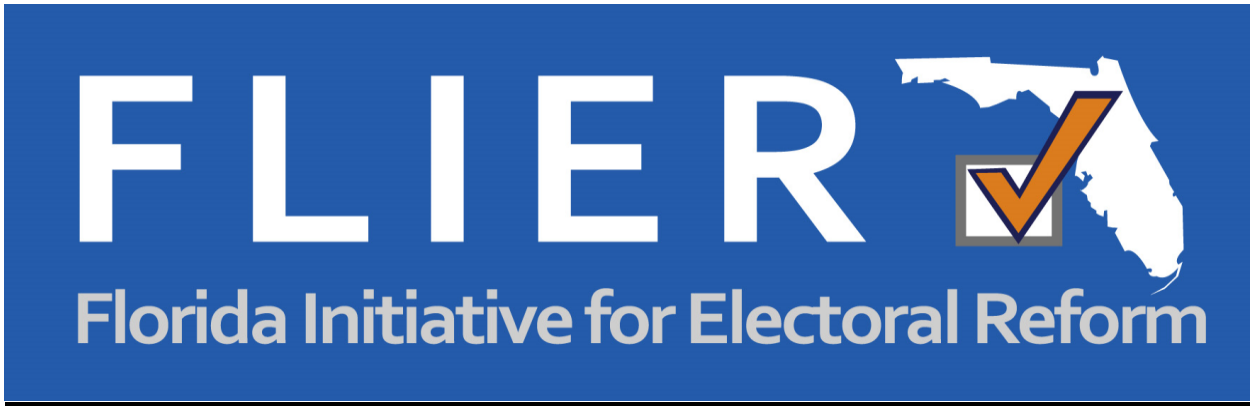

Resuscitating Democracy

Competition, Pluralism, and Representation in Florida

July 2010

Mission Statement: The Florida Initiative for Electoral Reform is a non-partisan coalition of groups and individuals recognizing the need for electoral reforms to enrich and expand democracy in our state and its localities. In addition to advocacy, we seek to provide education on electoral reform and the policy solutions necessary to realize it. We are working towards a vibrant democracy with accessibility for the average person, a competitive political environment, and pluralism in policy and decision making.

Introduction

James Madison, "Father of the Constitution" and fourth U.S. president, believed our nation should function as a representative democracy. Unfortunately, our electoral system, the methods by which we choose our decision makers, is undermining our democracy's ability to be representative. Except for two entrenched parties, our electoral system stifles competition, does not tolerate pluralism, and restricts access to the average person. This diminishes the quality of our democracy and our right to choose our decision makers.

Over the last 44 years, on average, 93% of incumbents have been re-elected to the U.S. House and 87% to the U.S. Senate. In Florida, these indicators of stagnation are even worse. An average of four elections between 2004 and 2010 shows that some 40% of Florida voters had or will have only one candidate for State House or State Senate on their general election ballot. In November 2010, 36 of 120 seats in the State House and 7 of 23 seats in the State Senate will be won unopposed, yet this is one of the more "competitive" elections. These numbers do not even include those races where the only opposition is a token write-in candidate. At the same time, fundraising records are broken every election cycle.

A negative side effect of our stagnant and non-competitive electoral system is an incredibly safe investment environment for moneyed interests. Many of us know about the role of big money in our political system, but too few understand how it is our dilapidated electoral system that encourages it. Combined with other obstacles, it creates policy filters that assure many legitimate policy solutions never make it to the political agenda.

There are, however, solutions that can immediately improve Florida's electoral system. Our state can lead the nation by example because severe problems in the electoral system extend throughout every state. The issues addressed in this paper include:

- gerrymandering

- campaign financing

- voting accessibility

- disenfranchisement

- ranked choice voting (*a.k.a.* 'instant runoff voting')

- primary elections

- political parties

- access to ballots.

We propose solutions here to realize true reform for all of the above issues. We also provide an accessible reference on the basic reforms necessary to develop competitive, pluralistic, and representative democracy in Florida.

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Florida Initiative for Electoral Reform

CONTENTS

THE GERRYMANDER

Robert P. Watson, Ph.D.

History

Gerrymandering is the practice of designing congressional and state legislative districts according to self-serving political objectives. The term "gerrymander" comes from the noted Massachusetts politician, Elbridge Gerry, who, in 1812, signed off on a scheme to rearrange legislative districts in his home state to favor members of one party over another party. When an imaginative newspaper editor commented that the bizarre shape of the new districts resembled a salamander, the name stuck: "Gerry-mander."

The process of rearranging congressional and legislative districts from time to time – officially known as reapportionment – is a necessary and proper act within our democratic government. Populations grow or shrink over time and political representation should both adapt to and reflect such changes. For example, when the First Congress convened in 1789 there were 65 members in the U.S. House, with each one representing roughly 30,000 people. The population of the United States in 2010 is hardly reminiscent of the country at the time of George Washington's inauguration, so frequent reapportionment has been necessary at not only the federal level but state and local levels of government as well.

Given the growth of the country, the number of seats in the U.S. House increased over time until reaching 435 in 1913. The process of adjusting districts to reflect a growing population for most of American history simply involved adding new seats to local councils, state legislatures, and the U.S. House of Representatives. However, reformers realized that, if we continued adding new seats every time the population increased, there would soon be 1,000 members serving in the U.S. House. So, the size of that legislative body was set at 435 with the passage of the Reapportionment Act of 1929.

Subsequently, rather than adding new seats as the population grew, more people are added to each district. Therefore each member of a legislature represents more and more people. This fact, in and of itself, is potentially problematic, as it dilutes representation and distances elected officials from their constituencies. Today, a member of Congress can expect to represent roughly 700,000 people. The process by which this occurs includes using data from the decennial census so that the reapportionment of legislative seats reflects changes in the population.

Politics before People

The underlying problem with reapportionment is that the power to apportion is in hands of state legislatures. From state to state, these legislatures have repeatedly and consistently demonstrated their inability to apportion districts in a fair and neutral manner. One might say that reapportionment has been, to borrow the famous saying, "of, by, and for" politicians themselves.

Districts are supposed to be compact, contiguous, and community-based. However, in practice they are anything but this. State legislators use computer programs and voting data to design districts that favor (if not outright rig) their own reelection and that of their political party. In search of friendly voters, these gerrymandered districts zigzag over long, geographically inconsistent stretches, slice through neighborhoods, and connect people with little in common other than their likelihood of voting for or against a particular party. The Framers of the Constitution intended for the people to pick their politicians, not the other way around!

In addition to resembling modern art, gerrymandered districts are no longer competitive. Voters have little choice and it has become next to impossible to defeat an incumbent. Moreover, the districts lean so heavily toward one party or another that candidates are rarely forced to consider the other party or even the vast "middle" in order to win election. Candidates simply appeal to their ideological base, which now often constitutes a majority of their district. Once elected, legislators from gerrymandered districts are less likely to reach out to the other party on account of their seat being so safe.

What is the result of years of shameless gerrymandering? Experts now estimate that, in a given congressional election, of the 435 seats up for grabs only about 35 of them might truly be competitive. The same problem exists at the state and local levels. This phenomenon discourages voters from participating in the political process, makes it easier for special interests to assert their influence in elections, and has been a contributing factor to the current crisis of incivility in the American body politic and the venomous tone that is harming political discourse.

Minority Representation

For most of American history, legislative bodies were anything but diverse or reflective of the rainbow tapestry that is the United States. Even today, for instance, few African Americans, Hispanic Americans, Asian Americans, women, or individuals of middle class or modest means serve in the U.S. Senate.

