now being used in Minneapolis and Cambridge, Mass., is a reform that helped break the power

of urban political machines in New York and Cincinnati in the last century. In this system, voters rank favored candidates in order of choice in multi-member super-districts, and as many voters as possible participate in electing one of their top-ranked candidates. A wonderful side-effect is the reduction of negative politics, since candidates have an interest in appealing to all voters, not just their natural "base."

Cumulative voting, which is used in dozens of cities, provides a similar alternative. From 1870 to 1980, members of the **Illinois House of Representatives** were elected this way, with each voter having three votes to cast in a three-member district — assigning them to one, two or three candidates as they saw fit. Nearly every district elected both Democrats and Republicans.

Under our alternative proposal for congressional elections, Maryland would be divided into two super-districts: one with five seats and another with three seats. Winning in the three-seat district would take just over 25 percent of the vote. Winning two seats would take just over 50 percent, and sweeping all three would take more than 75 percent. In the five-seat district, winning one seat would take about 17 percent of the vote, and winning a majority of three seats would take just over 50 percent. The result would be fair representation of every major political force in the state.

From a partisan perspective, backers of both major parties would almost certainly have the power to help elect at least one candidate in each super-district. The Democratic majority in the state would still be likely to win most seats — but not all of them. All voters in the state would experience competitive elections, even while very likely helping to elect at least one candidate who truly represents their views.

New voices also could be heard. Minor parties and independents would have a greater chance to compete and win. A cohesive African-American voting bloc would likely have the power to shape electoral outcomes for three seats rather than two, and women candidates would likely increase their success in a state that presently only has one female House member.

To establish our plan, Congress would need to return to Maryland (and all the states) the power we once had to use fair voting — ideally by passing a law establishing an independent redistricting process for all states that could move to super-districts. All the states should leave gerrymandering behind together.

Doing so would take power away from the political cartographers in the back room and give it to voters on Election Day. If we want to push the "consent of the governed" forward, we should reject winner-take-all politics and embrace full representation.

Sen.

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