

# Small Donor Public Financing & Labor Support

Comms Recommendations for Small Donor Advocates in Chicago

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## I. Executive Summary

Small donor public financing reform (SDFR) limits the influence of big money in politics, often via public matching programs or vouchers. It has been implemented in states and cities across the United States, but proposals have struggled to pass in Chicago. A major obstacle to SDFR adoption in Chicago are labor organizations, which continue to have a major presence in Chicago politics.

Following case studies of New York City and New York State, we recommend five strategies for SDFR advocates. Advocates should understand the split between trade and service unions and, accordingly, prioritize outreach to service unions. They should emphasize the lack of sustainability in large unilateral grants like the CTU in 2023, compared to the sustainability of SDFR systems. After examining unions’ rhetoric and mission statements, advocates should remind unions that SDFR and related voter engagement efforts line up most closely with their stated foundational principles. Explain to labor partners that SDFR does *not* put their political interests at a competitive disadvantage; if anything, it advantages their interests over wealthy donors. Finally, push for a model of in-kind donations from unions, used to stage civic engagement and campaign contribution drives amongst unions’ members. All of these recommendations recognize that it will be tough for unions to revoke their historical influence and trust that their interests will be represented under SDFR systems.

## II. Background

### Understanding Small-Donor Campaign Finance Reform

**Small Donor Financing Reform (SDFR)** refers to policies aimed at increasing the influence of small contributions from individual donors in political campaigns. The key strategy to implement SDFR is the use of **matching funds**, where public funds are utilized to match contributions from small donors at a specified ratio, increasing the value of small donations from individuals and removing barriers for candidates. Other strategies include voucher programs, which provide voters with vouchers to donate to qualifying candidates of their choice, or grant programs, where lump sum grants are offered to candidates who agree to participate in the public financing program.<sup>1</sup>

Public financing programs emphasize the role of constituents by giving candidates who can demonstrate sufficient community support an alternative to relying on fundraising from wealthy donors. **SDFR not only lifts the voice of donors but of candidates too.** The policy helps remove barriers for types of candidates who historically struggled to gain support from wealthy donors such as women, people of color, members of LGBTQ+ communities, and low-income communities. Researchers at the Brennan Center found that in New York City’s 2021 city council primaries, public financing helped address historical inequities, and voters elected the most diverse legislature in the city’s history.<sup>2</sup> Similar results were found in Washington, DC, and in Maryland’s Montgomery County, which also implemented SDFR programs.



<sup>1</sup> [Paez and Vandewalker 2023.](#)

<sup>2</sup> [Paez and Vandewalker 2023.](#)

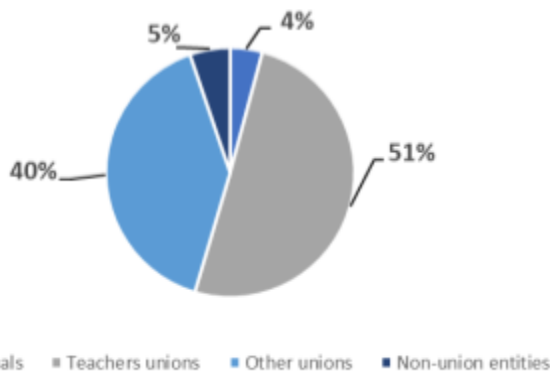
Throughout the US, SDFR has been implemented at municipal and statewide levels. The map above highlights a few places that have enacted SDFR and its specific policies.

These SDFR policies aim to level the playing field in terms of campaign financing and **incentivize political candidates to engage with a broader segment of the electorate. This amplifies the voices of average citizens and enhances democratic participation.** Other campaign finance reforms such as contribution limits, disclosure requirements, and bans on certain types of contributions do not drive democratic engagement in this way. While they do increase transparency and attempt to reduce the influence of large donations, they also often contain loopholes that can be exploited by large donors. The innovative approaches within SDFR, therefore, represent a critical step towards redefining the dynamics of campaign financing, fostering a more inclusive and representative political discourse.

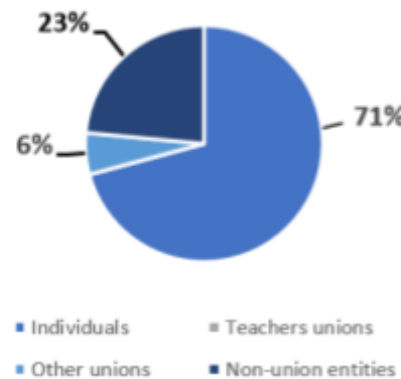
### Unions' Role in the 2023 Chicago Mayoral Election

The past Chicago mayoral election between Brandon Johnson and Paul Vallas emphasized the pivotal role of unions in campaign financing. In Johnson's campaign, almost 91% of Johnson's donations came from 27 unions, most notably teachers' unions, which represented about 51% of his donations.<sup>3</sup> This is a striking contrast with Paul Vallas's campaign, which drew 71% of its funding from 1,149 individuals.<sup>4</sup> The Chicago Teachers Union (CTU) has funneled nearly \$2.3 million to the Johnson campaign, with the American Federation of Teachers giving nearly \$2.2 million and the Illinois Federation of Teachers contributing over \$940,000.<sup>5</sup> The chart below demonstrates the type of contributions Johnson and Vallas received. Notably, Vallas received no funding from teachers' unions.