Many ethnic minorities were disenfranchised for much of American history. For example, African American men did not gain the right to vote until the 15th Amendment in 1870 while women could not exercise their right until the 19th Amendment in 1920. Moreover, a variety of malevolent tactics such as poll taxes, "whites only" primaries, manipulative literacy tests, grandfather clauses, and outright domestic terrorism were used to deny various groups from participating in the political process.

One of the tricks of the trade was to use outdated census data when drawing new districts in order to keep the status quo in power. Another trick common in the South was to divide minority communities into several districts by beginning the design of the districts at the epicenter of a minority community and then carving it into separate districts much as one would cut a pizza into slices. The result was that the minority vote was diluted, minority populations were dispersed among several white-dominated districts, and only whites were elected.

Amendments to the 1965 Voting Rights Act sought to address such problems by establishing, in part, so-called "majority minority" districts. This involved identifying African American and Latino communities in order to lump them together to essentially create a district whereby minorities constitute the majority of voters. As such, an African America or Latino would be elected to the U.S. House of Representatives, which is precisely what happened in the early 1990s when roughly one dozen African American and a handful of Latino candidates won in such seats.

Democrats favored the creation of majority-minority districts, in part because the candidates who won in those races were more likely to be Democratic. Republicans fought against them with legal challenges. One unforeseen result of the creation of majority-minority districts was that, in order to lump together enough minority voters to attain a majority, the surrounding districts became nearly entirely white. As a result, Republicans won nearly all of the adjacent "bleached" districts. For every minority member of Congress elected, two or three white Republicans were elected. When this occurred, as it did in the 1994 elections, Democratic support for majority-minority districts cooled and the Republican Party began supporting such racially gerrymandered districts.

So, is the practice of gerrymandering districts in order to help minorities gain office justified on account of years of gerrymandering districts to prevent minorities from being elected? The answer to the question is that if districts were designed in a compact, contiguous, and community-based manner – as they are supposed to be – the problem would resolve itself to the benefit of all. All communities would get to vote for their own elected officials.

Florida

Florida happens to be one of the worst gerrymandered states in the nation. In southeast Florida, Congressional Districts 16, 19, and 22 overlap one another in such convoluted ways that three families living on opposite sides of a particular intersection might find themselves in three different districts. Congressional District 11 in Tampa uses a causeway to connect voters living on opposite sides of the bay. State Senate District 27 begins in Palm Beach County on the Atlantic Coast but arcs northwest near Lake Okeechobee in order to include voters in Lee County on the Gulf Coast.

In November 2010, voters in Florida will go to the polls for what promises to be a very important election. Every state-wide constitutional office including the governorship is up for grabs, along with a U.S. Senate seat that has attracted national attention. But the votes that may prove to be the most far-reaching in impact might very well be two constitutional amendments on the ballot regarding how legislative districts are drawn. Constitutional amendments 5 and 6 prohibit gerrymandering.

Ending the practice of gerrymandering is only one of the many reforms needed to make elections fair and democratic, but it is a major piece of the puzzle. Passing initiatives and constitutional amendments such as those before the voters of Florida in November 2010 goes a long way toward ending gerrymandering and improving the integrity and fairness of elections. However, these amendments are also only first steps. What is needed are citizen advisory boards and judicial panels that monitor the process. As such, Florida (and other states) needs not only such boards at the local level but a statewide fair elections commission staffed with non-partisan experts, citizens, and other stakeholders.

Florida's state legislators have shown themselves to be unable and unwilling to act in a fair and democratic manner. As a result, the only viable option is to take the process out of their hands and use judicial panels, citizen advisory boards, and computer programs that finally design compact, contiguous, and community-based districts. If these amendments pass, Florida's voters can begin to reclaim their state.

Proposed Solutions

- Passage of Amendments 5 & 6 in November 2010.
- Establishment of independent citizen advisory boards and judicial panels to oversee redistricting at the local level.

- Establishment of a statewide fair elections commission consisting of non-partisan experts, citizens, and other stakeholders to take ownership over the process from the legislature.

- Such a commission should use available technology to implement the goals of Amendments 5 & 6 to draw compact, contiguous, and community-based districts.

LEGISLATIVE REFORMS TO REMOVE BARRIERS TO VOTING IN FLORIDA

Elizabeth Westfall and Carolyn Thompson, Advancement Project

Florida's 2010 mid-term, general election is only six months away. Prior to and on Election Day, voters will be required to navigate complicated voter registration rules. Many will be asked to present identification they don't have (or need) in order to vote. Election officials will close or consolidate polling places, which may confuse voters about the location of their precinct and create long lines at the polls. Voters may also face challenges to their eligibility to vote, and if they appear in the wrong precinct to vote, they will be required to vote by provisional ballot, which in turn will be rejected.

Notwithstanding the efforts of some state lawmakers to advance election reform bills in recent legislative sessions, the legislature has failed to enact comprehensive election reform to correct provisions of the election code that impede the ability of voters to participate in elections. To the contrary, legislators enacted H.B. 131, which would harm voters with disabilities by delaying the replacement of touch screen voting machines from 2012 to 2016. The bill also endeavors to remove discretion from county supervisors of elections to interpret and administer the state election code. As a result of legislators' failure to address barriers to voting, serious flaws in Florida's election code that burden the right to vote persist.

Limitations on Early Voting

Florida law currently requires county supervisors of elections to offer early voting in their main and branch offices, *§ 101.657, Fla. Stat.* Supervisors may also designate a city hall or permanent public library facility as an early voting site. If any additional sites are designated, they must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, "insofar as is practicable." *Id.* Nevertheless, the law does not require a minimum number of early voting sites per county or minimum ratio of sites to registered voters. As to the hours of early voting, the law provides that early voting must commence 15 days before an election and be offered eight hours during weekdays and an aggregate of eight hours on the weekends. *Id.*

In the 2008 general election, Floridians cast a total of 8.45 million ballots, and over 2.6 million of those ballots were cast in person at early voting sites.[1]

[1] https://doe.dos.state.fl.us/fvrscountyballotreports/GetFile.aspx?file=Filings/STW/STW_EVS_9250_03132009_050307.txt.

The number of early voting sites varied widely by county. While Duval County had fifteen sites for 536,588 registered voters and Hillsborough had thirteen sites for 701,464 registered voters, Pinellas County, with 643,424 registered voters, offered early voting at only three sites. These variances in the number of early voting sites may have affected turnout during early voting: Duval County voters cast more than 183,000 ballots and Hillsborough County voters cast more than 146,000 ballots, whereas Pinellas County voters cast only 46,368 ballots.[2]

As was widely reported, voters who attempted to vote during the early voting period, particularly in South Florida, were forced to wait in lines of up to eight hours to cast their ballot.[3] Early voters waited two and a half hours or longer at several Broward County early voting locations, four hours or longer at many Miami-Dade County locations, and two hours at several Palm Beach County locations.[4] The long lines likely stemmed from high turnout, limitations on hours of availability of early voting and the number of early voting sites, or delays created by printing ballots on demand. Due to the long lines, Governor Crist issued an executive order proclaiming that a state of emergency existed due in part to record turnout and long lines, and ordered the extension of voting hours during early voting.[5]

During the 2009 and 2010 legislative session, several bills related to early voting were introduced. During the 2010 session, Senator Nan Rich introduced a bill, SB 828, which would increase flexibility in the types of facilities that may be used for early voting; ensure adequate, uniform access to early voting across counties; and increase voter access to early voting to meet demand. SB 828 would provide supervisors of elections with flexibility in designating a broad array of facilities, including <u>any city hall, public library facility, courthouse, place of worship, civic center, convention center, community center, county government center, conference center, community college facility, university or college, fairgrounds, or any other location designated by the supervisor meeting the requirements of this section,</u> as early voting sites. In addition, SB 828 would establish a minimum number of early voting sites per county based on the number of registered voters (one site plus one additional site for every 65,000 registered voters) or the number of sites employed during the 2008 general election, whichever is greater. Finally, SB 828 would expand early voting hours from eight hours to 12 hours during weekdays and from eight to 12 hours in the aggregate on weekends.

