To Prevent America's Decline, We Have to Fix Congress's Dysfunctional Incentives

Center for Collaborative Democracy

"We often had an incentive to structure a problem so as to assure failure and, therefore, a good campaign issue [for all of us]."

– Former member of Congress

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The Status Quo is Not an Option

Both major parties have contributed to America's political dysfunction and decline. Both Republicans and Democrats encouraged U.S. financial institutions to employ the high-risk practices that hobbled our economy. Both parties have allowed our school children to become among the most poorly educated in the developed world. Both parties saddled our country with $100 trillion in Social Security and Medicare obligations that we cannot possibly meet. Both parties have riddled our tax code with gifts to powerful interest groups at the expense of everyone else.

Why do our lawmakers act so destructively?

In this document, we will show that the current election process gives each lawmaker destructive incentives — incentives to act against the public interest. To begin with, a typical legislator can win reelection just by convincing most voters that the other party is more untrustworthy, incompetent or corrupt than his/her own. And any politician can convey that message in vivid terms that voters will remember.

Imagine if, instead, some lawmakers tried to work out cost-effective agreements on controversial issues such as budget deficits, the tax code, health care, energy or education. How would these legislators convince voters that these agreements would benefit them?

To a young single voter, each legislator would need to justify decisions on these issues very differently than to a middle-aged parent; to a truck driver differently than to a teacher; to a sales clerk differently than to a business owner. Indeed, for any lawmaker to convince most voters that he/she had looked out for them on the issues that most concerned them would be a daunting task. It is far easier to convince most voters that the other party would harm their interests even more.

A typical lawmaker thereby benefits by demonizing the other party, not by working out agreements on our gravest problems.

Voters, too, have perverse incentives. In each district, all 700,000 residents — from every age group, income level, family type and political outlook — have to share the identical spokesperson in Congress. Yet young voters have different values than seniors; the poor have needs that clash with those of the middle class; childless couples have different concerns than families with children.

So a typical voter cannot possibly get a spokesperson who shares his/her concerns on the issues that matter most to him. The vast majority of voters thus have ample reason to feel politically alienated. Which they do. A typical voter cannot even name his/her representative in Congress. And 89 percent of voters never bother to find out how their representative has voted on *any* piece of legislation.[1]

Each representative therefore has little incentive to act in his constituents' best interests. Instead, every member of Congress has a strong incentive to favor the groups that keep closest track of how he votes. On farm policy, for instance, most lawmakers cater to farmers, giving them large subsidies at everyone else's expense. Meanwhile, on Social Security and Medicare, most lawmakers cater to seniors, bestowing benefits so generous that future generations face bankruptcy.

[1] Roger H. Davidson, Walter J. Oleszek & Francis E. Lee, *Congress and Its Members*, (CQ Press, 2007), p. 108.

How do we fix these perverse incentives? The most popular remedies are campaign finance reform, redrawing districts and term limits. But whatever advantages these measures might have, all the diverse voters in each district would still have to share the same representative. So a typical voter still could not get a spokesperson who shared his or her biggest concerns. And each representative would still represent many different kinds of voters, so he/she still could not justify difficult decisions on controversial issues.

How, then, do we goad our lawmakers to resolve America's problems in ways that will truly benefit the whole country — in ways that liberals, conservatives and moderates can support? To find a *realistic* answer, we propose to do the following in this document:

1) We will cite cases in which ideological adversaries *outside* of government have negotiated fair, constructive solutions to divisive issues — solutions that benefited all the camps involved at a reasonable cost to all. These negotiators succeeded because each one knew that he/she could spell out to virtually everyone he represented how these even-handed solutions would benefit *them*.

2) We will then evaluate what might happen if each lawmaker were in a similar position — that is, if each legislator had exclusively constituents near him/herself on the political spectrum *and* had a vehicle for reporting to them regularly. Each lawmaker would then know that if he negotiated constructive agreements on difficult issues, he could explain to all of his constituents how those deals would meet their needs and advance their values.

3) We will spell out an election process that would create this arrangement. The result**:** Each district would end up with several representatives, each on a *different* part of the political spectrum. Each legislator would then represent the district residents nearest to him or her on the spectrum — and communicate with those constituents frequently.

4) We will present our plan to have a handful of troubled cities try this process for their local governments. We will thereby see whether the lawmakers are motivated to negotiate practical, sustainable solutions to previously intractable problems.

5) If that proves to be the effect, we will show how citizens across the country could bring about this new process in their cities.

6) If and when most Americans saw that lawmakers elected this way solved problems constructively, voters would likely pressure their state legislatures and the U.S. House to adopt this process. (The latter would *not* require a constitutional amendment.)

An ambitious agenda. But as long as our country retains the current election process, our lawmakers will have incentives to battle over our gravest problems, not solve them. To reverse America's decline, we must consider alternative election methods.

Why Some Ideological Adversaries Negotiate Optimal Agreements

Political opponents outside of government have negotiated cost-effective solutions to many controversial issues that politicians inside government could not resolve.

For instance, in the mid-1990s six corporations CEOs, seven environmental leaders, and five senior federal officials met repeatedly to hash out their long-standing differences over environmental policy. Despite their history of animosity, the members of this group — called the Council on Sustain-

able Development — unanimously agreed on a long-range plan that would resolve the major environmental controversies of their day at an equitable cost to all parties.

Their plan's main theme was that the government should impose tougher environmental standards but let companies largely decide *how* to meet them. Businesses could then use their ingenuity to find the most efficient ways to cut pollution, thereby saving the economy an estimated $250 billion dollars per decade.[2]

Each council member then pitched the plan to his or her allies in the outside world. The CEOs won the support of the relevant industry associations. The environmental members obtained endorsements from nearly every environmental group. And the government officials secured backing from the appropriate regulatory agencies.

Even so, Congress largely ignored the council's blueprint for environmental policy. Most lawmakers continue to fight over environmental issues as heatedly as ever.

Other creative problem-solvers have met the same fate. For instance, 24 business executives, academics, and government officials from across the spectrum agreed unanimously in mid-1998 on how to save Social Security from bankruptcy while spelling out how nearly every American could retire with some financial security.

This group, which called itself the National Commission on Retirement Policy, proposed that the government: a) give workers tax incentives to save more for retirement, b) give businesses tax incentives to fund retirement programs for all their workers, c) guarantee the neediest Americans a minimum Social Security benefit, and d) pay for all the above by slowly raising the age at which people could receive full Social Security benefits.[3]

Commission members across the spectrum backed this plan, yet Congress refuses even to schedule debate on fixing Social Security.

Congress itself has admitted that political adversaries outside government can solve problems that officials on the inside cannot. In the Negotiated Rulemaking Act of 1990, Congress allowed representatives for opposing interest groups to draft certain federal regulations. For instance, a federal agency tackling a particularly controversial issue may fear that any proposal the agency comes up with will anger some interest groups enough to file lawsuits blocking the plan. To avoid that kind of fight, the agency can invite every relevant interest group to appoint a spokesperson. If those representatives can agree on a regulation, the agency can adopt it, knowing that all the concerned parties support the decision.

Long-standing opponents have used this procedure to craft cost-effective regulations on nuclear wastes, food safety, student loans, public housing, and Medicare payments.[4]

In hundreds of similar stories, politicians refused to reconcile their differences. Yet representatives from outside the government tackled the very same issue and negotiated a practical solution that every side accepted.[5]

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[2] See *Sustainable America: A New Consensus for Prosperity, Opportunity, and a Healthy Environment for the Future* (U.S. Government Printing Office, 1996).

[3] See *The 21st Century Retirement Security Plan: The National Commission on Retirement Policy Final Report* (Washington: Center for Strategic and International Studies, 1999)

[4] *Negotiated Rulemaking Sourcebook* by David Pritzker and Deborah Dalton (U.S. Gov't Printing Office, 1995).

[5] For more examples, see *The Cure for Our Broken Political Process: How We Can Get Our Politicians to Resolve the Issues Tearing Our Country Apart* by Sol Erdman and Lawrence Susskind (Potomac Books, 2008).

What is it about these ideological opponents that enabled them to resolve problems that politicians wouldn't?

In most cases, each successful negotiator had a large group of people counting on him or her personally to advance a cause they *all* shared. Each environmental leader at the Council on Sustainable Development, for instance, spoke for dozens of colleagues and thousands of contributors to their organizations, all intent on preserving the environment. Meanwhile, each corporate CEO spoke for thousands of executives in his industry, all intent on boosting their companies' performance. As a result:

1) Each representative felt unrelenting pressure to advance his/her own camp's agenda.

2) Each spokesperson realized that to make real progress for his/her own camp, he had to strike a deal with their opponents, a deal that would give the other camps involved significant benefits at a cost they could accept.

