ELECTION LAW REVIEW AND UPDATE

Part 2: Alternative Election Systems & Primary Elections

ADOPTED BY LWVPA STATE CONVENTION, JUNE 7, 2015

Deadline for Local Leagues to submit consensus question responses:
December 1, 2017
# Table of Contents

Introduction  

1. [Alternative Election Systems Study Guide](#)  
2. [Primary Elections](#)  

As recommended by the State Board, delegates to the June 2015 State Convention voted to approve the following update:

“Review and update Election Laws Positions, focusing specifically on apportionment and redistricting, election procedures, registration requirements, alternatives to closed primaries and alternatives to ‘winner take all’ election systems.”

Rationale for recommending the update:

“While both LWVUS and LWVPA have positions on many aspects of election law, there are many areas of concern not adequately addressed by either. It is unclear when our current Election Laws position was adopted. Some changes have been made in recent years including the addition of a ballot access position, a position supporting voter verifiable paper ballots as the official ballot, support for no excuse necessary absentee voting and dropping our support for the closed primary. However, the rationale behind many of the other positions is unclear, making it difficult to lobby in their support. Over the past decades there have been many changes in registration and voting technology and election administration which suggest that a comprehensive review of our present position is needed.”

Following the Convention, the Board formed an Update Committee to prepare materials for Local Leagues to use in preparing their members for participation in and arriving at consensus. First, the committee reviewed the current LWVPA positions, as presented in Where We Stand, the LWVUS position as presented in Impact on Issues, and various other LWVUS and LWVPA documents. This included testimony presented at the national and state levels.

The committee found that existing materials already covered well most of the issues presented for review and update. Knowing that LWVPA could take action at the state level, based on national positions, the committee narrowed the scope of the study to 25 topics grouped into four broad categories.

Initially, the Board anticipated addressing the full Update Committee products in a single review process. However, the Board later determined that the scope of the Committee product – update materials, consensus questions, resources – made a review by the Local Leagues in a single pass impractical. Therefore, the review, discussion, and consensus attainment will occur in two stages. The first stage considered the first two categories, covering 14 topics:

1. Voter registration:
   - election day voter registration,
   - youth pre-registration,
   - primary voting at age 17,
   - national voter registration act,
   - automatic voter registration,
   - universal automatic voter registration,
   - non-incarcerated felon voting rights, and
   - documentary proof of citizenship requirements for registration.

2. Election day procedures:
   - poll watchers and election day challenges of voters,
LWVPA ELECTION LAW REVIEW AND UPDATE

Introduction

- no-fault absentee voting, early voting and vote by mail,
- emergency absentee ballots,
- prison voting,
- straight-party voting option, and
- internet voting.

The current, second, stage considers the third and fourth categories, addressing 10 topics:

3. Alternative election systems:
   - instant runoff voting,
   - the Borda count,
   - approval voting,
   - range voting,
   - mixed-member proportional vote,
   - single transferable vote,
   - limited voting, and
   - cumulative voting.

4. Primaries:
   - open, closed, semi-open and semi-closed primaries and
   - top two and top four primaries or blanket primaries.

The study materials for this second stage also include the summary of the myriad local government structures used in Pennsylvania that appeared with the first stage materials. Some of the proposed alternative election systems might be more suitable for adoption at the local level. However, one size will not fit all.

In reviewing these materials, members might want to remember these principles.

- The League of Women Voters believes that voting is a fundamental citizen right that should be guaranteed.
- Elections should be accessible, transparent, fair, and secure.
- Voters should have meaningful choices when they go to the polls.
- Election policies should aim to achieve universal voter participation.
- Access to voting should be barrier-free.
- Every vote should count, and every vote should matter.
- Outcomes should reflect the values and opinions of all Americans.

Timeline for the Update

- Winter 2015 – Election Law review and update proposed as part of local League program planning process
- June 2015 – Review and update proposed and approved in Convention 2015 plenary sessions
- September 2015 – June 2016 Committee prepared study materials
- June 2016 LWVPA Board approved study materials and consensus questions
- Fall, 2016 – Local Leagues form study committees, organize meetings to educate members and the public.
LWVA ELECTION LAW REVIEW AND UPDATE

- April 1, 2017 – Deadline for Local Leagues to submit responses to consensus questions – Section 1
- New position from Section 1 will be announced at Convention 2017
- December 1, 2017 – Deadline for Leagues responses to Section 2
- New position from Section 2 will be ready for use by March 1, 2018

Update Committee

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- Jack Nagel, LWV of Central Delaware County, Professor Emeritus of Political Science at the University of Pennsylvania, where he taught courses and conducted research on electoral systems
- Lora Lavin, LWV of Central Delaware County, covered election law issues and Representative Government Specialist for LWVPA

Primaries:
- Mark Lafer, LWV of Centre County, previously served on the county-level response to the issue of K-12 high-stakes testing in Pennsylvania
- Tina Smith, LWV Abington-Cheltenham-Jenkintown. Past president of LWV of Northeast Montgomery County, 28 years Voters Guide editor

References


- Constitution of Pennsylvania, 
- Elections, 
- Local Government, 


Pennsylvania Election Code, 
http://www.legis.state.pa.us/WU01/LI/LI/US/PDF/1937/0/0320..PDF.

Suggested Reading

The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration, 

Improving Elections in the United States: Voices from the Field, A Report of the National Commission on Voting Rights, September 2015, 
http://votingrightstoday.org/nrvr/resources/electionadmin

Verified Voting - Internet Voting, 
https://www.verifiedvoting.org/resources/internet-voting/
The purpose of this study is to determine if LWVPA should adopt a position in support of alternatives to the plurality or winner-take-all election systems used in most state and local jurisdictions to elect candidates for public office. It assumes that election systems fall into two categories, depending on whether the vote for a particular office will elect a single winner or multiple winners.

**Single-winner** systems elect executive officers, such as governor, mayor, attorney-general, etc. Elections for legislatures and councils based on single-member districts (SMDs) also use this method. SMD elected bodies currently include the U.S. House of Representatives and both chambers of the Pennsylvania General Assembly. Elections for the U.S. Senate are functionally single-winner, because even though each state has two senators, they stand for election in different years.

**Multiple-winner** systems elect two or more persons to the same office at the same time. In Pennsylvania, this occurs when electing members at large (rather than from single-member districts) for municipal and county councils or commissions and for school directors.

Some alternative methods for electing legislators retain geographic districts, but choose two or more winners from *multi-member districts* (MMDs). Some Pennsylvania school districts use MMDs. Multiple-winner methods also apply to judicial elections, when electing two or more members of a court on the same ballot. For example, in November 2015, Pennsylvanians elected three justices of the Pennsylvania Supreme Court, from a field of seven candidates.

Some Pennsylvania municipalities and school districts have mixed systems, electing some members of the legislative body at-large and the rest from single or multi-member districts.

**Single-winner Elections**

Most single-winner elections in Pennsylvania use the single-vote plurality (SVP) method: Each elector may vote for one and only one candidate, and the candidate with the most votes (a plurality) wins the election. Also known as first past the post, this traditional system has the advantage of simplicity; indeed, it is the simplest possible method.

**Potential problems with single-vote plurality elections**

As long as only two candidates compete for each office, SVP gives the same result as would most alternatives. Thus, there is no reason to resort to a more complicated method. However, when three or more significant candidates compete, single-vote plurality elections can result in the following problems.

- **Winners with less legitimacy.** With two candidates, a plurality is automatically a majority (more than 50 percent). If multiple candidates compete, the plurality winner can receive much less than a majority of votes. Such a result may weaken the victor's legitimacy in the eyes of the public.

- **Failure to represent majority preferences.** Despite low vote shares, some plurality winners can be the true choice of an underlying majority, in the sense that they would beat any of
their opponents in a one-on-one contest. Voting theorists call such a candidate the Condorcet winner, after an 18th-century French mathematician. They often use the Condorcet criterion to test for the attainment of majority rule. Unfortunately, multi-candidate SVP contests sometimes elect narrowly supported candidates, whom the majority of voters dislike and oppose. It could be a leader of the political right wing or left wing. In such cases, plurality rule is tantamount to minority rule.

- **Spoilers.** When a plurality election fails to choose the Condorcet winner, a losing candidate has functioned as a spoiler. That is, in a two-way contest, A would defeat B, but with C on the ballot, B defeats A. Spoiler effects abound in American elections. The best-known example is Ralph Nader in the 2000 presidential election. If he had not been on the ballot in Florida, most observers agree that Al Gore would have won that state instead of George W. Bush, swinging the Electoral College from Bush to Gore.

- **Strategic dilemmas.** Voters who genuinely prefer a potential spoiler confront a dilemma: Should they vote sincerely for their true favorite, at the risk of electing the candidate they like least, or should they vote strategically, for whichever of the two front-runners they consider the lesser evil? To the extent that voters choose the strategic option, election results will understate the true level of support for the potential spoiler and the policies he or she advocates.

- **Restriction of ballot access.** Fear of spoilers motivates major parties and favored candidates to do all they can to keep minor parties and independents off the ballot. They do this by enacting difficult requirements for ballot access and by challenging signatures, when minor parties or candidates try to surmount those hurdles. Like strategic voting, denial of ballot access suppresses dissenting and potentially innovative political viewpoints.

**Does Pennsylvania Need Alternative Methods for Single-Winner Elections?**

Given that the impetus to consider alternative methods for single-winner elections comes from problems that can occur with multi-candidate competition, how often do such contests appear on Pennsylvania ballots?

- **Presidential elections.** Fringe candidates are usually on the ballot in presidential elections. However, significant third-party candidacies are far from rare; they have competed in five of the last 12 elections (1968, 1980, 1992, 1996, and 2000).

- **State and local offices.** In Pennsylvania executive and legislative elections, single-winner contests with three or more significant candidates are relatively rare, in part because the Commonwealth’s ballot access rules are strict. Minor party and independent candidates must obtain nominating paper signatures equal to at least two percent of the largest vote cast for an elected candidate in the last election within the district. Sometimes this number is many times larger than the number of nominating petition signatures needed for major party candidates to compete in the major party primary.

LWVPA supports legislation that would make the petition signature requirements for minor party and independent candidates the same as for major party candidates. If, as LWVPA recommends, Pennsylvania liberalizes its ballot access rules, multi-candidate contests could become more common.