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[2] https://doe.dos.state.fl.us/fvrscountyballotreports/FVRSAvailableFiles.aspx.

[3] *See, e.g.,* Pew Center on the States, *Election 2008 in Review* 7 (Dec. 2008), http://www.pewcenteronthestates.org/uploadedFiles/ElectionInReviewPDF%20Final.pdf.

[4] http://www.palmbeachpost.com/state/content/local_news/epaper/2008/10/23/1023browardvote.html; http://www.miamidade.gov/elections/wait-times.asp; http://weblogs.sun-sentinel.com/news/politics/palm/blog/2008/10/latest_early_voting_wait_times.html.

[5] Executive Order 08-217.

SB 828, if enacted, would likely increase the percentage of voters who vote during the early voting period and correspondingly decrease the percentage of voters who vote on Election Day. Consequently, the strain and pressures of Election Day on election officials and poll workers would be reduced, and poll workers would have additional hands-on training in advance of Election Day. Moreover, increasing access to early voting would also likely reduce the use of provisional ballots, including provisional ballots cast outside of the voters' precinct and subsequently rejected.

Unfortunately, the Florida Senate did not pass, or even hold a hearing, on SB 828. During the 2011 session, legislation should be enacted to increase flexibility in the types of facilities that may be used for early voting, ensure adequate, uniform access to early voting across counties, and increase voter access to early voting to meet demand.

The Burdensome "No-Match, No-Vote" Law

Florida's "no-match, no vote" law, *§ 97.053(6), Fla. Stat.*,[6] is one of the most restrictive voter registration requirements in the country. The law prohibits the registration of voter applicants whose identification number cannot be matched with a record in the Florida Department of Highway Safety and Motor Vehicles database or the Social Security database. *Id.* To become registered, unmatched applicants must provide a copy of their Florida driver's license, Florida ID, or Social Security card to their supervisor of elections. *Id.*

During 2006 and 2007 when the "no-match, no-vote" law was first in effect, it prevented 16,000 voter applicants from being added to the rolls. The citizens affected were disproportionately from minority communities; while Latino applicants were 15% of the applicant pool, they were 39% of those blocked by the law, and though African-American applicants were 13% of the applicant pool, they were 26% of those blocked by the law.

Due to ongoing litigation, the "no-match, no-vote" law was not enforced for most of 2008, but it nevertheless prevented thousands of applicants from being added to the voter rolls. Between September 8, 2008, when Secretary Browning resumed enforcing the law and late October, it prevented more than 11,000 voter applicants from becoming registered. These unmatched voter applicants were disproportionately Latino and African-American. While Latino applicants represented 17% of the total applicants who submitted applications from September 8, 2008 to the registration deadline of October 6, 2008, they accounted for 24% of the unmatched applicants from that period. Similarly,

[6] Advancement Project and other counsel represented plaintiffs, the Florida State Conference of the NAACP, the Haitian-American Grassroots Coalition, and the Southwest Voter Registration and Education Project, in a lawsuit challenging the "no-match, no-vote" law. *Fla. State Conf. of the NAACP v. Browning*, Case No. 4:07-cv-402-SPM-WCS (N.D. Fla. 2007).

African-American applicants represented 23% of the total applicants during that period but 30% of the unmatched applicants. In contrast, white applicants represented 42% of the total applicants, but only 19% of those who were unmatched.

In the weeks prior to the 2008 general election, some county supervisors of elections announced that they would permit unmatched voters to correct their matching deficiency by providing a copy of their identification (driver's license, Florida ID card, or Social Security card) at the polls on Election Day. There were no reported difficulties in implementing this procedure. Other county supervisors, following the Secretary's guidance, announced that they would not permit unmatched voters to correct their matching deficiency at the polls and that if unmatched voters did not return to the supervisor's office with identification during the two-day period following Election Day, their provisional ballot would be rejected.

To ensure that the "no-match, no-vote" law no longer prevents eligible voters from being added to the rolls, the law should be amended to ensure that unmatched voter applicants who present themselves on Election Day or during early voting, and who satisfy Florida's voter identification law, *§ 101.043, Fla. Stat.*, become registered and are permitted to vote by regular ballot. This amendment is similar to the practice that many supervisors of elections adopted during the 2008 general election, except that it provides a broader range of identification with which unmatched voters could correct their matching deficiency.

Unnecessary Checkboxes on Florida's Voter Registration Application

Florida's election code requires voter registration applicants to check boxes on their registration application to indicate that they do not have a felony conviction or have been adjudicated mentally incapacitated as to voting, or if they do, that their voting rights have been restored, *§ 97.052(2), Fla. Stat.* Due to these confusing check boxes, tens of thousands of voter applications have been deemed incomplete in recent years and eligible applicants have not been added to the voter rolls.

According to data produced by the Florida Secretary of State's office, between January 1, 2008 and the present, 9,088 applications were deemed incomplete because the applicant had not checked the mental incapacity box, and 5,160 were deemed incomplete because the applicant had not checked the felon box. Likewise, in 2004, over 14,000 applications were deemed incomplete because the checkboxes for felony, mental incapacity, and/or citizenship were left blank.

Requiring voter applicants to provide information regarding felony convictions and mental incapacity through the marking of checkboxes imposes a confusing and unnecessary burden on eligible Floridians; the information elicited by the checkboxes may be obtained through alternative, less burdensome means.

The Florida voter registration application should be modified to eliminate the felon and mental incapacity checkboxes and require, in lieu of those checkboxes, that applicants swear or affirm that they do not have a felony conviction or have been adjudicated as having a mental incapacity as to voting, or if they do, that their voting rights have been restored.

Insufficient Restrictions on Private Challenges to Voters' Registration

Florida's election code permits private individuals to challenge the eligibility of other voters in their county, prior to or on Election Day, and thereby force the challenged voter to vote by provisional ballot, *§ 101.111, Fla. Stat.* Historically and in recent elections, private parties have challenged voters' eligibility for the purpose of intimidating African-American voters and interfering with their voting rights. While challenges were not widespread in Florida in 2008, thousands of challengers registered in advance of the 2004 presidential election.

Florida's current challenger law does not provide voters with sufficient protection from unwarranted challenges that may burden, or even deny, their right to vote. A challenger need only satisfy a very low standard - "reason to believe" that a voter is ineligible - to challenge a voter, and if challenged, a voter must vote by provisional ballot, which in turn may be rejected for administrative reasons unrelated to the voter's eligibility. Additionally, Florida law permits challenges to be entered on Election Day, which may exacerbate voter lines and thereby deter voters from casting a ballot.

H.B. 131 makes a modest reform to the challenger law by allowing voters whose registration has been challenged for appearing to vote in the wrong precinct to execute a change of residence and vote by regular ballot. The bill further provides that if the voter's new address is located in another precinct, the voter must be directed to that precinct. While this is an incremental improvement to the law, fundamental reforms are needed to protect voters from unwarranted challenges.

Short of repealing Florida's challenger statute altogether, the law should be amended to establish that: (1) challenges must be based on personal knowledge of the challenger; (2) challenges must be entered not later than 25 days before an election; (3) the supervisor of elections for the county in which a challenge is filed must afford the challenged voter notice of the challenge and

an opportunity to be heard at a hearing; (4) cancelation of a voter's registration must be supported by clear and convincing evidence that the voter is ineligible; (5) any voter who enters a challenge must be registered to vote in the precinct in which he or she enters the challenge; and (6) any person who files a frivolous challenge commits a felony.