3) The representatives collectively realized (eventually) that their best chance to succeed was to negotiate a deal that would yield the greatest total benefits at a justifiable cost and, then, parcel out the costs and benefits in a way that all sides could support.

4) Each representative was then ideally positioned to explain to all the people in his or her camp — in terms compelling to them — how that deal with their long-time enemies would advance their own cause further than any other strategy would.

So a natural question is: Could our country — by assembling the appropriate representatives — make major progress on *any* issue, so that all sides would benefit at a reasonable cost? Appendix I makes a case that this goal is indeed within reach.

Why, Then, Do Our Politicians Bungle So Many Critical Problems?

Each member of Congress is in a far more difficult position than the representatives portrayed above. Every lawmaker has to represent 700,000 people who *disagree* over nearly every issue. Each congressperson's district contains large blocs of young adults, the middle-aged and senior citizens; blue-collar workers, white-collar workers, business owners and the unemployed; singles, couples, families and one-parent households; liberals, conservatives and most points in between.

Most congressional districts have, of course, been drawn to include a plurality of voters from one political party or the other. But party affiliation is just one demographic.

By other measures, each district is nearly as diverse as the entire country. Census data show that each district includes a significant number of people in each age bracket, each job type, each household category and even each income level.[6]

Each member of Congress thereby represents scores of socio-economic groups. Each has its own values and interests — which collide head-on with other groups' values and interests.

So, if a member of Congress advocates a detailed solution to a controversial issue, several large blocs of voters in his or her district are likely to oppose his stand. Some may even want to throw him out of office. The typical lawmaker therefore has strong incentives to avoid proposing realistic solutions to controversial issues.

[6] See Appendix II.

The members of Congress have found that there are far safer ways to stay in office:

1) A lawmaker can reduce hard issues to simple slogans.

2) To address long-term problems, a legislator can advocate measures that seem to handle the subject, but which put off the hard decisions into the future.

3) A lawmaker can blame the country's direst problems on the other political party.

These strategies succeed so often because of how congressional elections are organized today. Typically, one Republican competes against one Democrat for each district's House seat. Any lawmaker can therefore stay in office just by convincing most voters that the other party is less to be trusted or competent than his own.[7]

Lawmakers from both parties have in fact been relentlessly faulting each other for our nation's troubles, allowing many of those troubles to reach crisis proportions. Yet 95 percent of lawmakers who've run for reelection in the past two decades have kept their seats. Nearly every member of Congress has thus seen first-hand that he or she can win election after election mainly by spotlighting the other party's failures.

One former member of Congress even confided to us, "We often had an incentive to structure a problem so as to assure failure and, therefore, a good campaign issue [for all of us]."

Why Do U.S. Voters Keep Reelecting Lawmakers Who Act This Way?

Many people accuse U.S. voters of being lazy or irresponsible. But Americans work longer hours than citizens in any other developed country, which suggests that most Americans are far from lazy.

Studies in fact show that how voters participate in political life depends on how elections are structured. In countries that use proportional representation, for instance, voters know measurably more about where candidates stand on the issues than American voters do.[8] How has this happened? With most forms of proportional representation, each region elects several representatives across the political spectrum. A typical voter is thereby virtually guaranteed to obtain at least one representative who shares his/her own political values.

A typical American, though, *cannot* get a representative who shares his political values. That is, in each district, all the residents — despite their vast differences in life circumstances and opinions on major issues — have to share the same spokesperson.

So a typical American cannot possibly get a representative who shares his outlook on the issues that most concern him. A typical voter therefore has little incentive to learn where candidates stand on those issues. An in-depth survey early in this decade in fact revealed that, among American voters, only 11 percent went to the polls mainly because they cared about the candidates one way or the other.[9]

[7] In some highly gerrymandered districts, the incumbent faces no challenger from the other party. But if he or she were to advocate complex solutions to controversial issues, he might anger enough voters to tempt a challenger from his own party to run against him. So the safest tactic for staying in office is still to bash the other party at every opportunity.

[8] Henry Milner, *Civic Literacy: How Informed Citizens Make Democracy Work* (Tufts University Press, 2002), Chapter 6, "Civic Literacy and Political Institutions."

[9] See www.yvoteonline.org/noshows2000.shtml

Meanwhile, over 80 percent of Americans who voted said they did so primarily to exercise their civic rights, out of obligation or mere habit.[10] That can explain why most voters know almost nothing about *any* candidate's track record, including the incumbent's.[11]

A typical incumbent thus has little incentive to act in his constituents' best interests. Each representative's main incentive is to favor the groups that most closely track how he votes, even at his own constituents' expense.

Furthermore, since apathetic voters tend to reelect incumbents, incumbents have strong incentives to keep voters apathetic. Most incumbents therefore refuse to stir up voters with hard choices, such as spelling out how much it would cost them to make Medicare or Social Security financially sound, or how much it would inconvenience them to reduce our addiction to foreign oil. Instead, most incumbents put off the hard decisions, thereby allowing our gravest problems to fester.

How Did Our Country Get Into This Bind?

When the United States began two centuries ago, 80 percent of Americans were farmers, while most of the rest sold goods and services to local farmers. The residents of a typical district thus shared very similar concerns.

Each representative could therefore explain to his voters how his actions in Congress were serving their interests, if in fact his actions were. If voters didn't believe him, they could toss him out of office.

That is how America's founders intended our democracy to work. In *The Federalist Papers*, James Madison wrote that each representative should speak for a bloc of citizens who shared common interests.[12] Citizens could then hold their representative to account for his actions.

But today, voters in any district have divergent views on how their representative should handle the complex issues of these times. Practically speaking, then, what can voters in any district hold their representative to account for?

Instead, voters frequently lash out at the party in power. American politics is thereby driven more by voter anger and ignorance than by careful evaluation of the issues.

Fortunately, the Constitution doesn't require that House members represent districts. The Constitution doesn't even *mention* districts. It lets each state decide how to elect its own Representatives, with Congress having the right to supersede the states' decisions.[13]

But America has not taken advantage of that flexibility. We have instead kept the House organized as it was in the 18th Century. Congress has thus become unable to resolve the complex problems of these times.

Our lawmakers have in fact seen that their best strategy for staying in office is to undercut the other party's efforts to grapple with our country's major problems. So as long as congressional elections work as they do today, our gravest problems will continue to haunt us.

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[10] Ibid

[11] Many political scientists assert that citizens who opt to be politically ignorant are making the "rational choice" because one person's vote cannot affect an election outcome. (See Anthony Downs, *An Economic Theory of Democracy*, Harper, 1957.) But that conclusion understates the futility of voting in this country. That is, even when a few votes are decisive, most of the winning voters are unlikely to get a representative who shares their values.

[12] See excerpts in Appendix VI.

[13] Article I, Section 4 of the Constitution

How Do We Goad Our Lawmakers to Resolve Crucial Issues Sensibly?

The environmental leaders and corporate executives who met at the Council on Sustainable Development had clashed over environmental policy for years, yet they negotiated a comprehensive agreement that would have produced substantial benefits for all sides at a reasonable cost.

So, what if each lawmaker was in a similar position as each member of that Council? What if each lawmaker and his or her constituents shared the same political priorities?

Each lawmaker would then presumably want to advance the causes that he and his constituents shared. He would therefore need to negotiate practical agreements on the major issues with lawmakers from other camps. Each lawmaker could then explain to his own constituents how those deals were the most realistic way to benefit their shared agenda.

This scenario may sound overly optimistic, but it is how nearly all of the representatives cited early in this document worked with one another: Each one realized that to make the most progress for his/her own cause, he had to negotiate a mutually beneficial deal with his counterparts.

So, would lawmakers do the same if each one got exclusively constituents who shared his or her political priorities?

To help answer that question, suppose we shrink the situation down to a small scale. Say a very small town decides to organize its town council so that each resident will get a representative who shares his/her concerns as closely as possible. For that purpose, the whole town meets in a large hall. Each person who wants a seat on the council hands out copies of his or her platform. Each candidate then moves to a different point in the room. Next, everyone present gathers around their favorite candidate. The person running the meeting then turns to the candidate with the smallest group around him and says something like: "Of the 18 candidates running for the seven council seats, you have the fewest backers. So I'm going to ask you to drop out of the race. Then, would you and each person gathered around you please make a second choice." When all of those people get to their second choices, the moderator turns to the next candidate with the fewest backers and asks her to drop out. She and her supporters go to their next choices. This process continues until seven candidates are left to fill the seven council seats.

Each townsperson would thereby get a representative closer to him or her politically than in other kinds of elections now in use. Each council member would, in turn, share her constituents' concerns more closely than representatives elected by other methods.