- **Primaries.** Multi-candidate contests are frequent in primary elections, except when a party has an incumbent running for re-election. For example, in 2016, there were four
candidates seeking the Democratic nomination for U.S. Senate. In 2014, four Democrats competed in their party’s primary for Governor. The commonwealth could consider some, but not all, of the alternatives outlined below, as part of proposals for reforming (or even abolishing) primary elections.

Tested alternatives for single-winner elections

Reformers and theorists have proposed innumerable novel methods for electing single winners, but only two alternatives have received extensive tests in government elections. These are the runoff and the instant runoff. Both aim to have elections won by a majority of votes, rather than a mere plurality.

**Runoffs**

The runoff is also known as the two-round system or the second ballot. Like the conventional method, the runoff uses a single-vote ballot: each elector may vote for one and only one candidate. However, to win, a candidate must receive a majority (more than 50 percent) of the votes. Some countries require a lesser threshold, e.g., 40 percent or 45 percent. If no candidate reaches the threshold, the top two vote-getters advance to a second round of voting (the runoff), which occurs a short time after the first round.

Worldwide, the runoff is the most common method in use for direct election of presidents. A number of American states, mostly in the South, use runoffs for primary or general elections, or both. France and some other countries, including many former French colonies, also use a variant of the runoff for legislative elections. (In French legislative elections, any candidate winning 12.5 percent of the vote in the first round may advance, though some may choose not to compete in the runoff.)

The standard version of the runoff ensures that the victor will receive a majority of votes cast in either the first or (if necessary) the second round of voting. This method also reduces the likelihood of a strategic voting dilemma. In the first round, voters can support a favorite with little hope of winning (e.g., Nader) and then switch to the lesser evil in the second round. Although the runoff does not guarantee to elect the Condorcet winner, it is more likely to do so than SVP. The runoff does guarantee not to elect the most unpopular candidate: someone who would lose to any of the other candidates in a one-on-one contest is sure to lose in the final round.

The runoff has two major drawbacks. First, it is costly to the government, parties, and voters to hold a second round of voting, if the first does not result in a majority winner. Second, turnout may differ substantially between the two rounds. Thus, the numerical appearance of majority rule may be misleading if a shrunken electorate, in either the first or the second round, affects who wins.

**Instant Runoff Voting**

Instant runoff voting (IRV) is also known internationally as the alternative vote or majority preferential voting. Its American supporters, led by the national reform organization FairVote, have recently taken to referring to IRV as Ranked-Choice Voting. However, that label describes only the balloting method and obscures the distinction between IRV and a method of proportional representation that the second section of this briefing will describe.
In an IRV election, voters rank candidates in order of preference: 1 for first choice, 2 for second, and so on. The first round of counting tallies only first preferences. If one candidate receives a majority (more than 50 percent) of first preferences, that candidate wins the election. If no candidate has a majority, the process eliminates the candidate with the fewest first preference votes and transfers the votes of his or her supporters to their second choices. If those transfers enable a candidate to reach a majority, that person wins. If not, the process of candidate elimination and vote transfers repeats, until a candidate attains a majority.

As its name suggests, IRV aims at the same goal as the runoff-majority rule--without requiring voters to come to the polls a second time. Instead of multiple rounds of voting, IRV substitutes multiple rounds of vote counting. However, the two methods will not necessarily elect the same winner.

The runoff eliminates all but two candidates simultaneously, whereas IRV eliminates candidates sequentially, one at a time. In addition, campaigning and endorsements by eliminated candidates, between the first round and the runoff, may influence votes in the runoff. In addition, under IRV, all campaigning and agreements among candidates (about their recommendations for later preferences) must occur before Election Day. Also, differential turnout does not affect IRV. However, if some voters do not rank all the candidates, their ballots may become exhausted and thus not tallied in later rounds of counting.

Contrary to some claims that the instant-runoff system eliminates spoilers and strategic voting, far-sighted voters will still have an incentive to vote strategically in some situations. Consider an election with candidates L, R, and C (left, right, and center). If C is the first choice of fewer voters than either L or R, and no one votes strategically, then the first round will eliminate C. However, if supporters of L expect that their favorite will lose to R in the runoff, whereas C could defeat R one-on-one, they might want to shift their votes to C in the first round. This possibility also applies to conventional runoff voting. The proper claim is that IRV and conventional runoffs reduce the likelihood of spoilers and strategic voting compared with single-vote plurality.

Australia has more than a century's experience employing IRV for SMD legislative elections, including the federal House of Representatives and the lower chambers of state legislatures. Ireland uses the method to elect its president. Britain considered adopting IRV for parliamentary elections, but voters defeated the proposed reform in a 2011 referendum. In the United States, a number of municipalities in California and Minnesota have adopted Ranked Choice Voting, including IRV for executive elections. The League of Women Voters of Maine supports a 2016 initiative to adopt IRV for major elections in that state. Eleven other state League chapters have also adopted positions expressing support for IRV.

**Less tested alternatives for single-winner elections**

Of the many other methods for electing single winners invented by theorists and would-be reformers, three are worth noting here. The first is well known in non-governmental uses and might be confused with IRV. The second and third have vigorous proponents, who often oppose IRV.

*The Borda count*

Named for another 18th-century French mathematician, Jean-Charles de Borda, the Borda count, like IRV, uses a ranked-choice ballot, but its decision rule is entirely different. It awards a
candidate one point for each first-choice vote, two for each second choice, etc. It then sums points for each candidate, and the candidate with the lowest point score wins. Alternatively, the process inverts the points, so that the highest score wins.

Similar methods are used for determining team scores in track meets and other athletic contests and for deciding baseball's most valuable player. Committees and clubs often use the Borda count in hiring or membership decisions. Nevertheless, more than two centuries after its invention, only a few tiny places have used the Borda method for government elections. The reason is that the method is easily and obviously manipulable by strategic voting. For example, if the two frontrunners are candidates A and B, a voter intent on electing A has an incentive to rank B last, even if she sincerely considers B the second-best candidate.

Because many people are familiar with the Borda count (though few know its name), they may assume that IRV and Borda are the same thing, especially if IRV is promoted as "Ranked-Choice Voting". That confusion could affect votes in legislatures or referendums on whether to adopt IRV. Adopting IRV makes a public education campaign essential to inform voters that casting sincere votes for second- and third-choice candidates, etc., will not hurt their favorites’ chances. Using a shorthand term, Borda violates the later no-harm criterion; IRV does not.

Approval voting

Approval voting (also known as approval plurality) is similar to single-vote plurality in that each vote is binary: a candidate either receives a vote or does not, with no ranking, and the decision rule is plurality. Its novel feature is that electors may cast votes for (or approve) as many candidates as they wish. For example, if candidates A and A’ appeal to the same group of voters, members of that group may vote for both and thus avoid losing to the candidate of a smaller bloc. Since it was first proposed in the 1970s, a number of academic and professional associations have used approval voting. No governmental body has adopted it, although one early political experiment occurred in Pennsylvania, a 1983 presidential straw vote by the state Democratic Committee.

In some instances, approval voting has worked as intended. However, the discretion it gives voters as to how many candidates to approve introduces a great deal of strategic uncertainty. To use the example above, candidates A and A’ are still competing with each other: only one can win. Thus, each candidate will face the temptation to induce at least some supporters to bullet vote for only him or herself.

Thus, approval voting, like the Borda count, violates later no-harm. This logic can lead approval voting to degenerate to SVP, the system it intended to replace. Nevertheless, approval voting continues to receive vigorous advocacy, notably from a group called the Center for Election Science.

Range voting

Range voting (aka score voting) asks electors to give each candidate a numerical score, from a specified range (e.g., 0 to 5, or 0 to 10). These scores are ratings rather than rankings, and more than one candidate may receive the same score. Cumulative or averaged candidates’ scores
determine the winner. This system resembles innumerable rating and feedback surveys online; therefore, voters will be familiar with the technique. Nevertheless, its use in seriously competitive elections is suspect.

Regardless of their true judgments, voters will be more likely to see their first choice win if they give the highest possible score to their favorites and a zero score to the candidates whom they like least. This strategic behavior loses the gradations of enthusiasm that proponents intend range voting to reflect.

Some voters may even give all candidates either a maximum or a minimum score. In this case, range voting is equivalent to approval voting. Advocates of the two systems recognize this possibility. Consequently, they often work together, particularly in opposing instant-runoff voting, despite the fact that they agree with proponents of IRV about deficiencies of conventional single-vote plurality.

**Legislative and Other Multiple-Winner Elections**

The single-winner reforms described above are also applicable to legislative elections conducted using single-member districts. However, in evaluating electoral systems for an assembly or council, satisfying the will of the majority in each district is not enough. One must also consider the composition and functioning of the legislative body as a whole. How well does it reflect and respond to all the people of the state, county, or municipality? From this broader perspective, SMD legislative elections in Pennsylvania suffer from severe deficiencies that no single-winner electoral reform will solve. This is especially true for the two chambers of the General Assembly.

**Problems with Legislative Elections in Pennsylvania**

Many informed citizens are aware of the shortcomings listed below. Nevertheless, few recognize how all are rooted in the system of electing legislators exclusively from single-member districts. While these problems are most often associated with elections to the state legislature, they may also occur in local elections.

*Gerrymandering*

Whenever geographic constituencies elect legislators, the location of district lines strongly influences – in many cases, predetermines – election results. SMD systems are more vulnerable to manipulation of boundaries than any other system. By devices such as packing (concentrating the supporters of a party in as few districts as possible) or cracking (dispersing the supporters of a party across two districts, so it will have a majority in neither), partisan decision-makers can shape the legislative map to their own advantage.

The temptation to gerrymander is virtually irresistible whenever politicians control the districting process. Both Democrats and Republicans indulge in the practice. However, after the 2000 and 2010 censuses, the Republicans (who controlled the Pennsylvania general assembly both times) carried it to extreme levels. In fact, the landmark United States Supreme Court case concerning gerrymandering (Vieth v. Jubilerer, 541 U.S. 267 [2004]) responded to a challenge to Pennsylvania's post-2000 congressional district map. In that case, a 5-4 Court majority declined to interfere with partisan gerrymandering. Thus, there were no legal barriers in the post-2010
redistricting. The process created Pennsylvania’s current Seventh District, often cited as one of the most grotesque congressional districts in the U.S.