Rejection of Provisional Ballots Cast in the Wrong Precinct

Florida's election code requires the rejection of provisional ballots cast outside of the voter's correct precinct, *§ 101.048 (2)(b)(2), Fla. Stat.* According to data provided in response to the U.S. Election Assistance Commission's 2008 survey, Floridians cast 35,635 provisional ballots in the 2008 general election, of which roughly 51%, or 18,321, were rejected. Ten thousand of those provisional ballots were rejected because the voter was not registered in the state. Nearly 1,300 of those provisional ballots were rejected because the voter cast the ballot in the wrong precinct.

Advancement Project's review of provisional ballot envelopes from ballots cast in several counties in the 2008 general election reveals that in some instances, poll worker error - i.e. inability or failure to determine a voter's proper precinct or directing a voter to the wrong precinct - resulted in voters casting provisional ballots in the wrong precinct, which in turn were rejected. Unfortunately, poll workers often failed to direct voters to the correct precinct, or issued provisional ballots to voters whose name they could not locate in that precinct's poll book without verifying whether voters were in the correct precinct. One county's provisional ballot envelopes from rejected ballots include notes from poll workers indicating that the voter had recently moved or was in the wrong precinct. One voter, for example, arrived at the correct precinct, but a poll worker redirected the voter to the wrong precinct, where she cast a provisional ballot that was rejected. This poll worker had examined the voter's new ID and concluded it was "too new" for her to cast a ballot at the precinct for her new address. In another instance, a voter was issued a provisional ballot because the voter refuted the supervisor's office assertion that he was not registered and eligible. In fact, this voter was registered, but at the wrong precinct. His provisional ballot was also rejected.

Because the casting of provisional ballots in the wrong precinct is often attributable to poll worker error, Florida's provisional ballot law should be amended to require the counting of provisional ballots cast by registered voters in the wrong precinct for contests in which the voter is eligible to vote.

Proposed Solutions

- Passage of SB 828 (Sen. Nan Rich, 2010).

- Provide elections supervisors with the ability to designate a broad range of facilities as early voting sites such as any city hall, public library, courthouse, place of worship, community center, college campus, fairgrounds, etc.

- Establish a minimum number of early voting sites per county based on the number of registered voters (one site plus one additional site for every 65,000 registered voters) or the number of sites employed during the 2008 general election, whichever is greater.

- Expand early voting hours of operation from eight to 12 hours on weekdays and from eight to 12 hours in aggregate on weekends.

- Amend "no match, no vote" law to allow unmatched voters to satisfy ID requirements of Florida Statute § 101.043 on Election Day or during early voting and be permitted to vote regularly.

- Modify voter registration forms by removing the felon and mental incapacity checkboxes. Instead, have applicants swear or affirm that they do not have a felony conviction or have been adjudicated as having a mental incapacity as to voting, or if they do, that their voting rights have been restored.

- Amend Florida Statute § 101.111 to establish that: (1) challenges must be based on personal knowledge of the challenger; (2) challenges must be entered not later than 25 days before an election; (3) the supervisor of elections for the county in which a challenge is filed must afford the challenged voter notice of the challenge and an opportunity to be heard at a hearing; (4) cancelation of a voter's registration must be supported by clear and convincing evidence that the voter is ineligible; (5) any voter who enters a challenge must be registered to vote in the precinct in which he or she enters the challenge; and (6) any person who files a frivolous challenge commits a felony.

- Amend Florida's provisional ballot law to require the counting of provisional ballots cast by registered voters in the wrong precinct for contests in which the voter is eligible to vote.

PRIVATE ELECTION FINANCING MEANS NON-RESPONSIVE GOVERNMENT

Fred Markham

The Case for Public Financing of Elections

Elections must be a public good. Fire protection, police protection, interstate highways and air traffic control are all examples of public goods: we all share in both the expense and the benefit for these services.

Political elections are another clear case for a public good.[1] Election outcomes profoundly affect every citizen because the winners decide who pays taxes and how we spend them, whether we have peace or war, how we regulate and control the economy, how we develop land and whether we protect the environment, among other issues.

Despite the clear need, America has never treated elections as a public good. Instead, we have a privately financed political system: the cost of election campaigns is paid by private investors, called political contributors, whose investments bring enormous financial returns at the public expense. In exchange for the comparatively small cost of electing the government every two years, these investors assume virtual control over the largest economy in the history of the world, by holding sway over the legislators who make policy and the regulators who enforce policy.

For individual candidates, elections are very expensive - out of reach for those without access to wealth. Typical federal Senate and House campaigns now cost $10 million and $2 million respectively, which keeps politicians in a constant mode of fundraising. Raising the necessary $20,000 to $30,000 per week needed for re-election, week in and week out, requires a lot of effort. Even at the state level, tens to hundreds of thousands of dollars can be required to compete for a seat in the legislature, effectively barring even the most civic-minded and capable would-be public servants from running for office, unless they have access to wealth.

This urgent need for private money has significant costs to our democracy. First, the time spent fundraising is time away from the work of governance, which is a full-time job. More importantly, a government elected in this manner can only have an elitist view of the world, which means that the needs of the non-elite majority are relegated to a low priority.

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[1] See Creating Political Equity: American Elections as a Public Good, by Jay R. Mandle, for an in-depth analysis of elections as a public good.

Politicians can safely ignore constituents. In exchange for selling their independence to political donors, politicians gain the freedom to ignore their constituents. As long as the political investors are happy, the money keeps rolling in and re-election is virtually assured. *Incumbents get re-elected*, it's as simple as that. In Florida from 1996 to 2008, incumbents sought re-election to Congress or the state legislature 873 times and won 852 times, or 97.6%. In some elections, not even one incumbent lost a race.

Having 97.6% odds of being returned to office is no doubt a comfort to legislators, but it weakens democracy by draining power from constituents. In issue after issue we see government ignore strong public interest and polling results in favor of special interests. In Florida, new and environmentally damaging residential and commercial developments are routinely built over the objections of large constituent majorities. In 2010, prior to the BP disaster, the Florida House, supported by major energy industry contributions, voted to permit drilling off Florida's prized beaches. They were willing to risk the vital tourist economy and public outrage because their campaign finances are secure, and their seats are therefore safe.

Treating the symptoms does not work. There have been many efforts by democracies to control the corrosive effects of private wealth on politics. These have focused on controlling spending and/or contributions, and have universally failed. In her extensive 2005 study of several western democracies, Carolyn Warner concludes that these failures are because politicians and parties faced with constraints on contributions or spending will cheat, and will collude together so that cheating is safe for all concerned.[2] The problem with this approach, which includes our own McCain-Feingold Act and earlier U.S. attempts at reform, is that it does not treat the fundamental flaw of financing elections with private money.

Public campaign financing is the solution. Several states, including Maine and Arizona, do treat state elections as public goods. Candidates have the option of running campaigns using public funds if they are willing to reject all private financing. These "Clean Elections" systems have opened opportunities to candidates who could never have run under the privately financed system, including non-wealthy, non-connected candidates who value public service over personal power and wealth. The legislatures of these states are now more diverse than in other states, and, as the stranglehold of special interests has weakened, their democratic institutions have been strengthened. Money available for social investment has increased by billions because the "Clean" elected officials have no incentive to divert money to special interests.

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[2] Warner, Carolyn, "The Corruption of Campaign and Party Finance Laws, http://www.allacademic.com//meta/p_mla_apa_research_citation/0/4/0/3/7/pages40379/p40379-1.php (downloaded 6 May 2010).