Suppose also that each representative asked her constituents to write down their names and addresses, so she could send them regular reports about her work on the council.

Once the council began to meet, what then? Some members might refuse to budge from their initial positions. But they would then make little headway with the rest of the council and, thereby make little progress on their own agendas. So they would have little to report to their constituents.

What, then, would happen at the next election, when 18 or so candidates would again

be running? Some of those candidates would be able to make a case to voters that they could achieve far more than the council members who had been inflexible. Who, then, would most voters pick as a first choice: a) a council member who had produced little results, or b) a candidate who spelled out how he/she would make progress on the issues that mattered to those voters?

That's somewhat like asking: Would most workers prefer a union leader who provokes a strike or one who presents a credible plan for negotiating a good contract? Labor-management negotiations, in fact, lead to a strike only 4 per cent of the time.[14] So the vast majority of workers clearly prefer a contract.

Suppose, then, that each voter could choose a representative as freely as described above. A typical voter would also prefer a spokesperson who could produce solid results on the issues that mattered to that voter — rather than a representative who had produced mostly angry rhetoric.

Some representatives might in fact be tempted to shower their voters with government benefits while trying to conceal the costs — like many lawmakers do today.

But voters would be in a very different situation than they are today. If a voter today weighs the pros and cons of a lawmaker's decisions and finds them wanting, what are the voter's odds of getting a representative more aligned with himself? Very low. Or what if a voter takes time to figure out how much government programs will eventually cost his/her family and is horrified by what he finds? Is the voter likely to get a more responsible representative? Unfortunately, not. Understandably, most voters never keep track of what their representative does.

In the election proposed here, though, each voter would get a representative who shared the voter's concerns as closely as was practical. So each voter would have far more reason than now to weigh his or her lawmaker's actions against what other candidates proposed to do. For instance, voters who feared that excessive government spending could harm their future and their children's future would likely elect representatives who vowed to restrain the council's spending. And if they failed to restrain it, their voters would be far more likely than now to replace them.

Still, some lawmakers might try to spend tax dollars on their own voters at the whole community's expense. But lawmakers from other camps would surely push back.

The representatives could even end up squabbling about how to spend the community's money. But if so, most voters would likely be dissatisfied with their own council member. Therefore, at the next election, most voters would pick other candidates as their first choices. In effect, with this kind of election, if the council made little progress on the issues that concerned most voters, every council member could be risking his seat.

What, then, would be the incumbents' most reliable strategy for staying in office?

What if they strived to resolve local problems in ways that yielded the most benefits for the most townspeople at the most reasonable cost? Each council member would then be in the best position to show her own voters how those solutions would benefit them as much as they could realistically hope to get. Each council member

[14] "How Do Labor and Management View Collective Bargaining?"*Monthly Labor Review Online* (Bureau of Labor Statistics)

could therefore make a solid case to her constituents that at the next election they should vote for her again.

Would voters accurately assess which solutions were most beneficial? Some voters would have unrealistic expectations that their representative could never fulfill. Some people are built that way, and no election system would change them.

But if elections were organized so that as many voters as possible got a representative they saw as being on their side, what then? Far more voters than now would take the time to evaluate their representative's proposals. Just look at other situations in which people rely on representatives to speak for them, such as when labor union leaders bargain with management spokespeople. They craft an agreement that meets the needs of both sides at an acceptable cost *and* sell the deal to their respective sides 96 percent of the time.[15] How do they succeed so often? [16]

It's largely because labor and management representatives start out confident that if they can put together a deal that makes sense to the two of them, each will be able to spell out the costs and benefits to his/her own camp. Each can say something like: "This contract isn't what we set out to get, but it's better than our alternatives. Here's how it meets our needs. . ." And since the people in each camp believe that their spokesperson is on their side, they listen to his evaluation of costs and benefits.

[15] Ibid

[16] Some labor negotiations have of course ended badly. U.S. car companies have failed due in part to ill-conceived labor contracts. However, in our view, those contracts were doomed to fail largely because, for decades, the U.S. government shielded the auto companies from foreign competition. In any event, collective bargaining has yielded far more successes than major failures. If our politicians had as good a track record, there would be no need for this document.

Likewise, what if each lawmaker shared the same political outlook and his or her constituents? Each lawmaker would have far more confidence than now that if he struck intelligent agreements, most of his constituents would listen to him explain what he'd done and why. And if voters had good reasons to believe that their lawmaker shared their concerns, they'd be far more likely to evaluate the costs and benefits of his decisions.

Still, to turn this scenario into a reality, we need to translate the process of voters in a hall gathering around candidates into a formal election that any community or our entire country could use.

The goal is for each representative to end up with constituents who share his or her political values as closely as is practical, and vice versa. Here's how to establish that connection between citizens and lawmakers, first at the local level:

1) The community schedules an election in which all the candidates will compete for all the council seats in one combined election.

2) Candidates get on the ballot by winning a party's nomination or by getting enough voters to sign a petition. To ensure a very competitive election, each party can nominate several candidates. Also, the number of signatures required is set low enough that the total number of candidates running will be at least twice the number of seats.

3) The election board mails basic information about all candidates to all registered voters.

4) On Election Day, each voter chooses which candidate is his or her first choice. Since that candidate may not draw enough votes to win a seat, each voter also needs to pick a second choice. And, in case that candidate doesn't win, the voter picks a third

choice, and so on. To make those choices, each voter gets a "preferential ballot." Filled out, a typical ballot might look something like this:

BALLOT FOR CITY COUNCIL

Please choose which candidate is your first choice, and put a "1" in the box next to his or her name.

Then choose which candidate is your second choice, and put a "2" in the box next to his or her name.

For your third choice, put the number "3". And so on. You may rank as many candidates as you like.

Robert Adams	[ ]
Shana Pierce	[3]
Robert Green	[1]
Lois Kaplan	[ ]
Thomas Washington	[ ]
Norman Chen	[ ]
Sylvia Hernandez	[2]
Steven Gross	[ ]
Arthur Houseman	[4]
Cynthia Gray	[ ]
Phillip Kowalski	[ ]

5) As in the small town, when the votes are counted, the candidate who drew the fewest first-choice votes is out of the race. All the votes for that candidate go to his voters' second choices. Then, the next candidate with the fewest votes is dropped. The votes for her go to her voters' next choices. And so on, until the number of candidates left equals the number of council seats.

6) Each council member then needs a direct line of communication to his/her voters. For that purpose, the election board mails every voter a card that lists the election winners. Each voter is asked, but not required, to check off the name of the person they want to represent them and, then, mail the card to that winner. Each representative thereby receives her constituents' names and addresses. She can then send them regular reports about her work on the council.

7) Since each voter has substantial freedom to choose his or her representative (in steps 4 and 5), each winner is bound to attract a different number of voters. So, for the process to be fair, each lawmaker's voting power on the council should be proportional to the number of his voters. This feature is in fact already in use in some communities.[17] Furthermore, the Constitution lets each Representative have different voting power.[18] Appendix III discusses the implications of this feature in more detail.

[17] On several County Boards of Supervisors in New York State, each member's voting power is based on the number of his or her constituents.

[18] That is, the Constitution says that each senator shall have one vote but has no such restriction on representatives. Indeed, the founders wanted each representative to have a bond of some substance with his constituents. (See Appendix VI.) And to create that kind of bond in *these* times, elections would need to be modified along the lines described here.

The potential advantages of this whole process over other elections include:

- Each voter would get a representative as politically close to him/herself as is practical.
- Each citizen would thus have far stronger incentives to scrutinize the candidates, to vote and then to hold his or her representative to account for his actions.
- At each election, any voter dissatisfied with his/her representative would likely rank other candidates ahead of that incumbent.
- Each lawmaker would therefore feel more pressure to produce useful results than with other kinds of elections.
- Each lawmaker would thus have a strong incentive to reach constructive agreements with opponents.
- Each lawmaker would understand his/her constituents' needs and concerns better than with other kinds of elections.
- Each lawmaker could thus explain to her constituents — in terms they could relate to — why she had struck the agreements she had.
- Each lawmaker could in effect be an agent of reality to voters. He/she could say, "You elected me to do A, B, C, etc. And here's how these agreements meet as much of those objectives as we can realistically get. . ."

Granted, nowhere in the world does politics work in this way. But nowhere yet does each *individual* representative get constituents who nearly all share his/her political values. And nowhere yet does nearly every lawmaker compete for his seat mainly against candidates *near* himself on the political spectrum. So with the above process, lawmakers and voters would have significantly different incentives than they do elsewhere.

We call the above process Personally Accountable Representation or PAR. (For details on how PAR differs from other election methods now in use, see Appendix IV.)