Ordinary legislation determines congressional districts in Pennsylvania, but a bipartisan legislative commission proposes districting for the state legislature. After challenges supported by LWVPA, the Pennsylvania Supreme Court moderated somewhat the commission’s post-2010 state house and senate plans. The resulting state legislative maps appear to be primarily incumbent-protection gerrymanders, guaranteeing safe seats for most members of both parties.

Gerrymandered political maps dismay citizens and make a mockery of geographic representation. Reforms that take control of redistricting away from elected officials and emphasize traditional districting criteria, such as compactness and respect for county and municipal boundaries, would lessen cynicism and make constituencies more meaningful. Nevertheless, neutral districting processes and criteria will not fully solve all the problems inherent in SMD legislatures. Indeed, strict adherence to purely geographic criteria might even exacerbate the next two problems discussed below. That is because political demography, sometimes called unintentional gerrymandering, can produce results similar to deliberate packing. This is especially true in states such as Pennsylvania, with Democratic voters concentrated in urban centers and Republicans benefitting from more widely dispersed support.

Lack of competition

In Pennsylvania, deliberate gerrymandering and political demography combine to prevent serious political competition in nearly every district. In November 2014, only 4.5 percent of 246 state and federal legislative races were truly competitive, with the winner's vote exceeding the loser’s by less than 10 percent: nine of 203 for the state house, two of 25 for the state senate, and zero of 18 for the United States House of Representatives. More than half of the winners (126 of 246) faced no opposition from the other major party: three members of Congress, nine state senators, and 114 state representatives.

The scarcity of competitive elections has follow-on effects that undermine the quality of democracy and government. Voting turnout declines, as parties in most places do not gain by campaigning vigorously, and citizens believe (correctly) that their votes will not matter. Lacking the spur of competition, legislators are susceptible to complacency and corruption. Where the only serious threat to re-election comes from primaries dominated by ideological voters and special interests, Republicans pull to the right and Democrats to the left, exacerbating legislative polarization. Furthermore, Pennsylvania’s closed primaries leave unaffiliated voters virtually disenfranchised in most legislative districts.

Partisan bias

Applied to a legislature, the democratic principle of majority rule entails that, if either party receives the majority of votes added across all districts, that party should win a majority of seats. In Pennsylvania, intentional gerrymandering combines with political demography to violate this basic requirement of fair competition. Calculations indicate that in 2014 Democrats would need to have won about 55 percent of statewide votes for each chamber to win a bare majority of Congressional, state Senate, or state House seats, whereas Republicans could have maintained
their control of each body with as little as 45 percent of the vote. This un-level playing field is not a new or temporary phenomenon. Since 1992, Republicans have had a majority of the state Senate after every election and have lost control of the state House of Representatives in only four of 24 years (and then only by very narrow margins). In statewide contests over the same period, Democrats have won every presidential election and three of six gubernatorial elections.

Systemic bias in legislative elections has consequences far more important than the disappointment suffered by losing candidates of the disadvantaged party. Continuation of the un-level playing field virtually guarantees divided control of government whenever a Democrat serves as governor. When legislators do not need to compete for the middle ground, parties become more polarized. The combination of divided government and polarization all too often produces legislative paralysis, exemplified by the budget deadlock of 2015-16. When compromises occur, they more frequently block or dilute the programs of Democratic governors, while requiring fewer concessions from Republican governors. The result over time is substantial harm to the interests of Democratic constituencies, as is evident in the ongoing funding crisis of urban school systems. Those constituencies, disillusioned by the policy failures of the chief executives they help elect, are increasingly likely to become cynical and politically disengaged.¹

Under-representation of women and minorities

Around the world, single-member plurality legislatures tend to have fewer women members than legislatures elected by some of the alternative systems discussed below. Because only one person can win per district, winner-take-all competition tends to produce negative, harshly adversarial campaigns. In addition, legislative service that pays a good salary puts a premium on individual ambition and careerism. Fewer women than men are able or willing to enter such a demanding and distasteful arena. In Pennsylvania, which pays the second-highest legislative salaries in the U.S., the tendency to under-represent women is especially strong. After the 2014 election, just 18.0 percent of state senators and 18.5 percent of state representatives were women. Women's overall share of seats, 18.2 percent, ranks a dismal 39th among American state legislatures, which average 24.4 percent. Partly because service in the state legislature is a typical stepping-stone to the U.S. Congress, Pennsylvania's record is even worse at the national level. The state's 18-member House delegation currently includes not one woman. Pennsylvania has never elected a woman to the U.S. Senate; that fact may or may not change in November 2016.

SMD legislatures also often under-represent minority racial or ethnic groups. In Pennsylvania, the geographic concentration of African-Americans in urban districts results in only a slight under-representation of members of that group. They constitute 10.0 percent of the state's population, compared with 8.5 percent of state representatives and 8.0 percent of state senators. However, only one of 18 members of Congress is African-American. (The serpentine lines of Pennsylvania's First congressional District were drawn to give the district an African-American plurality. However, Philadelphia Democratic Party Chair Bob Brady, who is white, has held the seat since 1998.) Other minority groups, chiefly Hispanic and Asian, constitute about nine percent of the state's

¹ The same problem is developing at the federal level.
population, but have only 1.5 percent of state representatives and no state senators or Members of Congress.

Another criticism of SMD elections is that they promote a two-party system and make it difficult if not impossible for minor parties to win representation. Because of the two-party tradition in the U.S., many citizens will not regard this effect as a problem. For those who wish to preserve the dominance of two major parties, fine-tuning of the design features of the alternative systems discussed below can either impede or facilitate minor parties.

Reform Options for Legislative Elections

As background for understanding the options that follow, it will be useful briefly to describe two polar-opposite multi-member systems, neither of which would be a good choice for elections in Pennsylvania.

The first is the multiple-winner extension of single-winner plurality: To fill M positions, each elector may vote for M candidates. Each vote counts equally, and the M individuals with the most votes win. If the members of the party or group with a plurality of votes agree on the same M candidates, their favorites will sweep all the seats, shutting out candidates from smaller parties or groups. Thus this system is often called the bloc vote, even if there is no legal requirement that people vote only for candidates from the same party.

For example, in New Jersey – which uses the bloc vote to elect its Assembly from two-member districts – 38 of the 40 districts currently have both members from the same party. Similarly, the at-large election of members of the five-seat Delaware County Council is by bloc voting. Even though a significant proportion of the county population is African American and/or vote for Democrats, no racial minority or Democrat has ever won a seat on the county council.

Sometimes, voting for just one party's bloc of candidates is a legal requirement. The best-known example is the Electoral College. In all states except Maine and Nebraska, citizens vote for statewide slates of electors pledged to a particular candidate, and the slate receiving a plurality of votes gets all the state's electors. For the Electoral College, and for any assembly or council elected at-large, bloc voting is the extreme version of a winner-take-all electoral system.

At the other end of the spectrum is party-list proportional representation (list PR). In the purest form of list PR (exemplified by the Netherlands and Israel), all members of the legislature are elected from nationwide party lists. Citizens cast votes for parties, not for individuals. However, the system is not winner-take-all. Instead, a formula designed to achieve proportionality between seats and votes determines the number of seats each party gets. Parties rank candidates on their lists in order to determine the sequence in which they will fill the available seats.

PR systems of this sort eliminate the districting problem at the expense of doing away with geographic representation. They ensure a high degree of proportionality, and thus tend to produce intense competition and high turnout. They typically result in multi-party legislatures, requiring cooperation among two or more parties to pass legislation. However, those legislative majorities usually represent a majority of voters.

Most PR systems include higher percentages of women and minority members than do legislatures based on single-member districts. Despite these advantages, pure forms of list PR are unlikely reforms in Pennsylvania or the U.S. generally: they lack geographic representation and give great power to political parties. Consequently, reformers in the U.S. and other countries...
with similar political traditions tend (for different contexts) to favor either or both of the next two systems.

**Mixed-member proportional (MMP)**

West Germany pioneered the mixed-member proportional electoral system after World War II, and MMP has successfully operated in Germany ever since. In 1992 and 1993 referendums, New Zealanders chose MMP to replace Pennsylvania-style single-member plurality elections for Parliament. That success helped inspire the adoption of MMP, also known as the additional member system, for new assemblies in Scotland, Wales, and London. Michigan reformers have recently proposed a version of MMP under the label Districts Plus.

MMP would be especially suitable if Pennsylvania merged the Senate and House into a new unicameral General Assembly. Such a reform could reduce the size of the legislature, a goal sought by many reformers. The method could also apply to either or both of the existing chambers. In any of these applications, election of the majority of legislators would be by plurality from single-member districts, just as they are now. In addition, a significant number of additional members would be drawn from statewide lists nominated by the parties—thus the mixed-member and additional member descriptions: the chamber mixes constituency and additional at-large representatives.\(^2\)

A formula designed to establish proportionality between each party’s statewide vote and its total number of legislators determines the allocation of additional members to each party. In this feature, known as compensatory allocation, the assignment of list seats compensates for departures from proportionality that would otherwise result from the distribution of votes across districts.

Because votes in every district affect the number of additional members each party wins, parties have an incentive to compete everywhere. Republicans will seek votes in cities, and Democrats will appeal for rural support. Similarly, voters in every district of the state will cast meaningful votes; therefore, turnout should increase. The compensatory formula guarantees that the party receiving the most votes statewide will win the most seats. Consequently, the system has no partisan bias, and there will be no profit from partisan gerrymandering. Nevertheless, MMP should represent a complement to redistricting reform, rather than a substitute or rival. MMP by itself would still give politicians an incentive to manipulate district lines to protect incumbents, and it does not change the desirability of ensuring sensible and meaningful constituencies.

In Germany and New Zealand, MMP has increased the representation of women and ethnic minorities. Parties appeal for their votes by including members of those groups among their list candidates, if too few are likely to win district seats. The extent to which women and minorities gain from MMP depends on the number of additional members relative to the total size of the chamber. If the share of list seats is the bare minimum needed to ensure proportionality — e.g.,

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* Philadelphia's City Council already has a two-tier mixed-member system. However, the selection of at-large members uses the limited-vote method, described later in this report, not by the proportional formula required for MMP.
20 percent as in the proposed Michigan plan – gains will be relatively slight. In contrast, Germany, with 50 percent list seats, and New Zealand, with 42 percent, currently have 36 percent and 31 percent women members in their national legislatures.