How Public Financing Systems Work

In a Clean Elections system like the systems in Maine and Arizona, candidates can opt to reject private funding and run competitive campaigns with public financing. Those who opt out of private financing are “clean” candidates. Clean candidates first qualify by collecting a threshold number of small (typically $5) donations from registered voters in their district. The qualifying contributions can only be collected by volunteers, not paid staff. The threshold number is set large enough to prevent non-serious candidates from competing. Qualified candidates then agree to neither accept nor use private money in their campaigns and receive an amount of public money that will ensure they can run a competitive campaign. If a candidate is running against a non-participating opponent who exceeds established spending limits, "fair-play" funds are provided to the Clean candidate to help remain competitive. Studies have shown that public financing systems don't have to match competitors' spending, but only provide enough for candidates to get name recognition and communicate their message. Experience shows that Clean candidates compete very successfully, in part because they are running "clean" and perceived by the public as more trustworthy.

Funding for Public Financing

States provide funding for their public financing systems in a variety of ways. Some allocate a portion of selected fines and traffic tickets, some set aside taxes on selected services, others set up a trust fund which is replenished from the general budget. The cost of these systems is very low: estimates for electing the entire Congress on this basis run from $4 to $6 per voter per election cycle. State systems are less expensive.

Very Popular and Very Unpopular

Polling shows that public support is strong for public financing across the political spectrum. A February 2010 poll conducted by Greenberg Quinlan Rosner Research for Common Cause, Public Campaign Action Fund and Change Congress, reveals strong support from Democrats, non-party affiliates, and yes, even a 10 percentage point preference by registered Republicans. Public financing systems are very popular with their states' voters, who are now served by much more diverse and responsive legislatures. Not surprisingly, however, public financing is very *unpopular* with that small, powerful sector of the population who would like to regain control of those states. The latter group regularly brings public financing systems under attack in states that have it, and the systems must be defended vigilantly in order to survive; like the saying goes, "freedom isn't free."

Changing to a publicly financed campaign system will not be an easy task, and it will not happen overnight. Recent Supreme Court rulings have further expanded the power of corporate spending and constrained the rights of the people to provide public funding in competition with corporate and private wealth. The ruling in Citizens United v. FEC has removed century-old constraints that prevented corporations from spending directly on political campaigns. The consequences on the 2010 elections are likely to be significant. In June 2010, the Supreme Court issued a ruling stopping Arizona from distributing matching funds to Clean Elections candidates whose private opponents massively outspend them. The ruling overrides previous appeals court rulings that the Clean Elections law does not violate the 1st amendment rights of wealthy candidates, and threatens Arizona's right to have non-wealthy politicians run competitive campaigns. These rulings are not inconsistent with the court's historical preference for the right of wealthy speakers to drown out the free speech of others. The rulings underscore the need to change how we elect our government, including those who continue to appoint "railroad lawyers" to the Supreme Court.

Florida Needs Public Campaign Financing

Though not widely known, several public financing bills have been introduced to the Florida legislature, most recently the *Florida Clean Elections Act (FCEA)* introduced by Senator Frederica Wilson. Bills were introduced from 1998 through 2007, but always died in committee without ever coming to the floor for a vote. FCEA was modeled on the Maine and Arizona legislation, where there is a proven track record of the role of public campaign financing in increasing representative democracy. To have any hope of wresting control over state government from wealthy special interests, Florida voters must ultimately get behind legislation of this sort. Until that happens we will continue to be ruled by the few who are willing and able to invest private wealth in the political system and reap huge rewards.

Proposed Solutions

- Passage of SB 2264 (Sen. Frederica Wilson, 2007), the Florida Clean Elections Act.

- Establish public campaign finance system based on the "clean elections" model exemplified and working in Maine and Arizona.

- Create system where candidates may opt to qualify for public financing by foregoing private financing after collecting a reasonable number of small donations.

- Include “fair play” funds to help Clean candidates remain competitive against those who forego public financing and surpass spending limits through private financing.

HOW RANKED CHOICE VOTING CAN FIX OUR BROKEN ELECTORAL SYSTEM AND HELP GET US THE LEADERS AND POLICIES WE DESERVE

Michael E. Arth

> Let me…warn you in the most solemn manner against the baneful effects of the Spirit of Party….Cunning, ambitious, and unprincipled men will be enabled to subvert the Power of the People, and to usurp for themselves the reins of Government; destroying afterwards the very engines, which have lifted them to unjust dominion…. The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension…is itself a frightful despotism [leading] at length to a more formal and permanent despotism…It serves to distract the Public councils, and enfeeble the Public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passions.
>
> —George Washington's Farewell Address, first written in 1796

George Washington, the "Father of His Country," was the only president to not belong to any party, yet he was also the only president to be elected with 100% of the Electoral College. This happened twice. He would have been elected for a third term, but he turned it down. Instead, he wrote a farewell address that warned of the dangers of political parties, and hoped they would not be formed, because partisanship does not serve the common good. He warned that parties compete for power, which they take from the people and put into the hands of unjust men. He also warned against false patriotism and involvements in foreign wars. His warnings were read aloud before both the Senate and the House every year from 1899 until 1984, when the more contentious House stopped reading it. Today, the public rates congressmen below used car salesmen in trustworthiness, and surveys show the U.S. ranking between 15th and 18th in corruption and governance among the world's countries, and 92nd in income equality. Ironically, the U.S. ranks number one in defense expenditures and foreign military adventures, outspending the next 15 countries, 12 of which are considered allies.

Washington did not understand that the corrupt and contentious two-party system is merely a symptom of the dysfunctional electoral system we inherited from the British. One problem is private campaign financing. Legal, institutionalized bribery augments the pervasive corruption. Between 1998 and 2007, 824 public officials were convicted, in Florida alone. Because most criminals get away with their crimes, this means that thousands more are still

out there getting paid to play and pander. Each month, almost $300 million is doled out by and for 13,000 lobbyists in Washington D.C., with countless millions more being spent elsewhere.

The second major problem is the way we count votes. Fixing this can also help solve the campaign financing problem. Even though the colonists rejected British rule, they blithely accepted the British "first-past-the-post" electoral system. Our plurality voting system, also called "winner-take-all," means that only the candidate with the most votes wins, even if the winner does not have majority support. In a horse race, first-past-the-post is the only system that makes sense because only one horse can win. However, in government this is unfair because most people will go unrepresented, and it institutionalizes a stifling two-party system.

In almost any political horse race, a candidate from outside the duopoly is either marginalized or becomes relegated to the role of "spoiler." Ralph Nader and the Green Party were "spoilers" in 2000 because people voting their first choice, ended up helping their last choice. The two parties allow this to continue; they would rather lose an election than have a fair election because adopting ranked choice voting would break up the duopoly and allow more choices. We know this because the Republican National Committee elects their chairman with ranked choice voting.

Virtually all democracies that evolved outside the British sphere of influence use ranked-choice-voting in both single and multi-member elections. The whole point of a democracy is to have fair representation, yet our system is rigged to perpetuate the tyranny of the special interests.

The sample ballot below shows how ranked choice voting works for single member elections. Several cities and counties in the U.S. already use this voting system for local elections. You simply rank your choices in order of preference. If you think Fred Rubble is a caveman you can just leave him out of the ranking. If there is not a majority winner when the votes are counted, then the candidate with the least votes is dropped. If the dropped candidate was your first choice, your second choice becomes your first choice and the votes are recounted automatically until there is a majority winner. Having ranked choice voting, combined with highly regulated public campaign financing, would democratize government and break up the two-party stranglehold. Ideas would become more important than party affiliation or fundraising.