To prove that PAR has the advantages predicted above, we are seeking to implement it at the local level. The winter issue of the *National Civic Review* makes a case to civic leaders in troubled cities that PAR would get their city councils to make far more sensible decisions than to date. We will follow up by personally making that case to leaders in select cities. To those who show interest, we will offer advice on how to win their community's support for PAR.

This kind of campaign is winnable: Leaders in San Francisco, Minneapolis and other cities have mobilized a change to Instant Runoff Voting (IRV), which also uses preferential ballots.[19] Winning a community's backing for PAR would entail a similar effort.

If these campaigns succeed, and if the resulting local councils make markedly more constructive decisions than in the past, we will then mount an effort to show citizens across the country how PAR would improve governance in their cities and their states.

In time, we would promote the benefits of revising elections for Congress. That change would require just one piece of legislation. Most incumbents would of course oppose it. But later in this document, we will show that concerned citizens have the power to overcome incumbents' resistance to PAR.

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[19] An IRV election produces just one winner. So most voters cannot obtain a representative who shares their own political orientation. But for elections that must produce one winner, such as for mayor or governor, IRV has clear advantages over current methods. That is, voters who have preferential ballots feel they have more choices than in current elections in which many voters feel forced to choose between the lesser of two evils.

What a PAR Congress May Look Like

To apply PAR to the U.S. House of Representatives, each congressional district would need to have several lawmakers on various points of the spectrum. The easiest way to accomplish this would be to merge the existing congressional districts into larger ones.

The exact size would matter. For instance, suppose that districts were enlarged so that each had three lawmakers. A typical district might then end up with one representative on the right, one on the left, and one in the center. So a typical voter would get a representative on his or her third of the spectrum.

But not all voters. Many urban districts might elect two liberals and a centrist. Meanwhile, some rural districts might elect two conservatives and a liberal.

And even in districts with one representative from each camp, some voters would be dissatisfied. For instance, many Republicans who backed John McCain in the 2008 presidential primaries might be discontent if someone like Mike Huckabee ended up being their district's representative on the right. And many backing Huckabee could be dissatisfied with someone like McCain.

So, what if a typical state, which has nine House seats, eliminated districts entirely? The winners could include the equivalent of a McCain, a Huckabee, a Mitt Romney, a Ron Paul, a Michael Bloomberg, a Christy Todd Whitman, a Barack Obama, a Hillary Clinton and a Dennis Kucinich. The vast majority of voters would likely be content to have a representative among that field.

However, it would not play out quite that way — because in a preferential election for nine House seats, it would take less than one-ninth of the state's votes to win a seat. So the winners would include candidates further on the left and further on the right than any lawmakers are now. Many Americans might see some of those winners as extremists.

So, how many representatives per district would be optimal? Three would create the least change from politics today. With nine, nearly every voter could get a representative they believed in. But a few candidates whom mainstream Americans would consider to be extremists would also win seats. The right balance might be somewhere in between.

Regardless of how this issue is ultimately decided, a PAR House would in *aggregate* be more politically moderate than Congress is today. That is, nearly 40 percent of Americans identify themselves as moderates. So, a PAR House would likely consist of roughly 40 percent moderates, far more than are in Congress now.

One more point: the number of representatives per district would need to vary from state to state. For instance, if five was the norm, states with less than five House seats and states whose number of seats is not divisible by five would need to have some districts with fewer than five. This lack of uniformity is admittedly less than ideal. But any change along these lines would have advantages over today's elections, in that:

- Each voter would get a representative nearer to him or her on the spectrum than is possible today.
- Each representative would get constituents nearer him/her on the spectrum than today.
- Each representative would thereby be in a far better position than now to explain to constituents how they would benefit if he or she struck sensible deals on critical issues.

Reality Checks

A change as ambitious as PAR stirs up many questions and doubts. Below are the questions we most often hear and our answers.

Is PAR similar to any elections now in use?

It superficially resembles the method used in Cambridge, Massachusetts and in Ireland, called the "single transferable vote" (STV). But with STV, a voter does *not* get a specific representative — someone the voter can hold to account for policy decisions. Appendix V spells out how PAR differs from STV.

What is PAR's main drawback?

PAR will not always produce representatives with the most *total* support. Suppose, for instance, that liberal voters somewhat prefer liberal candidate A over liberal candidate B, while conservative voters greatly prefer B over A. With PAR, A would still likely win a seat representing the liberals.

To yield winners with most support overall, some mathematicians advocate systems that would essentially give conservatives equal say with liberals in who represents the liberals, and so on. But those systems would thus deprive many voters of the representative who best reflects *their* concerns — undercutting the connection between each lawmaker and his\her constituents. Those systems thereby lack the key advantages of PAR (listed on page 11). For more on this issue, see www.GenuineRepresentation.org/preferential

With PAR, could a typical voter get a representative who shared his or her outlook on most major issues?

Among Americans who are politically engaged now, most have a favorite columnist or commentator — someone they feel speaks to them and for them — even though they surely disagree with some of his/her stands.

How does that happen? A typical columnist articulates a philosophy or way of thinking that appeals to his or her audience so strongly that they stay loyal, despite some disagreements with him.

A PAR lawmaker would likewise need to articulate a coherent set of values or priorities that would attract a large bloc of voters. He or she would then need to do a good job of advancing those priorities. If so, most of his voters would likely feel that he had represented them well — even if they disagreed with him on some issues.

This presumes, of course, that each district has enough representatives to cover the spectrum, as discussed on the previous page.

Some people don't fit into a neat political category. How does PAR deal with this?

Under any election system, for a voter to be represented, he or she needs to have a set of values that many other voters share. That's the nature of representative democracy. Highly idiosyncratic views get little if any representation. With PAR, though, many more voters would feel represented than can possibly feel that way today.

Furthermore, 80 percent of Americans place themselves somewhere on the left-right spectrum. And if voters were more politically engaged, an even larger percentage might develop a coherent political philosophy.

If voters could more freely choose their representatives, would most choose wisely?

The following story may help answer that question: In the early 1980s, workers at the Ford Motor Company were known to be the most demoralized in their industry and were producing cars with a reputation for poor quality. So the managers at one plant tried an experiment. They installed a switch at every workstation that let any employee stop the whole assembly line. So if a worker saw a defect on any car going by, he or she could halt the line to fix the problem. The workers were soon stopping the line over 20 times a day, far more often than the managers had expected. But most of the halts lasted under 30 seconds. Employee morale soared. Car quality climbed along with it. So the managers deemed the experiment a big success.[20]

The connection to politics? A typical U.S. voter today is like a worker on the *old* Ford assembly line: Whatever a voter does in the polling booth makes no difference that he or she can see. Whatever a typical voter does, he/she cannot get a representative who shares his strongest beliefs. Understandably, most Americans voters don't bother to find out where candidates stand on the major issues.

We need to learn from the Ford experiment by giving voters a real choice. If voters could truly choose who represents them, most voters would put far more thought into that job.

Wouldn't some voters choose a candidate based on one hot-button issue?

Very few people pick a home or a car based on one feature alone. Why? Because a typical buyer cares about several features *and* has many homes or cars to consider.

A typical voter today is in a very different position. He or she has at most two viable candidates to choose from and, often, neither one addresses the voter's concerns on the major issues. Some voters therefore choose a candidate based on one emotional subject.

With PAR, though, each voter would have over a dozen candidates to choose from and could get a representative who shared the voter's perspective on several issues that were impacting the voter's life. So, fewer voters than now would choose candidates based on one issue alone.

For voters to hold their representative accountable, they would need reliable information about his/her actions on the key issues. But the media don't provide such details about each lawmaker. So where would the information come from?

The media cover topics that people care about. So if the average American began to care about what his or her representative was up to, some print media and websites would likely start to keep track of what each lawmaker was doing. Each lawmaker would also keep his or her constituents posted on his work, albeit in a self-serving way.

Incumbents will always have advantages of name recognition, access to campaign contributors, and a government-paid staff. So even with PAR, wouldn't incumbents consistently win reelection?

With PAR, each voter would have a preferential ballot. Each voter would also have many more candidates to choose from than today. So any voter who thought an incumbent had done a mediocre job would have every reason to rank other candidates ahead of incumbents. Incumbents would thus win far less often than today. Indeed, in communities that have adopted instant runoff voting, which uses preferential ballots, incumbent reelection rates have dropped.

[20] "What's Creating an 'Industrial Miracle' at Ford," *Business Week*, July 30, 1984.

Wouldn't some voters prefer a lawmaker who stuck to his principles rather than one willing to compromise? So couldn't PAR lead to even more gridlock?

In surveys, the vast majority of Americans say they that want lawmakers to work out their differences. So if voters could truly choose their lawmakers, most would prefer good negotiators over inflexible ideologues.