Would MMP help minor parties win representation? That depends on choices made about details of the system. In one-vote MMP, citizens cast just one vote, for a district candidate. However, allocation of additional members depends on the parties’ statewide totals. Minor parties would have a difficult time competing under one-vote MMP, because they probably will not have the resources to run candidates in all districts.

Internationally, most MMP systems use a two-vote method. Citizens cast one vote for a district candidate and another vote for a political party. The second vote determines how many total seats the parties will get. In this version of MMP, a small party can compete for party votes, even if it is not able to run candidates in many constituencies. Another design feature affecting the prospects for minor parties is the use of a vote threshold. In both Germany and New Zealand, a party must receive five percent of the party vote to qualify for additional members. (Both countries make an exception for minor parties that win constituency seats. One district victory in New Zealand and three in Germany will qualify a small party to share in the system-wide allocation.) The process could also set a higher threshold. Thus, Pennsylvania can tweak the details of an MMP reform, depending on whether the goal is to give minor parties a better chance or to preserve a two-party system.

Proponents consider MMP the best of both worlds. It maintains the Anglo-American tradition of representation based on local geographic constituencies. At the same time, it ensures the overall fairness and majority rule that proportional representation is intended to achieve. For these reasons, among others, a survey of international voting system experts ranked MMP higher than any other method for choosing legislatures.

**The single transferable vote (STV)**

Nevertheless, a second reform option also enjoys strong support among some experts and reformers, including leaders of the principal U.S. election reform organization, FairVote. This is the method of ranked choice voting (RCV) in multi-member super districts. This system would typically include three to five times as many residents as current single-member districts. To avoid confusion with RCV in single-winner elections (instant runoff voting), this briefing will use the more traditional term, single-transferable vote (STV). The method is also known as quota preferential voting.

Ireland has used STV since 1921 to elect its parliament, the Dàil. Australia uses the method to elect members of the federal Senate and the upper chambers of most state legislatures. Various countries have also employed STV to elect local councils and boards, including the City Council of Cambridge, Massachusetts.

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3 The Michigan plan would also assign all compensatory accountability seats to losing district candidates who made relatively good showings. Thus, female and minority candidates would first have to win district nominations in order to share in the compensatory allocation.
As in its single-winner counterpart, IRV, voters in an STV election rank candidates in order of preference. Also as with IRV, the first round of counting only tallies first preferences. However, because STV elects multiple winners in each district, candidates win the election if they exceed a quota of votes smaller than a majority. The usual quota is the total number of votes divided by $M + 1$, where $M$ is the district magnitude: the number of representatives from the district. For example, when electing four members, all candidates who receive more than 20 percent of first-preference votes win election.

If fewer than $M$ candidates win on first preferences, a second departure from the IRV formula occurs. Instead of immediately eliminating the candidate with fewest votes, STV begins by transferring surplus votes from winning candidates. That is, it reassigns ballots, beyond those a candidate needs to surpass the quota, to the voters' second choices. Various methods exist for deciding the choice of ballots for transfers. These include random selection and fractional weighting of all ballots that supported winning candidates. Computerized transfers are advantageous unless the electorate is very small. The choice of a transfer method can affect who wins after the first round of counting. It is also necessary, in both IRV and STV, to tally ballots centrally in each constituency before carrying out transfers.

If these downward transfers do not enable the full complement of $M$ candidates to exceed the quota, then the system resorts to upward transfers, as in IRV, by eliminating the candidate with fewest first preferences. If necessary, downward and upward transfers repeat until the process fills all $M$ seats. The purpose of having two types of transfers is to minimize the number of wasted votes: those cast for a candidate who receives more votes than necessary or for one who receives too few. Thus, nearly all voters help elect someone: if not their first choice, then a second or third choice.

STV appeals to reformers in Anglo-American countries, because it preserves the tradition of voting for individuals rather than parties. In contrast, other forms of proportional representation require a vote that is explicitly or implicitly for a party. In the one-vote version of MMP, electors vote for individual candidates, but those votes also count statewide for candidates' parties.

Voting for candidates rather than parties makes STV especially suited for local elections, where the ballot is non-partisan or voters do not much care about party cues. In a partisan STV election, a voter can cross party lines, perhaps ranking a Green first, a Democrat second, a Republican third, and so on. A voter who wants to support candidates based on a criterion that transcends party, such an environmentalism or gender, might follow such a strategy.

Voters under STV are capable of sensible rankings only if district magnitude remains low and not too many parties compete. Constituencies for the Irish Dáil range from three to five members each, a magnitude usually considered the best range for STV districts.

A typical Australian Senate election fills six seats from each state, and five or six parties nominate candidates. Because Australian federal elections require voters to submit a complete ranking of all candidates, voters must rank-order thirty or more candidates! However, Australia permits parties to file recommended rankings not only of their own candidates, but also of candidates from all parties. Voters may indicate on the ballot that they wish to follow a particular party's ranking, and 98 percent of voters take that option. Thus, a system designed to maximize individual discretion, if it demands too much of voters, can end up functioning like one based on party lists.

Compared with MMP, STV offers a less certain remedy for problems that afflict elections for Pennsylvania’s state legislature. It keeps geographic districts and offers no statewide corrective.
Therefore, gerrymandering is still possible and potentially profitable, although larger, fewer districts offer less potential for mischief.\textsuperscript{4} With multi-member districts, both major parties can win at least one seat in most districts throughout the state, so they should compete more widely and broaden their geographic bases. Seats won should become more nearly proportional to votes, but small-magnitude districts and absence of statewide aggregation mean that proportionality will be less than with MMP. For the same reasons, STV does not guarantee that a party with a majority of votes will win a majority of seats.\textsuperscript{5} With parties making multiple nominations per district and voters able to crisscross party lines, women and minority candidates will probably fare somewhat better than under the present system. However, the international experience on women’s representation is not conclusive. The Dáil has only 16 percent women members, less than the Pennsylvania General Assembly. On the other hand, 38 percent of Australian Senators are women.

To weigh against its possible advantages, STV has at least two potential drawbacks. First, the process of transferring votes is complicated to explain and requires esoteric decisions about alternative methods. Second, candidates may compete as much, or more, with other candidates from their own party, as against candidates from other parties.

Parties can reduce intra-party competition by nominating slates with fewer than M candidates. However, if they do so in many districts, then the vigor of inter-party competition decreases. Combining STV, in general elections, with the abolition of party primaries might also be possible. In that case, intra-party competition in the general election might simply be a way to carry out the competition within parties that already occurs in primaries, but with lower cost and a larger electorate.

Regardless of how one judges its merits compared with MMP, STV offers an option for reform in settings where MMP is not feasible, either because elections are non-partisan or because the number of legislators is too small to allow for sufficient compensatory seats. Such settings include most municipal councils, school boards, and other local bodies. Elections to the U.S. House of Representative are also a better fit for STV than MMP, except in states with very large delegations. States with just one or two Members of Congress are not suited to STV, but they could use the single-winner ranked-choice voting system, IRV.

**Limited voting**

Limited voting is a simpler multiple-winner system designed to guarantee representation for at least one minority party. In a constituency that will elect M winners, limited voting requires each elector to cast fewer than M votes. Each vote is binary: a candidate either receives a vote or does not, and all votes count equally. The decision rule is multi-member plurality – the M candidates with the most votes win.

\textsuperscript{4} Ireland’s experience shows that STV also creates incentive for so-called magnitude gerrymanders. By re-drawing district lines to change the number of members elected from different districts, and thus raising or lowering quotas, partisan manipulators can influence how many quotas each party is likely to attain. This can sometimes occur without violating the usual geographic criteria.

\textsuperscript{5} Strictly speaking, the concept of a majority is ambiguous with any system of ranked-choice voting. Should it depend only on first preferences, or should it take into account later preferences?
The Pennsylvania Constitution (art. IX, § 4) establishes limited voting as the default option for electing the three-member county commissions. For each election, the ballot lists all candidates and the vote determines the election for all three positions. However, each elector may only vote for two. This system gives the smaller party a better chance of winning one seat.

The Constitution also allows counties to adopt alternative ways of electing the county legislative body. Eight counties have done so: Allegheny, Delaware, Erie, Lackawanna, Lehigh, Luzerne, Northampton, and Philadelphia. Among them, Philadelphia has retained limited voting for the at-large tier of its Council. The Council has seven at-large members, but electors may vote for no more than five. (A plurality vote determines the election of the other ten members from single-member districts.) To protect further the minority party, each political parties may nominate no more than five candidates.

The limited vote is an improvement over multi-member bloc voting, because it gives a better chance of some representation to the minority party. It is also simpler to implement than MMP or STV. On the other hand, without restrictions on nominations, such as those that Philadelphia uses, succeeding under limiting voting can require rather sophisticated nomination and voter-coordination strategies. If the smaller party nominates more candidates than it can hope to elect, its nominees will compete primarily with each other rather than with candidates of the dominant party. Indeed, a minority-party candidate may win by making a deal for votes from the dominant party. If elected, such a victor will probably offer rather tame opposition. If opposition parties seek to avoid such intra-party competition by adopting more cautious nomination strategies, there will be little or no political competition, and no meaningful challenge to the power of the dominant party.

Cumulative voting

Another multiple-winner option is cumulative voting. In the common version of this method, to elect M candidates, each voter gets to cast M votes. For example, if a voter has three votes to cast, she may allocate one vote each to three candidates, but she also has the option of cumulating votes by assigning two votes to one candidate and one to another, or all three votes to just one candidate. The tally process adds the votes, as if they were points, and the M candidates with the most votes win. By coordinating their vote-assignment strategies wisely, members of a minority group or party can win one or more seats where bloc voting would have shut them out.

Illinois used cumulative voting in three-member districts to elect members of the state House of Representatives from 1870 to 1980. The system had the virtue of electing some Democrats from downstate and some Republicans from Chicago. Corporate stockholder voting often uses the cumulative method. Councils and boards in some U.S. localities also use it to help elect more members from minority groups.

Like limited voting, cumulative voting offers an improvement over bloc voting for small council, commission, or board elections, when candidates run at-large or from multi-member districts. As does limited voting, it requires sophisticated nomination and vote-coordination strategies to be effective. It also presents the same danger of intra-minority competition, because the strategic challenges posed by limited and cumulative voting are essentially equivalent. Both require each
party or group to find an optimal way to allocate supporters’ fixed numbers of votes among M or fewer candidates.
Appendix I

A comparison of election results using winner-take-all systems with selected alternative elections systems.