Rank any number of options in your order of preference.

☐	Joe Smith
1	John Citizen
3	Jane Doe
☐	Fred Rubble
2	Mary Hill

Ranked choice voting, in its "single transferable" form, could also eliminate all the problems related to congressional and legislative districts, if the districts could be made into larger multi-member districts. There would be no more redistricting fights, gerrymanders, vote-strategizing, or poor representation because the districts would be designed by a computer and the representatives would be elected proportionally. A five-member district might consist of a Democrat, a Republican, a Green, a Libertarian, and an independent, for example. Instead of less than 20% representation of eligible voters in Congress, as we have now, we could have full representation of voters. More people would vote if they could vote their conscience instead of for the "lesser of two evils." Single transferable vote (STV) is successfully used to elect various bodies around the world, including Australia's federal Senate and the City Council of Cambridge, Massachusetts.

FIVE MEMBER CONGRESSIONAL DISTRICT USING SINGLE TRANSFERABLE VOTE					
RANK YOUR CHOICES NO WASTED VOTES ALL VOTES WILL BE USED TO ELECT FIVE MEMBERS MARK YOUR FIRST PREFERENCE CANDIDATE "1" IN THE BOX ABOVE THE NAME. YOUR 2ND PREFERENCE "2" AND SO ON, UP TO A MAXIMUM OF "17." YOU MAY NUMBER AS MANY OR AS FEW AS YOU WISH. S.T.V. SAMPLE BALLOT BY MICHAEL E. ARTH	NO PARTY AFFILIATION	DEMOCRAT	GREEN	LIBERTARIAN	REPUBLICAN
	☐ JIM ANDERS	☐ LYNN ALTER	☐ FLOR JARDIN	☐ TAMMY BILT	☐ BOB BARKER
	☐ ANN BROWN	☐ JIM NABORS	☐ JEFF WILL	☐ RON PAUL	☐ JOHN KANT
	☐ JOHN DIX	☐ SAM SPADE		☐ BILL SMITH	☐ AL MANN
	☐ MARY SMITH	☐ JAN WEST			☐ SARAH WU

Ranked choice voting could also be combined with public campaign financing. For all elections, voters could pre-vote during the campaign by electronically assigning publicly funded micro-payments to all eligible candidates and parties. This pre-voting would allow for the number of candidates to be winnowed down before final voting. The payment would be just enough so candidates and parties can do very basic organizing. Independents would get the same treatment as party candidates. These pre-votes would serve to rank candidates on the ballot. There would be a specified

number of candidates allowed on the ballot, so those who do not rank in the pre-voting get dropped off before Election Day. For example, you might have a limit of 10 candidates for each single-member race, and their ranking on the ballot would depend on the pre-votes. The pre-votes themselves could function like ranked choice voting.

Candidates would be required to make factual, detailed entries into an online election information website provided for free. All statements of fact would have to be referenced, and could be challenged. This would allow the electorate to easily compare the issues and the candidates in a concise, standardized format. This would also allow analysis using algorithmic software to sift through the information, and let the voters know at a glance which candidates to investigate further. Of course, there could also be hyperlinks to video clips, interviews, debates, or other information they would like to provide. A public record of the candidate's biography, qualifications, voting record and previous policy statements would also be required.

Doing all of these things would utterly transform our political landscape, and bring the greatest good to the greatest number, in the most efficient manner possible, to this and future generations. George Washington would have supported this goal.

Proposed Solutions

- Implement ranked choice voting (instant runoff voting) for all single member elections.

- Reform single member districts into larger multi-member districts where ranked choice voting, as single transferable vote, can be utilized to elect representatives on a proportional basis.

- Combine ranked choice voting with public campaign financing by implementing a system of electronic pre-voting assigning publicly funded micro-payments to all eligible candidates and parties. The results would determine who receives a spot on the Election Day ballot.

- Provide an online public information resource where candidates could provide informational material for voters to analyze and compare in a standardized format.

REFORMING CLOSED PRIMARIES, PARTIES, AND BALLOT ACCESS

Yury Konnikov

Florida's closed primary system and ballot access laws are a barrier to competitive, pluralistic, and representative democracy. It is a reflection of the unequal treatment of political parties before the law giving privileged status for two and underprivileged status for the "third" parties. Ballot access is a tool used to discourage competition and, as a result, participation and representation, keeping politics beyond the reach of the average person. Combined with other obstacles, such as campaign finance and gerrymandering, it preserves stagnation in politics. In order to lay the foundation for competition and pluralism in Florida's democracy, the issues of candidate nomination, party organization, and ballot accessibility must be resolved in addition to other noted reforms. Given the close relationship between nomination and ballot access, these issues must be discussed together.

Closed Primaries and Parties

Florida's two dominant parties, the Democrats and Republicans, have legislated "major party" status unto themselves in state statute. In Florida's closed primary system, taxpayer funded primary elections for the two parties determine their respective candidates. The only voters eligible to participate in these primaries are those who are registered with the two parties. There are nearly 2.5 million voters in Florida who are not affiliated with either party. Thus, the property taxes of these non-affiliated voters are used to fund the operation of the closed primaries for the two "major" parties even though the non-affiliated voters cannot vote in those primaries. This is a classic example of taxation without representation.

The closed primary system's bias towards the two "major" parties cements their role as the only viable means of political expression. As a result, candidates who seek political office routinely use both parties as electoral vehicles to get on the ballot, despite having little in common with others in the same party. This is clearly evident when candidates crowd primaries for seats that open up due to the retirement or death of an incumbent. During this process, sitting officials and personalities within the party apparatus regularly undermine the few merits of closed primaries by stacking early support behind a particular primary candidate to "clear the field." When that does not work they ignore and/or attack primary opponents of the candidate they are stacking behind. Over the years, many examples of this have been evident.

Ironically, a double standard exists between the state Republican and Democratic organizations and their local chapters. While local chapters are strictly prohibited from endorsing primary candidates, the state organizations openly provide or withhold support for particular primary candidates. While this is normally done without any official fanfare, it's done with enough visibility to assure the relevant (or irrelevant) candidates get the message. Examples include not allowing all primary candidates to speak at state party functions and advertising on behalf of one and not others. Furthermore, though they strictly prohibit local chapters from engaging in the same behavior, leaders of local party clubs regularly violate this rule as well. A typical example of this is when a local club president refuses to allow all primary candidates in a specific race to speak to the club's members because the club leadership has already lined up behind a particular candidate. In other cases candidates are denied use of, what are supposed to be, common resources.

Due to the entrenchment of the two parties, reinforced by the closed primary system, oversaturation by, and dependence on, moneyed special interests becomes easier. For example, given the predictability of election results even in the most "competitive" district where only one of two parties will win, the investment environment for moneyed interests is extremely secure. Given the ever-increasing amounts of money raised in every election cycle, with some State House candidates raising in excess of $1 million in 2008, party support routinely flows to the primary candidates who have the most potential to raise massive funds. This leads to a total disregard by the parties of other primary candidates which also follows suit in the press. In the end, primary voters are intentionally discouraged by the "major" parties from considering all the candidates seeking nomination.

It should be noted that the actual pool of eligible primary voters that turn out is very small. For example, according to the Division of Elections data, only 17.7% of eligible primary voters in Florida voted in the August 2008 primary election of either party. From 2002 – 2008 this turnout averaged 23%. Therefore, in addition to the aforementioned non-affiliated voters who cannot participate in these elections, but pay for them, there are some 77% of eligible primary voters who regularly do not participate.