As for voters who preferred inflexibility, over time many of them might grow weary of seeing their camp make no progress while other camps did.

Wouldn't politicians still cater to lobbyists who gave them money?

Politicians value votes more than money. Most politicians, after all, don't pocket the money from lobbyists. Politicians spend that money to buy campaign advertising in order to drum their names into voters' heads and sling mud at their opponents.

Meanwhile, over 80 percent of voters know almost nothing about the candidates' track records — including which lobbyists have given them money and how much, even though that data is publicly available. So a politician who sells out to lobbyists boosts his odds of winning reelection — at no risk.

The most realistic solution is to reverse those odds, by a) giving voters far more incentives to scrutinize politicians' track records, including whom they have taken campaign contributions from, and b) enabling voters to easily replace any politician who has sold out to lobbyists.

Isn't politics already afflicted by too many interest groups pursuing self-serving agendas and blocking proposals requiring sacrifices on their part?

Interest groups will always seek power. It's a perpetual fact of political life. The question is: How is power allocated? Today, voters are so disengaged that a typical representative caters to the best organized groups while most of his voters neither know nor care.

With PAR, though, voters would have far more incentive than now to keep track of their representative *and* more options for replacing any representative who couldn't defend his or her decisions. The most practical way for each representative to defend his decisions would be to craft efficient solutions to public problems.

Most voters will never grasp complex issues in enough depth to be able to evaluate their representative's justification for a deal that requires them to make sacrifices. So wouldn't PAR representatives refuse to sign on to such deals?

A representative whose constituents share her values is in the best position to explain to them the trade-offs in complex deals. For instance, a union representative is ideally positioned to show workers at a failing company how they'd benefit by giving up a wage hike and accepting bonuses based on profits.

A PAR representative would likewise be in a far better position than representatives today to win constituents' support for creative deals. A pro-environment lawmaker, for instance, could explain to her voters how raising gasoline taxes while cutting income taxes an equal amount would reduce our dependence on foreign oil, improve national security, and slow down global warming, yet cost the average family nothing.[21] The representa-

[21] For instance, if gas taxes were hiked enough to cost the *average* family $1,000, *every* household could get a $1,000 credit on their income taxes. The typical family would come out even, while those who cut their gas usage the most would come out ahead.

tive could thereby prove to her voters that she was serving their interests more than candidates who didn't advocate hiking gas taxes.

In fact, when pollsters have explained the benefits of higher gas taxes to randomly selected Americans, 59 percent were in favor.[22]

Why, then, isn't it happening? Because voters deeply mistrust politicians and wouldn't listen to *them* make a case for hiking gas taxes. So most politicians don't dare make a case for hard decisions they know to be right.

If, instead, we want our lawmakers to enact wise policies, we will need to give voters a solid reason to believe in their lawmakers.

Will politicians mainly skilled at winning votes ever be able to do the intricate analysis necessary to find the best solutions?

Lawmakers can turn to staff members and outside experts for quality research and analysis. But lawmakers today often ignore those resources because they lack incentives to seek out first-rate solutions. PAR's purpose is to give them those incentives.

Whatever their incentives, could lawmakers craft intelligent agreements on all the complex issues they have to deal with?

In this document, we've cited many cases in which representatives from relevant camps found creative solutions to complex issues.

A PAR House could craft equally intelligent agreements by bringing together representatives from the relevant camps. To craft sensible tax policy, for instance, the House could assemble a committee consisting of one representative from each faction of the House with a particular agenda on taxes.

How, though, would 435 lawmakers figure out exactly what the factions were, who belonged in each faction, and which lawmaker would best represent each faction?

By holding a PAR election. To start, each lawmaker who wanted a seat on the committee dealing with taxes could publicly post his/her agenda on that issue. Each lawmaker could then fill out a preferential ballot indicating which candidate for the committee was his first choice, second choice, and so on. The lowest-drawing candidates would be eliminated until, say, 25 remained — with a mandate to craft sensible tax legislation.

If they drafted an agreement, each committee member could make a case for it to the colleagues he or she was representing. If, on the other hand, the committee failed to reach an agreement, then at the next committee election, most lawmakers would likely elect someone else as their spokesperson on taxes. So every committee member would have an incentive to make progress on the issue.

What role would political parties play in PAR elections?

More parties would win seats than do now. And with more parties, each could frame a more coherent agenda than the major parties do now. The Republican Party now includes both the Christian right and libertarians. The Democratic Party ranges from socialists to centrists. With more parties, each could articulate a more coherent political philosophy.

Furthermore, most candidates would want to affiliate with a party so as to have a "brand" identity that voters could easily relate to.

All the same, PAR would work best if independent candidates could easily get on the ballot. Voters would then have more choices, so could more easily hold each lawmaker to account for his/her actions.

[22] "Americans Are Cautiously Open to Gas Tax Rise, Poll Shows," *The New York Times*, February 26, 2006.

If the House was elected by PAR, wouldn't the Senate still obstruct or maim many of its bills?

Electing the House by PAR would change senators' incentives, too. After all, if a PAR House passed a high profile bill, most members would want to rally their constituents behind it. So if the Senate blocked the measure, many voters might vote against the senators responsible. And most senators would not want to risk their seats. Indeed, if a PAR House passed a major bill that most Americans supported, most senators would want at least as much public approval. So most senators might try to craft equally constructive legislation. The two chambers would still have to iron out their differences.[23]

Most incumbents would resist a change to PAR. How can that be overcome?

In communities and states that utilize referendums, citizens can use that vehicle to circumvent the incumbents' hostility to reform.

In states that don't have referendums and at the federal level, voters still have the power to bring about a change to PAR. Here's how: Typically, less than 50 percent of Americans vote for a Representative, and the vast majority who vote do so with little knowledge or interest in any of the candidates.[24] Most voters simply pick the one name they know: the incumbent's. A typical incumbent ends up winning by 14 percent of the total electorate.

So, what if 20 percent of Americans decided that their future depended on Congress's adopting more constructive elections? If that 20 percent, instead of not voting and instead of voting half-heartedly for incumbents, votes in protest for challengers, they can unseat nearly every incumbent who resists a change to PAR. And with independent voters comprising over one-third of the electorate, 20 percent of voters might indeed choose to cast their ballots for a systemic change that could profoundly improve government rather than for a particular party. Ordinary citizens could thereby goad the House to adopt a new election method.

We are not advocating this kind of campaign. We bring it up just to show that PAR can happen at every level of government.

Doesn't PAR still face huge obstacles?

Yes. But, what's the alternative? More modest changes will not goad our lawmakers to act in our country's long-term interests.

On the other hand, if we can show the American people that PAR will prod lawmakers to make responsible decisions on crucial issues, we believe that the obstacles can be overcome. So our immediate objective is to identify several communities with long-festering problems and convince their civic leaders that PAR could get their local government to resolve those problems sensibly. If those communities adopt PAR and if it yields the benefits that we predict, civic leaders across the country might then mobilize their towns and cities to adopt the new election method. Citizens could then mount a similar effort for their state governments and, eventually, at the federal level.

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[23] A more direct way to give senators stronger incentives to legislate intelligently would be to elect them with preferential ballots – with instant runoff voting, though, because changing the Senate to PAR would require a Constitutional amendment, whereas IRV would not. (For an explanation of IRV, see footnote 19, page 11). Even with IRV, senators would face far more competition for office than they do now, and voters would have more choices than they do now. So for most voters to reelect a sitting senator, he or she would likely have to convince them that he had achieved more than just obstruct the other party.

[24] See www.yvoteonline.org/noshows2000.shtml

In Conclusion

Lawmakers today have powerful incentives to fight over major issues rather than resolve them, to put off hard decisions, and to favor well-organized interest groups at the public's expense. Congress therefore keeps making harmful choices on the crucial issues of our time. Our country is thus on the road to decline, economically and strategically.

We at the Center for Collaborative Democracy have proposed a potential remedy: an election method that we believe would give lawmakers stronger incentives to deal sensibly with crucial issues than would any existing alternative. We now need to test those reforms. We believe these tests could be the first step to repairing our country's dysfunctional government. So we are asking citizens and organizations concerned about America's future to support our efforts.

Who We Are

The Center for Collaborative Democracy (CCD) grew out of the MIT-Harvard Public Disputes Program, which has refereed many political conflicts, including global treaties.

CCD's mission is to develop innovative methods that will coax lawmakers to reach constructive agreements on critical issues — while encouraging American citizens to participate productively in political life. CCD is a non-profit, nonpartisan tax exempt 501 (c) (3) organization.