Results using alternative election systems are more representative of the voter make up.

Election Results Differ

Depending on the Election Method Chosen

Adapted from: An Evaluation of Major Election Methods and Selected Election Laws, Fall 2000 by the League of Women Voters of Washington State.
Appendix II

**Example of Single Transferable Vote**

The chart below shows the results of a partisan race using single transferable vote. Six candidates are running for three seats in a hypothetical district with 1,000 voters. Candidates Perez, Chan, and Jackson are Democrats, while candidates Lorenzo, Murphy, and Smith are Republicans. The district is majority Democratic; the Democratic candidates collectively earn 60 percent of first choices. However, a substantial number of voters prefer the Republicans.

In this simulation, Jackson is the most mainstream Democratic candidate, while Perez and Chan have support among Democrats, Independents, and even some Republicans. Similarly, Murphy
and Smith are both mainstream Republicans, while Lorenzo has support among Republicans, Independents, and some Democrats.

With 1,000 voters, the election threshold is 250 votes (25 percent of 1,000).

A count of first choices elects the most popular Democratic candidate, Perez. Perez has 20 more votes than the threshold. Therefore, every voter who ranked Perez highest will have eight percent of their vote (20 divided by 250) count for their next choice. That is, these 20 votes will add to the total of other candidates in the next round. More than half of Perez voters ranked Chan second, with a smaller number ranking Jackson or one of the Republicans next.

Rounds two through four resolve vote splitting among the three Republicans and the two remaining Democrats. Round two eliminates the weakest Republican candidate, while Round 3 eliminates the weakest Democrat. When the one remaining Democrat passes the election threshold, most of her surplus goes to Lorenzo, who comfortably wins the third seat. Note that the final round three, leaves 45 unallocated ballots, because some of Chan's voters were indifferent to the two remaining Republican candidates and did not rank either of them.

The winners are Perez (D), Chan (D), and Lorenzo (R). If this were a single winner election, the most mainstream Democrat (Perez) easily would have won, leaving all others unrepresented. Instead, coalition building among the district's remaining center-left and center-right populations results in the election of two additional candidates. In the end, 96 percent of voters can point to a candidate whom they supported and helped elect.

If the election used bloc voting to fill these three seats, each voter would cast three votes for the three candidates they support. The most likely result would be a Democrat sweep of all three seats, because each Democratic voter could vote for all three Democratic candidates. In fact, even if the election used the single vote system (a weaker form of fair representation voting) to fill the three seats, Democrats still would have swept all three seats due to the split of the Republican vote among three candidates.

If the process to fill the three seats divided the district into three single-winner districts, the outcome would depend on how the district lines were drawn: to elect two Democrats and one Republican or to over-represent either party. Regardless, the district elections would probably not be competitive, and each district's primary election would likely weed out the candidates who won by coalition building.

By using ranked choice voting to elect three candidates for the seats, the election results fairly represent the district's diversity after a competitive election, without any opportunity for partisan gerrymandering.
Limited Voting/Single-Vote Method

The simplest fair-representation voting method is the single vote method. The single vote method is a variant of limited voting, so-called because voters have fewer votes than the number of open seats. Each voter has one potent vote, and the candidates who receive the most votes win the election.

When electing officials at-large, state law requires some Pennsylvania counties to use limited voting with limited nominations. This means that political parties must nominate fewer candidates than the number of available seats. Local jurisdictions in Alabama and North Carolina have adopted the single vote or other variants of limited voting in response to lawsuits brought under the Voting Rights Act.

Multi-Winner RCV Example

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Round 1</th>
<th>Round 2</th>
<th>Round 3</th>
<th>Round 4</th>
<th>Round 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chan (D)</td>
<td>175</td>
<td>+10 = 185</td>
<td>+10 = 195</td>
<td>+150 = 345</td>
<td>-95 = 250</td>
</tr>
<tr>
<td>Perez (D)</td>
<td>270 (elected)</td>
<td>-20 = 250</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Jackson (D)</td>
<td>155</td>
<td>+7 = 162</td>
<td>+6 = 168 (eliminated)</td>
<td>-167 = 0</td>
<td>--</td>
</tr>
<tr>
<td>Lorenzo (R)</td>
<td>130</td>
<td>+2 = 132</td>
<td>+75 = 207</td>
<td>+14 = 221</td>
<td>+45 = 265 (elected)</td>
</tr>
<tr>
<td>Murphy (R)</td>
<td>150</td>
<td>+0 = 150</td>
<td>+30 = 180</td>
<td>+5 = 183</td>
<td>+5 = 188</td>
</tr>
<tr>
<td>Smith (R)</td>
<td>120</td>
<td>+1 = 121 (eliminated)</td>
<td>-121 = 0</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

*Adapted from Fair Vote which used the term Multi Winner Ranked Choice Voting*
Appendix IV

SAMPLE BALLOTS

Single or Multi-Winner Elections

<table>
<thead>
<tr>
<th>Single Vote</th>
<th>Used for plurality and first-round runoff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candidate A</td>
<td></td>
</tr>
<tr>
<td>Candidate B</td>
<td></td>
</tr>
<tr>
<td>Candidate C</td>
<td>X</td>
</tr>
<tr>
<td>Candidate D</td>
<td></td>
</tr>
<tr>
<td>Candidate E</td>
<td></td>
</tr>
<tr>
<td>Candidate F</td>
<td></td>
</tr>
</tbody>
</table>

Ranked Choice Voting used for Instant Runoff Voting (single winner) and Single Transferable Vote (multiple winners). Voter ranks candidates in order of preference. Only the first preferences are tallied in the initial round of counting. If necessary votes are transferred to second or later preferences in subsequent rounds of counting.

<table>
<thead>
<tr>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>4th</th>
<th>5th</th>
<th>6th</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
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<tr>
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<td>X</td>
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<td>X</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td>X</td>
</tr>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Multi-Winner Elections

| Multi-winner (Block Vote) — 3 seats, 3
Votes Winners are all same party |
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Candidate A</td>
</tr>
<tr>
<td>Candidate B</td>
</tr>
<tr>
<td>Candidate C</td>
</tr>
<tr>
<td>Candidate D</td>
</tr>
<tr>
<td>Candidate E</td>
</tr>
<tr>
<td>Candidate F</td>
</tr>
</tbody>
</table>

Cumulative Votes—can cast 1 vote for 3 different candidates or up to 3 for one candidate. Minor party supporters have to vote strategically.

| Candidate A | 2 |
| Candidate B | 1 |
| Candidate C |
| Candidate D |
| Candidate E |
| Candidate F |

Adapted from: “An Evaluation of Major Election Methods and Selected Election Laws,” Fall 2000 by The League of Women Voters of Washington Education Fund
Appendix V

MIXED MEMBER PROPORTIONAL REPRESENTATION (MMP)

SAMPLE BALLOTS

SINGLE VOTE SYSTEM

One vote counts for both candidate and party.

<table>
<thead>
<tr>
<th>DEMOCRAT</th>
<th>GREEN</th>
<th>LIBERTARIAN</th>
<th>CONSTITUTIONAL</th>
<th>REPUBLICAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candidate A</td>
<td>Candidate D</td>
<td>Candidate G</td>
<td>Candidate J</td>
<td>Candidate M</td>
</tr>
<tr>
<td>Candidate B</td>
<td>Candidate E</td>
<td>Candidate H</td>
<td>Candidate K</td>
<td>X Candidate N</td>
</tr>
<tr>
<td>Candidate C</td>
<td>Candidate F</td>
<td>Candidate I</td>
<td>Candidate L</td>
<td>Candidate O</td>
</tr>
</tbody>
</table>

TWO VOTE SYSTEM

One vote counts for a party. Second vote counts for a candidate.

<table>
<thead>
<tr>
<th>CONSTITUTIONAL</th>
<th>DEMOCRAT</th>
<th>GREEN</th>
<th>LIBERTARIAN</th>
<th>REPUBLICAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candidate A - Constitutional</td>
<td></td>
<td></td>
<td>Candidate B - Democrat</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Candidate C - Green</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Candidate D - Libertarian</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Candidate E - Republican</td>
<td></td>
</tr>
</tbody>
</table>

BALLOTS
State LWV Positions on Alternative Electoral Systems

Single-winner elections

- Twelve state LWV chapters have positions in favor of instant-runoff voting (IRV).
  - Arizona
  - California
  - Florida
  - Maine
  - Massachusetts
  - Minnesota (as an option, along with plurality)
  - Nebraska (for primary elections)
  - North Carolina
  - Oregon (starting at the local level)
  - South Carolina
  - Vermont
  - Washington

- The Florida and Indiana Leagues oppose conventional runoffs for primary elections.
- The New Mexico LWV supports conventional runoffs for non-partisan elections.

Legislative elections

- Six state LWV chapters have positions in favor of proportional representation, with varying degrees of specificity.
  - Arizona (ranked choice voting [single-transferable vote])
  - Iowa (for local government charter commissions; presumably this would mean RCV/STV)
  - Oregon (as option for local jurisdictions to explore)
  - South Carolina
  - Vermont
  - Washington (including RCV/STV and cumulative voting)

- The Massachusetts League supports single-member districts for state legislative elections.
- The New Jersey League supports single-member districts for state legislative elections and has two-member districts for its lower chamber, elected by the bloc vote.

Appendix VII

Source Material for State Positions on Alternative Election Systems

The FairVote website archive provides an undated summary of state LWV positions on Instant Runoff Voting and Ranked Choice Voting [STV]. The document includes summaries for Arizona, California, Florida, Massachusetts, Minnesota, North Carolina, South Carolina, Vermont, and Washington. The most recent adoptions included in this file are from 2008.

http://archive.fairvote.org/media/irv/LWVIRVpositions.pdf
LWVPA ELECTION LAW REVIEW AND UPDATE STUDY

For positions not included in the FairVote summaries, please follow the following links:
Indiana:  http://lwvin.org/Positions_LWVIndiana_150324.html - s04
Iowa:  http://www.lwvia.org/ - !blank/c1cld
Maine:  http://www.lwvme.org/positions.html
Nebraska:  http://www.lwv-ne.org/
New Mexico:  http://www.lwvnm.org/positions.html

Consensus Questions for Alternative Election Systems
There are three sets of questions: General, Single-winner, and Multiple-winner Elections.