Florida's closed primary system removes the right of a party, "major" or "minor", and its members to decide who is eligible to file for nomination. This took a particularly perverse turn in 2008 when five candidates appeared in five different races as Greens, but were neither endorsed nor participated in the party. These candidates merely paid the filing fees in their respective jurisdictions and obtained ballot status, beyond which they had no other campaign activity. This was widely seen as a ploy to dilute elections in which

Democrats were likely to win. However, the party whose nomination was, in essence, hijacked could do nothing about it.

Fostering party organizations which are more than hollow electoral vehicles would require making membership tracking the responsibility of parties themselves, elimination of taxpayer funded primaries, and requiring parties to pay a fee if they wish to have a primary conducted by a public resource like the Supervisor of Elections. Furthermore, such changes must be based on providing consistent, equal, and realistic requirements for party formation and registration at the state level.

Ballot Access

An equally important aspect of providing for representative democracy is ballot access. Prior to 1888, ballot access was a non-issue in the United States because the government did not print ballots (Winger, 1994). People voice voted, wrote their own ballots, or voted on tickets handed out by parties they supported, and deposited these items in ballot boxes. The law treated all parties equally and there were no real barriers to organizing them. As such, politicians could not use ballot access as a tool for keeping competition off the ballot. However, voter intimidation, lack of civil rights, disenfranchisement of women, and lower literacy rates, among other factors, kept the pool of participants and voters lower than it would be today. There was also no secret ballot until the idea was derived from an Australian electoral law of the 1850s and implemented in the U.S., in the 1890s, to reduce fraud and intimidation.

Before the introduction of government produced and regulated ballots in order to implement secret balloting, all parties were equal before the law. During this time of "party equality," the underdog Republican Party was founded as an outsider party. Within six years these "underdogs" managed to capture the presidency of the United States with Lincoln as their first elected president. Starting out in today's environment they would be no more relevant than any other "third" party, sidelined by undemocratic ballot access laws and statutory double standards, while seeing potential members enter the two dominant parties simply to seek a path for "viable" political expression.

According to Richard Winger (1994), a legal and political scholar of ballot access, the ballot restrictions which became tighter in the 1930s and the 1960s laid the foundation for today's barriers. Winger (1994) notes that in 1924 only 50,000 petitioned signatures were required to place a new party on a ballot in all U.S. states (0.15% of voters in the last election). By 1994, this figure had risen dramatically to 1,593,763 (Winger, 1994). Certainly this explains how in 1924, Robert La Follette Sr. and the Progressive Party were able to run a campaign which netted 17% of the popular vote for president, 13 electoral votes, and second place in 11 western states. Such a feat has not been

matched since, even by Ross Perot, who, despite netting 19% of the vote and spending $65 million of his own money, won no electoral votes.

A sampling of the inconsistency in various states' requirements to run for the U.S. House is insightful. Utah requires a $435 fee to file and no petitions. Florida requires $10,000 or petitioned signatures by 1% of a district's registered voters which can vary from 3,413 to 6,081 voters, depending on the district. Illinois requires petitions of 0.5% of party voters in the last primary election which can range from 19 to 47 petitions depending on the district. For "third" party candidates, specifically, Georgia requires 5% of all eligible voters in the last election, while other states have a requirement of 2%.

Winger (1994) asserts that the U.S. and by extension Florida may be in violation of the Copenhagen Meeting Document. This international agreement signed by the U.S. in 1990 requires signatories to "Respect the right of individuals and groups to establish, in full freedom, their own political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on the basis of equal treatment before the law and the authorities" (CSCE 1990, p. 4). Winger (1994) demonstrates the example by claiming a party started in 1994 with the same popular support as the two "major" parties would have to gather 4,454,579 valid signatures, some within ten months of the election, to get its candidates on the ballot. The Democratic and Republican parties would need no signatures for ballot access, while candidates from these "major" parties would need to only gather 882,484 valid signatures, in total, to get on primary ballots (Winger, 1994). It is unequal "treatment before the law and the authorities" (CSCE 1990, p. 4).

Another illustration of lack of access in Florida is demonstrated by the campaign of Kendrick Meek, a U.S. Representative running for Senate in 2010. Meek made some headlines when his campaign announced that he had reached the goal of 112,476 petitions, in fact getting some 130,000 in all, to qualify for the statewide ballot. As a result he became the first candidate in Florida history to qualify by petition, signifying the extremity of the barrier. Though some may argue this demonstrates accessibility, between the time he opened his campaign and acquired the signatures, the effort took almost one year and the campaign spent nearly $1.7 million. All other statewide candidates for state or federal office opt to pay the filing fees which range from $5,158.88 to $10,440 depending on the office and party, or no party, affiliation. Though cheaper, these figures still present an expensive, and insurmountable, barrier for the average person.

A Case Example of Accessible Ballots

Clearly, Florida's ballot is not accessible to the average person. This discourages participation, competition, pluralism in decision making, and results in less representation. The United Kingdom, considered by Winger a "healthy" two-party system, and the progenitor of our own, provides an interesting example of accessible ballots. In the UK, all candidates for the national parliament must have ten petitions from among the voters of the constituency they wish to stand for, with authorization from a specific party if they wish to run under its label, otherwise they are described as "independent" or can choose no descriptive label on the ballot next to their name (Electoral Commission 2010a, pp. 26-32). Furthermore, "to encourage only serious candidates to stand" (Parliament, 2010), candidates must make a deposit of £500 ($733.10) which is refunded to candidates who win more than 5% of total votes cast (Electoral Commission 2010a, p. 41).

Winger notes that candidates also receive two free mailings to voters and a certain amount of free television and radio time (1994). Similarly, all that is required to register a political party that has ballot status in the United Kingdom is an application, a non-refundable £150 fee, a party constitution, a financial plan detailing how the party will meet relevant financial regulations, and the timely meeting of relevant deadlines for reporting (Electoral Commission 2010b, p. 11). Candidates seeking to represent political parties must obtain a party's authorization according to its own internal procedures for nominating candidates.

The fact that legally equal parties and accessible ballots still yield a two-party system demonstrates how these reforms will only yield competitive, pluralistic, and representative democracy in combination with other reforms, such as those included in other sections of this white paper. The British parliament has approved plans to offer instant runoff voting (ranked choice voting) for national referendum and the junior partners in the current governing coalition support proportional representation and single transferable vote.

Proposed Solutions

- Require party membership tracking to be the responsibility of the individual parties, eliminate taxpayer funded primaries, and require parties to operate their own nomination processes. Parties using primaries should operate them themselves or pay a fee if they wish to utilize a public resource like the Supervisor of Elections.

- Eliminate the double standard between privileged "major" and underprivileged "minor" parties in state law. Instead, create a single set of

equal privileges granted to all parties meeting accessible requirements for party formation. This should include a small non-refundable fee to encourage only serious parties to register.

- Create accessible ballots with reasonable qualification requirements. A small amount of petitions, NOT based on a percentage of the population, as well as a small filing fee, NOT based on a percentage of the office's salary, which is refundable if a certain percentage of votes is received, would go a long way in realizing access for the average person. Qualification for the ballot should be equally accessible for all candidates regardless of party, or no party, affiliation. This means eliminating the party assessment component of the filing fees.

- Predicate ballot access on individuals instead of parties by simply requiring qualified candidates to have the consent of the respective, properly registered party to use their label on the ballot.

- Parties must be free to form their own internal procedures for membership registration, tracking, and candidate nomination so long as they meet all relevant financial regulations. Parties should use these internal procedures, as decided by their stakeholders, to determine their candidates according to their own constitutions.

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SUMMARY OF PROPOSED SOLUTIONS

THE GERRYMANDER

1. Passage of Amendments 5 & 6 in November 2010.

2. Establishment of independent citizen advisory boards and judicial panels to oversee redistricting at the local level.

3. Establishment of a statewide fair elections commission consisting of non-partisan experts, citizens, and other stakeholders to take ownership over the process from the legislature.