To advance our mission, CCD has done extensive research on political adversaries outside of government who have negotiated widely beneficial agreements on controversial issues. We have thereby found practical ways to motivate political adversaries inside government to develop equally sensible agreements. A full description of our research and conclusions can be found in the recently published book, *The Cure for Our Broken Political Process: How We Can Get Our Politicians to Resolve the Issues Tearing Our Country Apart* (Potomac Books, 2008). For more information about the book, please visit our website.

CCD's Founder

CCD was founded by Sol Erdman who developed expertise in resolving political controversies at midlife, by doing cutting-edge research with leading thinkers at the Program on Negotiation at Harvard Law School. Among them was Lawrence Susskind, director of the MIT-Harvard Public Disputes Program, who had spent his professional life helping warring interest groups resolve long-standing conflicts. In his work with Susskind, Erdman developed what they both believe to be the most practical way yet to coax elected officials to constructively resolve highly contentious issues.

To disseminate this new approach, Erdman founded CCD. He has presented its groundbreaking methods to the Council of State Governments, members of Congress, the American Political Science Association, and leading pundits. Erdman's articles, with Susskind, have been in *The Los Angeles Times, Newsday, Roll Call, The Boston Globe* and *The Chicago Tribune*.

Erdman's earlier life experiences include earning a BA in theoretical mathematics from Cornell, gaining an MBA from Harvard, and building a career at Oppenheimer & Company, a New York investment firm. He rose to senior vice president and head of options arbitrage before changing direction at midlife.

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Appendices

Appendix I: How to Make Major Progress on Any Issue So That All Sides Benefit at a Reasonable Cost

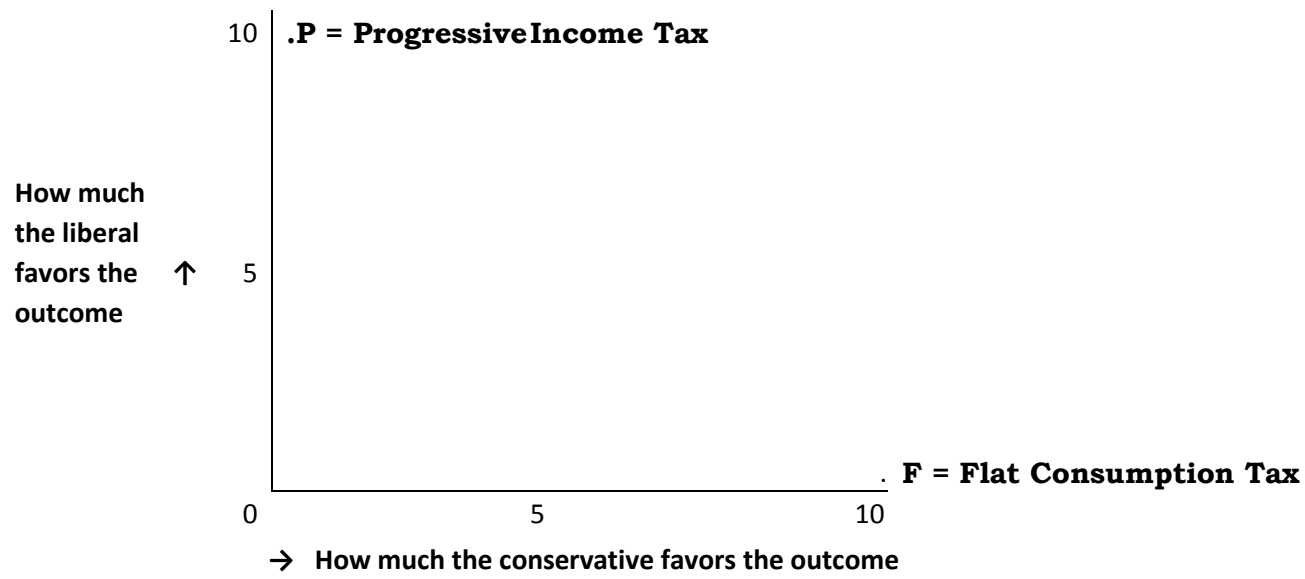
A century-old concept known as the efficient frontier shows that every issue has a handful of solutions that produce the greatest overall benefits at the most affordable cost. The efficient frontier also gives clues about how to find those solutions.

To see the concept in action, let's consider one of the most controversial issues, taxes. Suppose a prominent liberal and a prominent conservative were asked to find a tax structure they could both support. They start by evaluating a dozen alternatives that have been proposed by major think tanks, rating each one on a scale from 0 to 10.

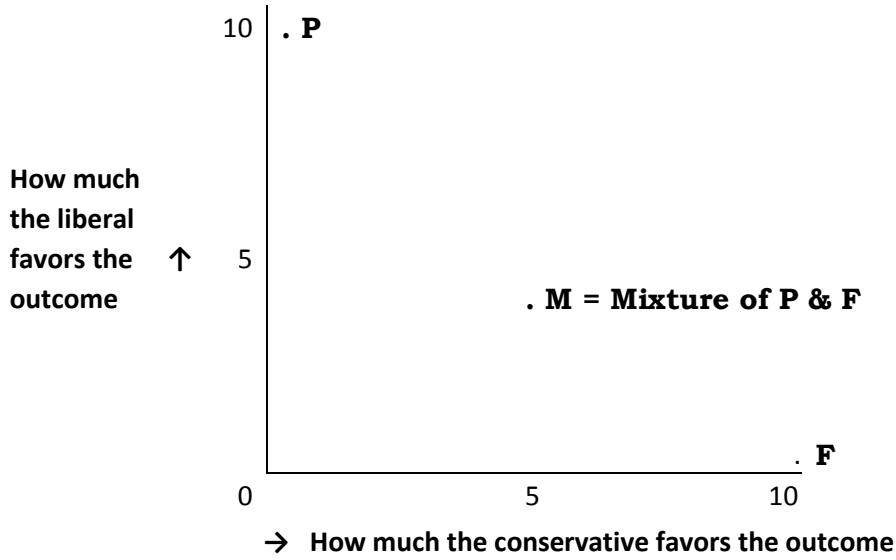
Let's assume that the liberal advocate would rate a highly progressive income tax at his top choice, giving it a 10, while the conservative might rate it dead last, a 0.

The conservative might, in turn, rate a flat tax based on consumption, not income, as her favorite alternative, while the liberal might label that the worst option.

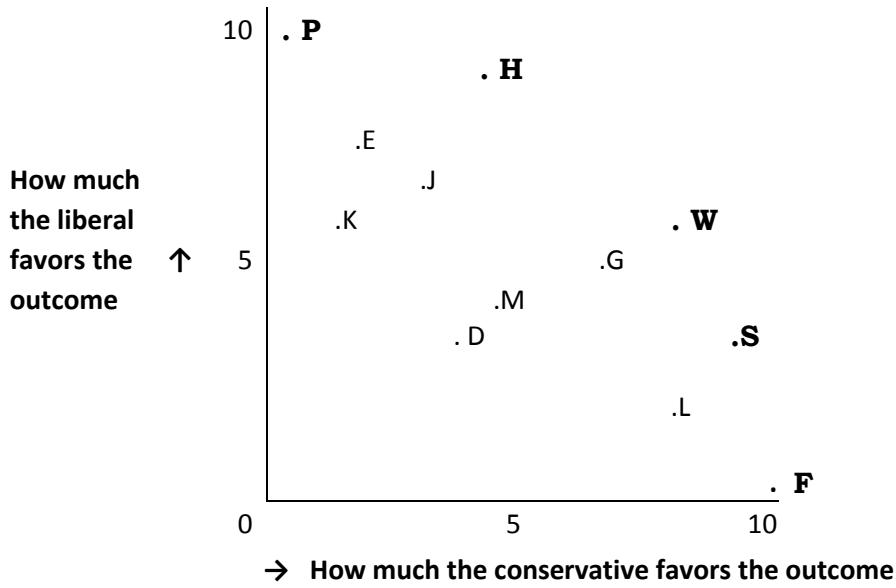
Their ratings could then be put on a chart that looks like this:



The two advocates might then consider a mix of the two taxes. Let's assume that the liberal rated that alternative a 4, while the conservative gave it a 5. The grid would then look like this:



In the same way, they could put each of the other alternatives on the chart one-by-one. The chart might then end up looking this way (what each point represents doesn't matter at this stage):



The beauty of this chart is that the outcomes with the greatest perceived benefits at the most reasonable cost end up on the right-hand boundary. In this case, those points are P, H, W, S and F.

To see how these are the best outcomes, consider any point off the boundary, say point L. The conservative advocate has rated S superior to L. The liberal advocate has as well.

Likewise, both rated W over G, M and D. And both favored H over the three remaining points.