General
1. It is important to use the simplest possible method of voting.

2. It is important that voters understand how votes are tabulated.

3. It is important to avoid a complex tabulation process in choosing a voting system.

4. It is important for a voting process to help preserve the predominance of two major parties.

5. An ideal voting system would encourage civility in election campaigns.
Single-winner Elections

6. When three or more people seek election to a single-seat office like governor, the current system allows the election of one of them with less than 50 percent of the vote (a plurality rather than a majority). Lack of majority support reduces the perceived legitimacy of a plurality winner.


7. In multiple-candidate races, candidates who do not themselves win can be spoilers in that votes cast for them change who does win. An ideal electoral system would reduce the likelihood that a candidate who does not win could change the outcome.


8. LWVPA should support an electoral system that encourages electors to vote for their true favorite (sincere voting) rather than for someone whom they believe has a better chance of defeating the candidate that they like least (strategic voting)


9. LWVPA should support an electoral system that guarantees that the winner will receive a majority (not just a plurality) of votes


10. LWVPA should support an electoral system that guarantees the choice of a winner after just one round of voting, rather than allow the possibility of a second, runoff election on a future date.


11. A two-round system (i.e., a runoff, on a future date) would encourage more civility in campaigns than the present system.


12. An Instant runoff electoral system would encourage more civility in campaigns than the present system


13. LWVPA should support a two-round runoff system for elections in which three or more candidates are seeking a single office.

14. LWVPA should support an instant-runoff (in which voters rank their preferences) for elections in which three or more candidates are seeking a single office.

15. LWVPA should support a *Borda count* as an alternative for elections in which three or more candidates are seeking a single office.

16. LWVPA should support *approval voting* as an alternative for elections in which three or more candidates are seeking a single office.

17. LWVPA should support *range voting* as an alternative for elections in which three or more candidates are seeking a single office.

**Legislatures and Other Multiple Winner Elections**

18. In a legislature or council elected on a partisan basis, a fair electoral system would allow the party with a majority of votes across the whole system to win a majority of seats.

19. An ideal election system would level the playing field for women or other demographic groups that have consistently been under-represented.

20. Minority parties that receive a significant share of votes should win a corresponding share of seats.

21. An electoral system should reduce the possibility of and/or payoff for deliberate gerrymandering of district lines.

22. It is important for an electoral system to encourage competition in all legislative districts?
23. It is important for an electoral system to avoid making candidates from the same party compete against each other in the general election as much as (or even more than) they compete against candidates from other parties.


24. Which of the following alternatives to the existing single-member district plurality system should the League support for elections to the Pennsylvania General Assembly? You may select more than one if you wish.

__ Limited voting
__ Cumulative Voting
__ Single Transferable Vote
__ Mixed-Member Proportional
__ No Change

25. Which of the following alternatives to current systems should the League support for elections to local bodies, such as county commissioners or municipal councils? You may select more than one if you wish.

__ Limited voting
__ Cumulative Voting
__ Single Transferable Vote
__ Mixed-Member Proportional
__ No Change

26. The League should support the right of local governments, including school boards, to choose a League-supported alternative election system for their own elections.

2. Primary Elections

Why do we have primary elections? They were not always a part of American politics: Until the early 20th century, political party power brokers – the traditional smoke-filled backroom – chose the nominees, not the wider range of that party’s membership. Pennsylvania has a long history of utilizing the direct primary procedure, with some counties employing this method of selection even before the Civil War, although it was a strictly local initiative and not a statewide practice. The greater change was part of the late 19th and early 20th Century Progressive Movement to make the election process more democratic. Pennsylvania authorized the direct primary system in 1912 for the presidential race and in 1914 for both federal and statewide elections.

Even after adoption of the direct primary system, primary elections were still mainly the concern of party regulars, not of the average voter, especially in presidential races. The 1960s and 1970s saw a change in the public’s attitude regarding the role of political conventions. There were several contentious Republican conventions during that period. The 1968 Democratic convention in Chicago was not merely contentious, but resulted in violence, observed by American voters through television and the press. Today, some observers feel that the system of primary elections only serves to make politics more polarized as, at least until 2016, it was often only a party’s more strident and extreme members who voted.

As noted by the Primer on Primaries, issued by the National Conference of State Legislatures, determining when and how to hold primary elections often puts partisan political considerations front and center. However, there are other considerations.

It is up to state legislatures to establish rules and procedures for selecting candidates to run in general elections, taking federal requirements, voter needs, and costs into account. These ground rules are always subject to change. Within the past five years, over 40 states have seen the introduction of more than 130 bills proposing changes to primaries. Currently, primaries use a variety of systems. Some states even employ different formats in presidential and non-presidential years.

Primaries categories can include open, closed, or somewhere in between. In this study, references to political parties implies one of the nation’s two major parties, Republican and Democratic.

Closed primary
In a closed primary, only those voters registered with a political party can vote in the primary for that party. This is the current system for primary elections in Pennsylvania. Eleven states use this primary election system.

Open primary
An open primary permits any registered voter to vote in a primary regardless of his or her political affiliation. However, open primaries can take several, possibly confusing forms. In one form, voters may receive a primary ballot without ever declaring a party preference. Another
common option allows a registered voter to choose a party at the polling place on primary day. This second variant permits crossover voting: e.g., a Democrat can crossover and cast a vote in a Republican primary, or vice versa. Ten states currently use this system.

**Variations on the open primary**

To complicate the issue, twenty-five states use either semi-open or semi-closed primary formats. In the semi-open primary, unaffiliated voters may participate in either primary. However, they must either publicly declare their ballot choice at the time of the primary or their ballot selection may become a *de facto* form of registration with the ballot party selected. Some states accept the request for a party’s ballot as a public declaration, while a few states actually require voters to state their preference aloud in the presence of all in the polling location.

In a semi-closed primary, party members may only vote in the primary for their own party. Unaffiliated voters may have access to a party’s ballot, at the discretion of the state party organization.

**Blanket primary**

All candidates for each office, from all parties, appear on the ballot. Voters select their choice for each office, with no restriction to one party or another. Thus, a voter could choose a candidate from one party for one office and a candidate from another party for another office. The top vote getters from each party then advance to the general election. Washington State used this system from 1936 to 2003.

California had also adopted it. The political parties legally challenged it several times. Then, in 2000, the United States Supreme Court declared it unconstitutional, under the U.S. Constitution’s First Amendment Freedom of Association clause, saying that parties had the right to select their candidates.

**Top two primary**

Four states use some form of the top two primary system, although only for state and local elections, not for presidential races. The ballot lists all candidates for each office from all parties. Voters may choose any candidate from any party in any race. Based on the vote tallies, the top two vote getters, regardless of their party affiliation, are the candidates on the slate for the general election. These candidates may be from the same party. This is sometimes called the modified blanket primary. The top four primary simply increases the number of candidates who move on to the general election.

The map and tables in Appendix I summarize the type of primary that each of the 50 states and the District of Columbia uses. Appendix II does this for the four major variations, described above.

**Pennsylvania Primaries**

Pennsylvania has a closed primary system. To participate, voters must register with one of the two major political parties (Democratic or Republican) at least 30 days before the primary. Minor
parties generally are not able to participate in the primary system. The taxpayers, regardless of party affiliation status, pay most of the cost of holding primaries in each of the state’s 67 counties.

Delegates to the 2013 LWVPA Convention voted to drop its position in favor of closed primaries for the following reasons:

- **Fairness.** Under Pennsylvania law, only the Democratic and Republican parties usually qualify to participate in the primaries. State and county tax dollars fund the primaries; therefore, it is unfair to preclude participation by voters who do not want to register with either party.

- **Cross filing.** Any Pennsylvanian running for a commonwealth judicial office or for a position as a director on school board may file and submit petitions to appear on the primary ballot for both the Democratic and Republican parties. This is cross filing. Cross filing is unique to Pennsylvania. LWVPA has a position supporting cross filing in school board elections, as opposed to an alternative: making these elections nonpartisan. With cross filing, the primary election decisions may completely determine the election process outcome, cutting potential minor party and independent candidates out of the decision altogether.

Independent and minor party candidates could try getting on the General Election ballot, to include all voters in the choice. However, they would have to overcome Pennsylvania’s restrictive ballot access rules.

- **Impact on candidate behavior.** Conventional wisdom suggests that closed primaries lead candidates to cater to strong partisans. In turn, these voters are also most likely to vote in the primary.

  Whether the move-to-the-extreme effect is real, a competitive general election should encourage greater voter participation. This would push serious candidates to take positions more representative of the general population.

  If a district is uncompetitive, because of geography or gerrymandering, candidates have no incentive to move toward the mainstream of registered voters in the district. The anticipated result of closed primaries is legislative bodies composed of extreme partisans, unwilling to compromise for fear of retribution in the next election cycle.

There are additional problems with closed primaries specific to Pennsylvania.

- **Ballot questions.** The primary ballot may include questions and referenda. Voters, unaffiliated with either major party, may vote on the questions. However, this option is difficult to explain, and many voters do not bother to vote just for ballot questions.

- **Special elections.** When a vacancy occurs in an office, party leaders have the option of filling the vacancy in a special election held at the same time as the primary. Again, it is difficult to explain to unaffiliated voters that they can go to the polls just to vote in the special election. The party in power sometimes strategically schedules special elections to occur separately from a regular primary, according to how well its leadership believes their favored candidate will fare. Separately scheduled special elections mean added taxpayer costs.
The following tables summarize arguments for and against closed primaries. Within these charts, open primaries also includes semi open and semi closed primaries as well as the top two/top four format (see Alternative Elections/Runoffs).