4. Such a commission should use available technology to implement the goals of Amendments 5 & 6 to draw compact, contiguous, and community-based districts.

LEGISLATIVE REFORMS TO REMOVE BARRIERS TO VOTING IN FLORIDA

1. Passage of SB 828 (Sen. Nan Rich, 2010).

2. Providing elections supervisors with the ability to designate a broad range of facilities as early voting sites such as any city hall, public library, courthouse, place of worship, community center, college campus, fairgrounds, etc.

3. Establish a minimum number of early voting sites per county based on the number of registered voters (one site plus one additional site for every 65,000 registered voters) or the number of sites employed during the 2008 general election, whichever is greater.

4. Expand early voting hours of operation from eight to 12 hours on weekdays and from eight to 12 hours in aggregate on weekends.

5. Amend "no match, no vote" law to allow unmatched voters to satisfy ID requirements of Florida Statute § 101.043 on Election Day or during early voting and be permitted to vote regularly.

6. Modify voter registration forms by removing the felon and mental incapacity checkboxes. Instead, have applicants swear or affirm that they do not have a felony conviction or have been adjudicated as having a mental incapacity as to voting, or if they do, that their voting rights have been restored.

7. Amend Florida Statute § 101.111 to establish that: (1) challenges must be based on personal knowledge of the challenger; (2) challenges must be entered not later than 25 days before an election; (3) the supervisor of elections for the county in which a challenge is filed must afford the challenged voter notice of the challenge and an opportunity to be heard at a hearing; (4) cancelation of a voter's registration must be supported by clear and convincing evidence that the voter is ineligible; (5) any voter who enters a challenge must be registered to vote in the precinct in which he or she enters the challenge; and (6) any person who files a frivolous challenge commits a felony.

8. Amend Florida's provisional ballot law to require the counting of provisional ballots cast by registered voters in the wrong precinct for contests in which the voter is eligible to vote.

PRIVATE ELECTION FINANCING MEANS NON-RESPONSIVE GOVERNMENT

1. Passage of SB 2264 (Sen. Frederica Wilson, 2007), the Florida Clean Elections Act.

2. Establish public campaign finance system based on the "clean elections" model exemplified and working in Maine and Arizona.

3. Create system where candidates may opt to qualify for public financing by foregoing private financing after collecting a reasonable number of small donations.

4. Include "fair play" funds to help Clean candidates remain competitive against those who forego public financing and surpass spending limits through private financing.

HOW RANKED CHOICE VOTING CAN FIX OUR BROKEN ELECTORAL SYSTEM AND HELP GET US THE LEADERS AND POLICIES WE DESERVE

1. Implement ranked choice voting (instant runoff voting) for all single member elections.

2. Reform single member districts into larger multi-member districts where ranked choice voting, as single transferable vote, can be utilized to elect representatives on a proportional basis.

3. Combine ranked choice voting with public campaign financing by implementing a system of electronic pre-voting assigning publicly funded

micro-payments to all eligible candidates and parties. The results would determine who receives a spot on the Election Day ballot.

4. Provide an online public information resource where candidates could provide informational material for voters to analyze and compare in a standardized format.

REFORMING CLOSED PRIMARIES, PARTIES, AND BALLOT ACCESS

1. Require party membership tracking to be the responsibility of the individual parties, eliminate taxpayer funded primaries, and require parties to operate their own nomination processes. Parties using primaries should operate them themselves or pay a fee if they wish to utilize a public resource like the Supervisor of Elections.

2. Eliminate the double standard between privileged "major" and underprivileged "minor" parties in state law. Instead, create a single set of equal privileges granted to all parties meeting accessible requirements for party formation. This should include a small non-refundable fee to encourage only serious parties to register.

3. Create accessible ballots with reasonable qualification requirements. A small amount of petitions, NOT based on a percentage of the population, as well as a small filing fee, NOT based on a percentage of the office's salary, which is refundable if a certain percentage of votes is received, would go a long way in realizing access for the average person. Qualification for the ballot should be equally accessible for all candidates regardless of party, or no party, affiliation. This means eliminating the party assessment component of the filing fees.

4. Predicate ballot access on individuals instead of parties by simply requiring qualified candidates to have the consent of the respective, properly registered party to use their label on the ballot.

5. Parties must be free to form their own internal procedures for membership registration, tracking, and candidate nomination so long as they meet all relevant financial regulations. Parties should use these internal procedures, as decided by their stakeholders, to determine their candidates according to their own constitutions.

ABOUT THE AUTHORS

Robert P. Watson, Ph.D. is a professor, author, media commentator and community activist who joined the faculty of Lynn in 2007 after spending 15 years teaching at other universities around the country. He has published more than 30 books and hundreds of scholarly articles, book chapters, encyclopedia essays and newspaper columns. Watson has co-convened a half-dozen national conferences on the American presidency, moderated political debates and forums and delivered more than one thousand keynote addresses, town hall programs on current issues and lectures to civic, professional and community groups.

Elizabeth Westfall is a Senior Attorney and the Deputy Director of Advancement Project's Voter Protection Program. She litigates voting rights cases on behalf of voter registration organizations and individual voters, including *Diaz v. Browning* (challenging Florida's voter registration practices) and *League of Women Voters v. Browning* (challenging Florida's restrictions on non-partisan voter registration organizations). She also engages in advocacy with election officials on various voter registration and other election administration issues. Ms. Westfall joined Advancement Project after serving as a civil rights litigator in private practice and with the Washington Lawyers' Committee for Civil Rights and Urban Affairs, where she represented individuals and organizations in housing, employment, and public accommodation discrimination cases. Prior to joining the Lawyers' Committee, Ms. Westfall was an associate with the law firm previously known as Wilmer, Cutler & Pickering in Washington, DC. She received her law degree from Harvard Law School and her undergraduate degree from Carleton College.

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Carolyn Thompson, a native of Kingston, Jamaica, has spent the past 20 years as a Miami-based political activist, committed to struggles against war and for equal justice, immigrants' rights and voting rights. Carolyn is a liaison among various grassroots organizations, civil rights groups, unions, the Caribbean community in the United States, Caribbean nations, and the African American community. She is focused on uniting these groups into a solid voting bloc for economic and political power. Carolyn is a former co chair, of the Haiti Solidarity Committee, and a past director of the Caribbean Power Vote. She works as a consultant for Sustainable Organic Integrated Livelihoods, which works to protect soil resources, empower communities and transform waste into resources in Haiti. Carolyn drives the Advancement Project Affirmative Right to Vote Agenda in Florida by educating, civic, religious, non-partisan organizations, mobilizing the grass roots and lobbying elected officials to gain support for election reform.

Fred Markham is a systems engineer at Harris Corporation in Melbourne, FL, and has no particular political background. He became interested in campaign finance reform after hearing a presentation in 2007 about the Clean Elections systems in Maine and Arizona, and recognized the possibility of mitigating the powerful influence of private money in our political system. Markham chairs the Space Coast Progressive Alliance committee on Clean Elections, and spends his free time studying, writing and speaking on campaign finance reform.

Michael E. Arth is an artist, home, landscape & urban designer, green builder, social activist and public policy analyst. In 1999 he founded New Pedestrianism, a more ecological and pedestrian-oriented branch of New Urbanism, with the purpose of designing new towns and neighborhoods. He is the author of "The Labors of Hercules: Modern Solutions to 12 Herculean Problems" and "Democracy and the Common Wealth, Breaking the Stranglehold of the Special Interests."

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