In effect, for *any* point off the boundary, some point *on* it is better for *both* sides. That's why the boundary is called the "efficient frontier."

But could the two advocates agree on one frontier point? The middle point, W, would be fairest to both.

Why, then, haven't the two camps come close to agreeing? Because both camps have devoted far more resources and ingenuity to winning battles over the other than to working together. Each side has pushed its own views, mainly advocating outcomes that favored its own concerns.

But what if, as in the examples on pages 2 and 3, a group of say 15 highly qualified representatives were assembled and asked to find more sensible ways to write the tax code. If all the alternatives they developed were put on the chart, it would have a new boundary, a few points better than all the others. The midpoint of *that* frontier could be a fairer, more economically efficient tax code than anything proposed to date.

But how could 15 perspectives be put on a graph? The 15 representatives could agree on three main criteria, such as a simpler tax system, one that all sides consider fair, and one that would promote economic growth. They could then put all the alternatives on a graph with three axes. That graph would have a three-dimensional boundary of points superior to all the others. Or they could simply rate all the alternatives they developed, and the handful with the highest total score would be considered the frontier.

How would the 15 representatives be chosen? On any issue, there are a few people who have the highest standing in the eyes of major camps. For the Council on Sustainable Development, for instance, the obvious choices were the heads of the major environmental groups, the CEOs of top corporations, and so on.

Who would be the equivalent on taxes? Many liberals might pick as their ideal spokesperson Robert Reich, President Clinton's first secretary of labor who continues to publicly champion liberal causes. Many centrists might opt for Paul Volcker, who straddles the center so well that both Presidents Carter and Reagan chose him to chair the Federal Reserve Board. What about conservatives? Many might choose Arthur Laffer, the "supply side" economist on Reagan's National Economic Council or Gregory Mankiw, the Harvard economist who chaired George W. Bush's Council of Economic Advisers. The group of 15 might also include well known labor union leaders, prominent corporate CEOs, and tax experts from think tanks such as the Brookings Institution, the Heritage Foundation, the Progressive Policy Institute, and so on.

But given that the members of this group would have differing ideologies and agendas, could they reach agreement on an issue as divisive as taxes? Presumably, they would all agree that the current tax code is wasteful, virtually incomprehensible and unfair. So they would all have an incentive to search for a better alternative that they could all accept.

To get there, they'd have to explore various ways to structure the tax code and evaluate how each alternative would advance or hinder the broad objectives they'd agreed to at the start. Of course, the possibilities are endless. And each option would have more effects than anyone could predict.

However, if the people named above put their minds to it, they could surely come up with more promising alternatives than any camp could on its own. Just consider all the mental energy that liberal and conservative advocates have used to hammer each other on taxes. Imagine if that brain power was put to work looking for the most productive ways to achieve what all sides want.

Even so, each representative would *still* prefer a different tax structure. So each one would have to focus on his or her top priority. To attain it, each one would then need to trade with the others, as in: "I'll accept this proposal that you want most, if you give me the one I want most." With the right combination of trades, they could put together a package that all of them could accept.

All of them? It wouldn't be easy. But it could be done. Economists across the spectrum maintain that a better constructed tax code could save the economy hundreds of billions of dollars a year. And with that much savings, there must be ways to divvy up the benefits so that just about everyone would come out ahead of where they are now.

Each representative could then make a case for the new tax code to the people in his own camp. Of course, there will always be some people who feel dissatisfied, some people who feel they should have done better, some people who are sure they know the one right way to handle an issue and won't budge from that position.

So the best that negotiators can do is to win over the vast majority of people in each camp. But that is doable. And the current tax code was put together so dysfunctionally that there must be ways to make it economically saner and fairer for just about everyone.

By the same process, opposing camps could find practical solutions to almost any issue — solutions that would benefit virtually all sides. Because every issue has an efficient frontier, a few outcomes that produce the greatest benefits at the most reasonable cost.

The issues hardest to resolve this way would be those in which some groups now gain at others' expense. Take Medicare. Older generations are slated to receive benefits that other generations cannot afford. But most seniors will not willingly give up those benefits. So to induce seniors to accept an efficient solution, those with the most to gain by it could give some added "compensation" to those with most to lose. An imperfect outcome, but it would be superior to the status quo.

There's just one problem. If any group develops an efficient solution to any issue, it becomes law only if Congress enacts it. But Congress routinely rejects first-rate solutions. Just look at how Congress has ignored cost-effective proposals from the Council on Sustainable Development, the National Commission on Retirement Policy, and so on.

We can no longer afford this. We can no longer afford a government that makes incompetent decisions on educating our youth, on health care, on energy and on our debt-soaked economy. To extricate ourselves from today's crises, we need our politicians to support efficient solutions.

How, though, do we make that happen? This document is an effort to answer that question.

Appendix II: Demographics of Congressional Districts

The Census data compiled in the tables below shows that the vast majority of congressional districts are roughly as diverse as the entire United States. Specifically, the data shows that in 85 percent of districts, the proportion of people in each age bracket, household category, job type, and income bracket is at least two-thirds of what the figure is for the United States as a whole.

Percent of People in Each Age Bracket		
Age Bracket	**Percent of US Population**	**Percent of Population in 85% of Congressional Districts**
0-14	21%	18 - 25%
15-24	14%	11 - 17%
25-44	30%	27 - 33%
45-64	22%	19 - 24%
65 and over	12%	8 - 16%

Percent of Households in Each Family Category		
Household Type	**Percent of US Population**	**Percent of Population in 85% of Congressional Districts**
Married with children	24%	16 - 32%
Married without children	28%	21 - 34%
Nontraditional Family (mostly single parents)	16%	10 - 22%
Nonfamily (mostly singles)	32%	24 - 39%

Percent of Workers in Each Job Category		
Job Category	**Percent of US Population**	**Percent of Population in 85% of Congressional Districts**
Professional/Manager	34%	25 - 43%
Administrative Support	27%	24 - 30%
Craftsmen	9%	8 - 12%
Service & Labor	30%	21 - 38%
Farmers	1%	0 - 2%

Percent of Households in Each Income Bracket		
Income Bracket	**Percent of US Population**	**Percent of Population in 85% of Congressional Districts**
Less than $10K	10%	5 - 16%
$10K-20K	13%	8 - 18%
$20K-30K	13%	10 - 17%
$30K-40K	12%	10 - 14%
$40K-50K	11%	9 - 12%
$50K-60K	9%	8 - 11%
$60K-75K	10%	8 - 13%
$75K-99K	10%	6 - 14%
More than $100K	12%	4 - 21%

Even if the data is expanded to cover 98 percent of congressional districts, the proportion of people in each age bracket, household category, job type, and income bracket is still at least half of what the figure is for the United States as a whole. That data is available on request.

Appendix III: More Thoughts on Proportional Voting

If each representative is to have the strongest possible bond with constituents, each representative is bound to attract a different number of voters. So each representative should get voting power based on that number. In the U.S. House, after all, each state gets power proportional to the number of people who live there. So why not have each lawmaker get power proportional to the number of people who back him? This feature would also have the following benefits:

1) Every citizen would know that his/her vote truly counts. We'd also know that everyone we recruited to vote for our favorite candidate would add to his/her clout. So, most people would want to spread word about their chosen candidate. Americans would participate in politics far more.

2) This arrangement is fairer than alternatives: Each group would get power based on its numbers.

3) Lawmakers would lose incentives to gerrymander. That is, today, with each district having just one winner, how districts are drawn can largely determine who wins and which groups get power. But if each district had several winners and each group of voters got power based on its size, how districts were drawn would have much less effect on who won and how power was distributed.

This idea still raises questions, such as:

Wouldn't the most powerful lawmakers dominate the others? Given how preferential ballots are counted (recall the voters in the small town moving from candidate to candidate), lawmakers who won the most votes would usually be on different sides. They wouldn't form a united bloc. So, backers of any bill would still have to build a coalition from various camps. Council members adept at building coalitions could wield more influence than the representatives with the most voting power.

On a five-member town council, couldn't one member obtain majority power? It's very unlikely. For instance, if the five most popular presidential candidates in 2008 — Barack Obama, Hilary Clinton, John McCain, Mitt Romney and Mike Huckabee — had all been on the ballot on Election Day, none of them would have won even one-third of the votes. So in an election with five winners, it's improbable that any of them could amass half the votes. In any event, to ensure that one lawmaker cannot obtain majority power, the candidate elimination process should stop if and when the top drawing candidate gets close to a majority, say 45 percent. The council could thereby end up larger than originally planned.

If two members had a majority on, say, a seven member council, would that be acceptable? It would occur rarely. If it did, how would the effects be any different than if the same voters had elected four members of a traditionally elected seven-member council? Nonetheless, if a community wanted to ensure that two lawmakers could not obtain majority power, the candidate elimination process could stop if the two top candidates got close to a majority.