<table>
<thead>
<tr>
<th>Closed Primaries—Potential Advantages</th>
<th>Open Primaries—Potential Advantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discourage strategic votes that set up weak candidates of another party or select candidates not representative of the party’s positions</td>
<td>Favor all voter wishes over registered party voters’ desires as candidates reflecting the views of a broader range of the electorate may be more successful</td>
</tr>
<tr>
<td>Encourage participation by all party activists</td>
<td>Encourage participation by independents and third parties who do not run their own primaries</td>
</tr>
<tr>
<td>Party nominees are believed to lead to stability and representation of the wishes of party members</td>
<td>Guard confidentiality about party affiliation and protect voter privacy</td>
</tr>
<tr>
<td>Protect the right of free association</td>
<td>Can spur new, moderate coalitions; can protect against rigid ideological orthodoxy</td>
</tr>
<tr>
<td>For the Commonwealth of Pennsylvania, requires no change in the election system</td>
<td>Preserve the right of political parties to endorse candidates</td>
</tr>
<tr>
<td></td>
<td>May produce competitive, substantive general elections</td>
</tr>
<tr>
<td></td>
<td>The major political parties will not control the primary election process</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Closed Primaries—Potential Disadvantages</th>
<th>Open Primaries—Potential Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>May discourage registered Independents and members of third parties from participating, at least in the primaries</td>
<td>May discourage engagement by core political party activists and people who believe in the principles espoused by a political party</td>
</tr>
<tr>
<td>Given the political makeup of some voting districts, may account for low voter turnout in general elections, as voters see the primary as the actual election</td>
<td>Nominees who have stated a party preference may have beliefs inconsistent with party views</td>
</tr>
<tr>
<td>May encourage extremism on both left and right</td>
<td>May require changes in procedures, particularly if Pennsylvania were to move to a truly open primary with all candidates from all parties on one ballot</td>
</tr>
<tr>
<td>Tends to support two-party systems and discourage minority party and Independent candidates</td>
<td>Extreme candidates could win or crowd out moderates since a large number of candidates could split votes to the extent that top vote getters could advance with relatively few votes from partisan voters</td>
</tr>
</tbody>
</table>
One potential advantage of the top two format is that voters could still have a choice between candidates representing different parties in the general election, even in districts with a single dominant party. However, this method does not prevent sending only candidates from one party on to the general election.

One of the problems, often cited in favor of closed over open primaries, is strategic voting. Adopting an alternative election system, such as instant runoff voting for single winner elections, could mitigate this problem in Pennsylvania (see Alternative Elections/Runoffs).

An example is the 2016 Primary, when three or more candidates ran in the primary for the Democratic Party’s nomination for Attorney General and U.S. Senate. Instant runoffs maximize the chance that the ultimate winner has the support of more than half the voters. Some have suggested that instant runoffs in the 2016 Republican Party primaries would have eliminated some of the numerous candidates early on.

A second voting option can mitigate the problem with closed primaries, created by the Pennsylvania system of allowing candidates to cross-file for certain offices. This would employ a party-neutral ballot, one open to all those eligible to vote in each primary, as currently occurs when the primary election includes ballot questions.

- For districts that use paper ballots, create an additional ballot listing only candidates for offices that permit cross-filing and for ballot questions.
- For districts that use electronic voting, modify software to create an additional ballot listing only candidates for offices that permit cross-filing and for ballot questions.
- For districts that use mechanical voting machines, add a paper ballot option, listing only candidates for offices that permit cross-filing and for ballot questions.

**Primaries and ballot access for minor parties and independents**

In Pennsylvania, only the Democratic and Republican parties currently meet the criteria necessary to qualify automatically for participation in primary elections. Minor party and independent candidates can run in the general election only by collecting a sufficient number of signatures on nomination papers.

Nominations papers must obtain signatures from electors of the district equal to at least two percent of the largest entire vote cast for an elected candidate in the last election within the district. Note that the signer must only be a registered elector, including registered Democrats, Republicans, a member of a state recognized minor party, or no party.

The number of required signatures to get on the ballot for a statewide office, such as governor or attorney general, will differ from the number required to get on the ballot for a local office, such as mayor. In either case, the number of required signatures is often prohibitively large. LWVPA believes that the number of signatures required should be the same for all candidates for the same office, whether for the primary or the general election.

Reducing the barriers for a place on the primary ballot would increase the chance for minor party and independent candidates to appear on the ballot in general elections. In turn, this should increase voter participation in both the primary and the general elections, by eliminating the
required affiliation with either dominant party to vote in the primary. In this case, under the LWVPA position, the number of required signatures should be the same for all candidates.

References


Appendix I

Primary Election Systems

*Uses a top-two primary for legislative seats and other nonpartisan state offices; federal elections are conducted with a hybrid.

Closed: In general, voters must first be registered party members of the applicable party to vote in its closed primary.

Open: In general, regardless of their party affiliation, voters can decide which party's primary to participate in.

Hybrid: Rules may vary about whether unaffiliated voters can participate in a party's primary and whether voters can "cross over" to another party's primary.

Top Two: A common ballot lists all candidates on one ballot. The top two vote getters, regardless of party, go on to the general election.

Source: NCSL, 2011.
## Types of Primary by State

(States in **boldface** practice partisan voter registration.)

<table>
<thead>
<tr>
<th>State</th>
<th>Type of Primary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Closed Primary – request ballot for the party they for which they will vote.</td>
</tr>
<tr>
<td>Alaska</td>
<td>Closed Primary – party affiliation 30 days prior determines ballot given.</td>
</tr>
<tr>
<td>Arizona</td>
<td>Closed – registered independents may choose one party ballot on election day.</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Open Primary – no party affiliation required.</td>
</tr>
<tr>
<td>California</td>
<td>Top Two Open Primary – took effect January 2011; controversial</td>
</tr>
<tr>
<td>Colorado</td>
<td>Closed Primary – Independents may choose 1 party; Presidential Caucus.</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Closed – Independents choose 1 party day before; change party 90 days.</td>
</tr>
<tr>
<td>Delaware</td>
<td>Closed Primary – must vote as affiliated on registration.</td>
</tr>
<tr>
<td>DC</td>
<td>Closed Primary – only voters registered as sanctioned party may vote.</td>
</tr>
<tr>
<td>Florida</td>
<td>Closed Primary – only voters registered as sanctioned party may vote.</td>
</tr>
<tr>
<td>Georgia</td>
<td>Open – must declare on election day oath of intent to affiliate with a party.</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Republican primary is open. Democratic primary is closed.</td>
</tr>
<tr>
<td>Idaho</td>
<td>Democrats: Semi-Closed. Unaffiliated voters may vote on primary day, then are bound to the party. Republicans: Closed. Open Primaries until 2011 when Republicans obtained ruling of unconstitutional.</td>
</tr>
<tr>
<td>Illinois</td>
<td>Semi-Closed. Voter declares party at polling place; official repeats in loud voice; if no one challenges, voter votes that party.</td>
</tr>
<tr>
<td>Indiana</td>
<td>Closed Primary – voter requests ballot for party for which they will vote.</td>
</tr>
<tr>
<td>Iowa</td>
<td>Closed Primary – may change parties on election day.</td>
</tr>
<tr>
<td>Kansas</td>
<td>Semi-Closed. Republicans permit same-day registration. Democrats permit affiliated and Independents to vote.</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Closed – only those registered as Democratic or Republican may vote.</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Open Primary for state and local; closed for presidential.</td>
</tr>
<tr>
<td>Maine</td>
<td>Closed Primary – may change parties 15 days in advance.</td>
</tr>
</tbody>
</table>

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6 Provided by the League of Women Voters Education Fund.
7 Within this chart, Open includes the top two/top four format.
<table>
<thead>
<tr>
<th>State</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Closed Primary – may change parties 21 days in advance.</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Open – but to vote for another party, must change enrollment.</td>
</tr>
<tr>
<td>Michigan</td>
<td>Open – no need to declare party, but can vote for only one party.</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Open – but only voters affiliated with a party may vote in a primary.</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Open – but to participate, voters must support party nominees.</td>
</tr>
<tr>
<td>Missouri</td>
<td>Open Primary.</td>
</tr>
<tr>
<td>Montana</td>
<td>Open/Private Choice – receive all ballots &amp; select party in private.</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Closed – voter gets only non-partisan ballots if not party-affiliated.</td>
</tr>
<tr>
<td>Nevada</td>
<td>Closed – only those registered Democratic or Republican may vote.</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Closed Primary – must vote Democratic or Republican; become a registered party member by voting.</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Closed – may change party 55 days in advance; independents may declare party election day.</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Closed – only Democrats or Republicans may vote partisan ballot.</td>
</tr>
<tr>
<td>New York</td>
<td>Closed Primary – only those affiliated with a party may vote that ballot.</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Open – may choose party at polls; remain Independent on the rolls.</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Open – state abandoned voter registration in 1951. Feel small population and small precincts protect against voter fraud.</td>
</tr>
<tr>
<td>Ohio</td>
<td>Closed Primary – right to vote subject to challenge for lack of affiliation.</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Closed – person who does not wish to affiliate with a political party is not entitled to influence the selection of its nominees.</td>
</tr>
<tr>
<td>Oregon</td>
<td>Closed – Republicans voted in 2012 to allow independents to vote.</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Closed Primary – must vote for party of affiliation.</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Semi-Closed – Independents may vote any party; then seen as member.</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Open Primary – no party affiliation required.</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Republican: Closed. Democrats: Independents may choose to vote.</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Open Primary – no party affiliation requirement.</td>
</tr>
<tr>
<td>Texas</td>
<td>Open – may choose party or unaffiliated; in runoff must vote same party.</td>
</tr>
<tr>
<td>State</td>
<td>Description</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Utah</td>
<td>Democrats: Open Primary. Republicans: Closed Primary. (Utah registers by party, but does not report data.)</td>
</tr>
<tr>
<td>Vermont</td>
<td>Open Primary. For presidential primary, must declare party.</td>
</tr>
<tr>
<td>Virginia</td>
<td>Open. Republicans require loyalty oath signed for presidential primary.</td>
</tr>
<tr>
<td>Washington</td>
<td>Open/Private Choice. Top two primary.</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Semi-Closed – Independents may request ballot for one party.</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Open Primary – no party affiliation requirement.</td>
</tr>
</tbody>
</table>

**Summary of Registration and Primaries**

**Voter registration**

<table>
<thead>
<tr>
<th>Type</th>
<th>Registered</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partisan</td>
<td>31</td>
<td>61%</td>
</tr>
<tr>
<td>Non-Partisan</td>
<td>19</td>
<td>37%</td>
</tr>
<tr>
<td>No Registration (North Dakota)</td>
<td>1</td>
<td>2%</td>
</tr>
</tbody>
</table>

**Primaries (50 states and the District of Columbia)**

<table>
<thead>
<tr>
<th>Type</th>
<th>State/Local 2012-13</th>
<th>Presidential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open</td>
<td>17</td>
<td>16</td>
</tr>
<tr>
<td>Semi-Open</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Semi-Closed</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>Closed</td>
<td>17</td>
<td>18</td>
</tr>
<tr>
<td>Closed Caucuses</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Open Caucuses</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Semi-Open Caucuses</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Semi-Closed Caucuses</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Top Two Open (CA &amp; WA)</td>
<td>2</td>
<td>--</td>
</tr>
<tr>
<td>Non-Partisan</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>
Primary Elections

Primaries Consensus Questions

Issue review

There are six options for primaries.

i. In a closed primary (current Pennsylvania practice), voters may cast a ballot only for the political party of affiliation.

ii. In an open primary, voters may select the party ballot of their choice for voting, regardless of political party affiliation.

iii. In a semi-open primary, affiliated voters must vote in the primary of their registration. Unaffiliated voters may vote in either primary, but must publicly announce their choice before voting and they may only vote in that party primary.

iv. In a semi-closed primary, the parties shall decide whether to allow unaffiliated voters to vote in their primary.

v. In a top two primary, voters receive ballots with all candidates for office, and they may vote for whomever they wish, without regard to party preference. Subsequently, the two candidates receiving the most votes appear on the ballot for the general election.

vi. In a top four primary, voters receive ballots with all candidates for office, and they may vote for whomever they wish, without regard to party preference. Subsequently, in a top four primary, the four candidates receiving the most votes are on the ballot for the general election.

1. LWVPA believes that changing the primary structure would increase voter participation.

2. LWVPA believes that changing the primary system could reduce political polarization.

3. LWVPA should take a position on open or closed primaries.

4. Please rank support for the following six primary options, with 5 indicating the strongest support and 0 indicating opposition or the least support.
   a. LWVPA should support adoption of open primaries.

   b. LWVPA should support adoption of semi open primaries.

2.
c. LWVPA should support the current practice of closed primaries.

d. LWVPA should support adoption of semi-closed primaries.

e. LWVPA should support adoption of top two primaries.

f. LWVPA should support adoption of top four primaries.

5. LWVPA should adopt a different primary system for presidential vs. state/local races?

6. LWVPA believes that if primaries remain closed, they should not be publicly funded.

Comments:
LOCAL GOVERNMENT IN PENNSYLVANIA
A Supplement to the Election Laws Review and Update Study Guide

The primary purpose of this supplement is to assist members in making decisions about the alternative election systems section of the study. If member study and consensus results in LWVPA adopting positions in support of Instant Runoff Voting and Single Transferable Voting, the most likely level of government at which to advocate for change is the local level. This is especially true if a local government decides to consider an alternative to its existing government structure, including home rule. For example, after a two-year study, the residents of Concord Township, a second-class township in Delaware County, voted in the 2016 Primary to adopt a home rule charter. Under the new charter, a seven-member township council elected at-large for 4-year staggered terms will replace the current five-member board of supervisors, elected at large for 6-year terms.

There are six types of local governments in Pennsylvania: county, township, borough, town, city, and school district. This creates a mosaic that starts with 67 counties, subdivided into 2,561 municipalities. Overall, there are 5,089 individual governmental units.

The Pennsylvania Manual is an authoritative source of information about local government structure. It also lists the names, identified by party, of the governing bodies and other elected officials. A quick survey finds that one party dominates most of these governing bodies, with many made up exclusively of members from one party.

The Pennsylvania constitution authorizes the state to enact laws regulating local units of government. It outlines basic requirements and rights. It requires periodic legislative redistricting for those that elect part or all their legislative bodies from districts, guarantees the right to select an optional plan of government or a home rule charter, and mandates uniform legislation establishing the procedure for consolidation, merger, or change of municipal boundaries.

Municipalities
There are four types of municipalities: counties, cities, townships, and boroughs. Each class of municipality operates under its own code of laws, which sets forth the governmental structure, as well as the general and specific powers of local government.

The Home Rule Charter and Optional Plans Law grants Pennsylvania municipalities the power to determine for themselves what structure their government will take and what services it will perform. A home rule municipality no longer has its powers and organization determined by the state legislature. A home rule municipality drafts and amends its own charter and may exercise any power or perform any function not denied by the state constitution, the general assembly, or its home rule charter. As of January 2013, 77 municipalities had adopted home rule charters, including seven counties, 22 cities, 20 boroughs, and 28 townships.

Counties
Most county governments have a board of commissioners consisting of three members. In the election of these commissioners, each voter may vote for no more than two candidates, and the three candidates with the highest number of votes win the election. Under this system, no more than two commissioners may represent the same party. Usually the three commissioners represent only the Democratic and Republican parties.

Commissioners typically serve as both the legislative and executive body for a county. In addition to the commissioners, most counties elect other officials, commonly called row officers, independent of the board of commissioners. These are sheriff, district attorney, prothonotary
(chief clerk), clerk of courts, registrar of wills, clerk of the orphans’ court, recorder of deeds, treasurer, controller, auditors, and jury commissioners.

Seven counties have home rule charters: Allegheny, Delaware, Erie, Lackawanna, Lehigh, Luzerne, and Northampton. In home rule counties, the charter determines the method, by election or appointment, for selecting these types of officials. Of these, only the Delaware County Council consists of members from only one party. The others have at least one member from a different party, although one party is usually dominant.

Philadelphia is a consolidated city and county, with the city government administering all county functions. Philadelphia City Council elections occur in part by district and at large.

Population determines the classification of a county.

<table>
<thead>
<tr>
<th>Class</th>
<th>Max. Population</th>
<th>Min. Population</th>
<th>Number</th>
<th>Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>--</td>
<td>1,500,000</td>
<td>1</td>
<td>Philadelphia</td>
</tr>
<tr>
<td>Second</td>
<td>1,499,999</td>
<td>800,000</td>
<td>1</td>
<td>Allegheny</td>
</tr>
<tr>
<td>Second A</td>
<td>799,999</td>
<td>500,000</td>
<td>3</td>
<td>Bucks, Delaware, Montgomery</td>
</tr>
<tr>
<td>Third</td>
<td>499,999</td>
<td>210,000*</td>
<td>12</td>
<td>Berks, Chester, Cumberland, Dauphin, Erie, Lackawanna, Lancaster*, Lehigh, Luzerne, Northampton, Westmoreland, York</td>
</tr>
<tr>
<td>Fourth</td>
<td>209,999</td>
<td>145,000</td>
<td>9</td>
<td>Beaver, Butler, Cambria, Centre, Fayette, Franklin, Monroe, Schuylkill, Washington</td>
</tr>
<tr>
<td>Fifth</td>
<td>144,999</td>
<td>90,000</td>
<td>7</td>
<td>Adams, Blair, Lawrence, Lebanon, Lycoming, Mercer, Northumberland</td>
</tr>
<tr>
<td>Sixth</td>
<td>89,999</td>
<td>45,000~</td>
<td>24</td>
<td>Armstrong, Bedford, Bradford, Carbon, Clarion~, Clearfield, Clinton~, Columbia, Crawford, Elk~, Greene~, Huntingdon, Indiana, Jefferson, McKean, Mifflin, Perry, Pike, Somerset, Susquehanna~, Tioga~, Venango, Warren, Wayne</td>
</tr>
<tr>
<td>Seventh</td>
<td>44,999</td>
<td>20,000</td>
<td>4</td>
<td>Juniata, Snyder, Union, Wyoming</td>
</tr>
<tr>
<td>Eighth</td>
<td>19,999</td>
<td>0</td>
<td>6</td>
<td>Cameron, Forest, Fulton, Montour, Potter, Sullivan</td>
</tr>
</tbody>
</table>

Cities

There are 56 incorporated cities, classified according to population. Philadelphia, with more than one million residents, is the only first class city. Pittsburgh, with more than 250,000 residents, is the only 2nd class city. Any city below 250,000 people is a third class city. The exception is Scranton, which is designated a second class A city. First and second-class cities have a strong mayor and home rule charters. Most of a city’s functions are independent of state control. Except
for Philadelphia, all city council member elections are at large and most have members of only one party.

A third class city has one of three forms of government.

1. In the commission form, the mayor and four other members constitute the commission, which is the governing body. The mayor is one of the members of the commission and acts as president.

2. The mayor-council form has a council of five, seven, or nine members, elected at large for overlapping four-year terms. Election of the mayor, treasurer and a controller are also for a four-year term. The mayor is the chief executive, and supervises the work of all departments.

3. In the council-manager form, all authority rests with council, composed of five, seven, or nine members, elected at large for a four-year term. Selection of the city treasurer and controller is also by election. The manager, appointed by council, is the chief administrative officer.

Townships

There are 1,547 townships. Townships may be either first or second-class. First-class townships have a governing board of commissioners, consisting of either five commissioners elected at large or 7-15 commissioners elected by wards, to four-year staggered terms. A second-class township usually has three supervisors elected at large for six-year terms. A referendum may allow the board of a second-class township to expand to five members. Some townships have home-rule charters, which allow for a mayor/council form of government.

Boroughs

There are 958 boroughs. Boroughs have a weak mayor and a council of three, five, seven, or nine members. The borough council may hire a manager to carry out day-to-day business. Some boroughs have home rule charters.

Town

There is also one incorporated town, Bloomsburg.

School Districts

Everyone in Pennsylvania lives in one of 500 school districts. School districts may include a single municipality, such as Philadelphia, or multiple municipalities. There are five population-based classes of school districts.

<table>
<thead>
<tr>
<th>Class</th>
<th>Max. Population</th>
<th>Min. Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>--</td>
<td>1,000,000</td>
</tr>
<tr>
<td>First A</td>
<td>999,999</td>
<td>250,000</td>
</tr>
<tr>
<td>Second</td>
<td>249,999</td>
<td>30,000</td>
</tr>
<tr>
<td>Third</td>
<td>29,999</td>
<td>5,000</td>
</tr>
<tr>
<td>Fourth</td>
<td>4,999</td>
<td>--</td>
</tr>
</tbody>
</table>
Elected or appointed boards of school directors administer the public school systems. The School Code of 1949 (as amended) provides that at each election of school directors, each voter may cast one vote for each school director vacancy. The code prohibits the use of any system of cumulative voting for the office of school director.

The composition of school boards varies by district. Some districts elect all directors at large, others by single member district. Some also use multi member districts or a mixed system, electing some members at–large and the rest from single or multi-member districts.