Has the issue been litigated? Multiple times in state and federal courts. Nearly every decision has upheld weighted voting based on population. Some courts have required technical modifications of the process. For details, see www.GenuineRepresentation.org/litigation

Appendix IV: How PAR Differs from Other Multi-Party Systems

To design its elections, a country has to make two basic decisions: 1) to use either a proportional method or a majoritarian one, and 2) to use either a parliamentary system or a presidential one.

In a majoritarian system, two political parties usually vie for power. In proportional systems, power is usually split among three or more parties.

In the most common proportional system, each voter casts a ballot for a political party. Each party then wins seats in proportion to how many citizens voted for it. However, party leaders usually decide which candidates fill the party's seats. [25]

What, then, does a voter do if he or she objects to a party's actions yet prefers its ideology? If so, at election time, the voter can either: a) pick the party again, despite its dubious actions, or b) pick a party with a different philosophy.[26] In effect, dissatisfied voters may have to forgo their ideological preferences.

With PAR, by contrast, voters get preferential ballots on which to choose individual candidates. So, voters dissatisfied with an incumbent have every reason to choose candidates other than the incumbent but with a similar philosophy, even from the same party. Each lawmaker thus has a strong incentive to report progress on the platform that his or her voters have endorsed, and therefore a strong incentive to negotiate agreements with lawmakers across the spectrum. [27]

Then, there's presidential versus parliamentary elections. In the latter case, the majority in parliament picks the prime minister, who more or less sets national policy. The majority in parliament thus controls the government, so has no incentive to negotiate with the minority.

In this country, though, the House majority wields far less power. That is, House bills become law only if the Senate approves — often by a 60 vote supermajority to avoid a filibuster — and, then, the president signs them. So if the vast majority of the House supports a measure, it's more likely to pass both of the above hurdles than if a bare majority backs the bill. The House majority thus has some incentive to seek support for critical measures from lawmakers across the spectrum.

Unfortunately, lawmakers today have an even bigger incentive to demonize lawmakers elsewhere on the spectrum. That is, Republicans and Democrats compete head-on for seats. And any candidate can win most easily by depicting the other party as inept or worse.

With PAR, that would no longer be the case. Republicans would not, for the most part, compete

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[25] In an "open list" system, each voter *can* choose a candidate on a party's list, which boosts the candidate's odds of winning a seat. But for a candidate to move up the list, a large number of voters have to choose him or her, a relatively rare occurrence. That may explain, in part, why most voters don't pick an individual candidate; they just choose a party. So typically, party leaders still decide which candidates fill the seats.

[26] Especially since most countries require parties to receive a minimum percentage of the total vote, usually five percent, to win any seats. Established parties thereby have somewhat of a monopoly on their part of the political spectrum.

[27] With an election method called the "single transferable vote" (STV), voters pick individual candidates on preferential ballots. But a voter does *not* get a specific representative the voter can hold to account for policy decisions. So STV voters and lawmakers have different incentives than with PAR. For more on STV, see Appendix V.

with Democrats. Conservative candidates would instead compete with one another to represent the district's conservative voters; liberal candidates would compete to represent the district's liberal voters; and so on. Lawmakers would therefore no longer have reasons to demonize parties elsewhere on the spectrum. On the contrary, to fulfill the platforms their voters had endorsed, lawmakers would have every reason to negotiate with lawmakers elsewhere on the spectrum.

Appendix V: How PAR Differs from the Single Transferable Vote (STV)

The single transferable vote — STV — is the proportional election system that 22 American cities tried between 1915 and the 1950s. With STV, as in other proportional systems, a typical voter is likely to get at least one representative who shares the voter's political orientation, far more likely than with America's current majoritarian system. Even so, of the original 22 cities that tried STV, only one still uses it: Cambridge, Massachusetts.

To understand why, we first need to look at how it works: STV relies on preferential ballots, in which voters rank the candidates they prefer in order. But ballots are counted very differently than with other preferential systems. With STV, votes for the *most* popular candidates are transferred to *less* popular ones. To see the implications, consider an example.

To start, the number of votes needed to win an STV seat = $1 + \frac{\text{(Number of votes cast)}}{\text{(Number of seats to be filled + 1)}}$

So, if 240,000 citizens vote for a seven-member council, winning a seat takes 1+ 240,000/8 = 30,001 votes.

Suppose, then, that the most popular candidate draws 50,001 first-choice votes. In that case, 20,000 are considered "excess" and go to his voters' second choices. That is, each voter for the most popular candidate has 40 percent of his vote go to his second choice. If any candidate thereby reaches 30,001 votes, she wins a seat. Her excess votes then go to her voters' next choices.

What if no one gets 30,001 votes? Then, the lowest-drawing candidates are dropped one by one, and their votes go to the next candidates on those ballots until some candidate exceeds 30,001 votes. His excess votes are then transferred to the next candidates on those ballots, and so on.

Why did most voters eventually reject this method? The answer depends on whom you ask. STV advocates usually give three explanations: 1) Many voters objected to minorities winning more representation than in the past. 2) It took weeks to count STV ballots and determine who won (this was in the days before computers). 3) The Republican and Democratic parties lost their legislative monopoly and therefore campaigned relentlessly against STV.

But these explanations leave out three crucial points:

1) STV's mechanics are difficult for the average voter to understand.

2) STV undercuts the link between each representative and his/her constituents. For instance, in the example above, 50,001 people who want to be represented by person A are *required* to give 40 percent of their votes — in effect 40 percent of their clout — to other representatives.

Who, then, represents each voter? With STV, it's ambiguous.

Who is each representative accountable to? With STV, it's ambiguous.[28]

[28] For instance, what if citizens in Cambridge, Massachusetts, were asked "Who is your representative on the city council?" We predict that most citizens would not understand the question, that most would think of their representatives as being at-large.

3) Most voters who lived under STV felt it reduced the quality of government. In Cleveland, for instance, voters were "disillusioned by [STV's] failure to prevent partisan deals, patronage, bribery and graft." In Cincinnati, "partisanship and dissatisfaction with governance . . . contributed to [STV's] repeal." And in Toledo, the local newspaper blamed STV for "lax administration."[29]

Nonetheless, STV has seemed to work in Ireland for most of the past century. But Ireland is parliamentary. That is, Parliament's main role is to pick the prime minister who picks the cabinet, which jointly set national policy. Voters therefore tend to hold the prime minister — and the parties backing him — accountable for policy. The prime minster and the party leaders in the majority coalition thereby have some incentive to govern responsibly.

But in the United States, voters choose a chief executive — a mayor, governor or president — independently of the legislature. So if voters hold the chief executive accountable, that alone does not ensure that government will act responsibly. It's also necessary that voters hold individual lawmakers accountable.

Unfortunately, with STV, a typical voter does not get a specific representative to hold accountable. From our perspective, then, STV lawmakers lack incentives to tackle controversial issues realistically.

[29] Barber, Kathleen, ed., *Proportional Representation and Electoral Reform in Ohio.* Ohio State University Press, 1995, pp 130, 173, 253.

Appendix VI: The Founders' Intentions for the House of Representatives

The quotes below are drawn from *The Federalist*, Nos. 51, 52, 56 and 57, which were written by James Madison, whom most historians consider to be the principal author of the Constitution.

On the Need for Voters to Hold Lawmakers Accountable

"[I]t is particularly essential that the [House of Representatives] should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured."

"The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society; and in the next place, to take the most effectual precautions for keeping them virtuous. . . ."

"[T]he House of Representatives is so constituted as to support in the members an habitual recollection of their dependence on the people. . . . [Representatives] will be compelled to anticipate the moment when . . . their exercise of [power] is to be reviewed, and when they must [surrender power] unless a faithful discharge of their trust shall have established their title to a renewal of it."

"Duty, gratitude, interest, ambition itself are the chords by which [Representatives] will be bound to fidelity and sympathy with the great mass of the people. . . . are [these connections] not all that . . . human prudence can devise?"

On Each Representative Knowing His Constituents' Interests

"It is a sound and important principle that the representative ought to be acquainted with the interests and circumstances of his constituents."

[Referring to the framers' own times:] "Divide the largest State into ten or twelve districts, and . . . there will be no peculiar local interests . . . which will not be within the knowledge of the representative of the district."

[Again, referring to their own times:] "Taking each State by itself, its laws are the same, and its interests but little diversified. . . . At present some of the States are little more than a society of husbandmen."

"[I]ndustry [will] give a variety and complexity to the affairs of a nation. [Industry] will . . . be the fruits of a more advanced population; and will require . . . fuller representation."