**Brandon Johnson's Total Campaign Funding  
(Total: \$11,182,330)**



**Paul Vallas' Total Campaign Funding  
(Total: \$18,148,145)**



Funding pie charts for Chicago's 2023 Mayoral Candidates<sup>6</sup>

<sup>3</sup> [Smith 2023.](#)

<sup>4</sup> [Smith 2023.](#)

<sup>5</sup> [Smith 2023.](#)

<sup>6</sup> [Smith 2023.](#)

Unions have historically been associated with the Democratic Party, however, within the party, there are different candidates that align with specific labor unions. The 2020 Democratic primary highlighted a national trend of labor unions gravitating towards centrist candidates like Biden, acknowledging his alignment with traditional union concerns.<sup>7</sup> However, exceptions exist, notably seen in service unions like SEIU, which typically endorse more progressive candidates. Despite this, SEIU endorsed Biden in 2020, reflecting a pragmatic approach favoring candidates perceived as most electable. It's crucial to recognize that SEIU's endorsement decisions vary across local chapters, indicating evolving dynamics within specific regions like Chicago. These local differences represent a key aspect of SDFR advocacy: advocates must remind labor partners that mobilizing efforts are the best avenue for unions to make sure that their interests are heard and that their candidates will still be able to garner support to win.

### Analysis of Rhetoric Between Unions

The Chicago mayoral election represented a schism between **service unions and trade unions**. **Service unions**, like SEIU and CTU, endorse a **markedly progressive agenda** that extends beyond workplace concerns. While, **trade unions**, like the International Union of Operating Engineers (IUOE), **tend to adopt a more centrist stance**, as exemplified by their focus on specific issues like prevailing wages. This difference in broader interests is represented in the language used by both types of unions for their mission statements demonstrated on their websites.

| Service Union’s Mission Statement  | Trade Union’s Mission Statement   |
|--|---|
| <p>“SEIU Local 73 inspires and wins <b>social and economic justice</b> by igniting and exercising our power so that workers, families, <b>and our communities are respected and thrive now and for generations to come.</b>”<sup>8</sup></p> | <p>IUOE Chicago → “From ensuring <b>protections of prevailing wages</b> on public projects to <b>alleviating healthcare costs</b> through coalition building, to improving our contractors’ competitiveness, IUOE has and will continue to be tirelessly dedicated to the <b>common interests of its members.</b>”<sup>9</sup></p>  |
| <p>CTU → “We must build <b>our capacity to fight misguided politicians</b>, well-financed corporate school reformers, and people who want to turn back the clock on <b>workers’ rights.</b>”<sup>10</sup></p>                                | <p>Chicago’s Building &amp; Construction Union → “The purpose of the Council is to promote <b>harmony and goodwill</b> among the affiliated trades and organizations in the building and construction industry in Chicago and Cook County, to promote the <b>unionized sector of the construction industry</b> and to endeavor to organize the unorganized <u>sector.</u>”<sup>11</sup></p> |

<sup>7</sup> [Golshan 2019, McFadden 2021.](#)

<sup>8</sup> [SEIU Local 73 2024](#)

<sup>9</sup> [IUOE n.d.](#)

<sup>10</sup> [Chicago Teachers Union 2024](#)

<sup>11</sup> [Chicago & Cook County Building & Construction Trades Council, n.d.](#)

Service unions in Chicago use language that emphasizes **the collective power of workers** to not only secure better wages and benefits but also to contribute to the broader struggle for social justice and economic equality. SEIU and CTU in their mission statement use words like “social and economic justice” and “misguided politics” which highlights their broader approach to politics. Though the median service union member is rarely as progressive as the political arm, members of service unions are overwhelmingly Democratic or otherwise left-of-center in their personal political views.<sup>12</sup>

Trade unions’ language, by contrast, revolves around advancing the interests of their members within the confines of their respective industries, often through coalition-building and advocacy for contractor competitiveness. In line with this less overtly political mission, trade union members are more politically heterogeneous and span farther across the political spectrum. While both service and trade unions work to protect workers’ rights, service unions often take **a broader social approach, while trade unions concentrate on industry-specific concerns.**

The past Chicago election was unique because it not only demonstrated a political trend between types of unions, but Brandon Johnson’s previous involvement with the teacher’s union played an important role. Johnson is the product of a grassroots movement led by the CTU over the last decade that has focused on issues beyond the classroom, like affordable housing, public health, environmental justice, and police reform. This relationship caused teacher unions to funnel a significant amount of money to Johnson’s campaign. CTU faced controversy as it used member funds without member approval. On March 20, 2023, the Members First Caucus filed an unfair labor practice against CTU with the Illinois Educational Labor Relations Board, alleging dishonest financial practices by union leadership for diverting member dues to political committees. **CTU’s donations not only left controversy but also left the union without funds.**<sup>13</sup>

Johnson’s campaign and the CTU are a prime example of the limits that these large monetary donations face. After using so much of its funds on the recent election, **CTU no longer has any funds – or goodwill from its members – to spend on current political campaigns.** This cyclic dependency on monetary donations presents a challenge, especially since each successive election intensifies the strain on union finances. Every year, campaign expenditures will only increase, intensifying the burden on union finances and making it more difficult to compete with PACs.

Unlike conventional corporations, unions possess a distinct advantage in their membership base which could be used for alternative forms of support. Diversifying donation strategies to include **in-kind contributions** could serve as a viable solution, mitigating the risk of being outspent by rival corporations while sustaining the union’s finances. In-kind donations, like offering catering and event space for candidates’ events, serve as a powerful tool for unions to still influence political campaigns without becoming bankrupt (see model in Section V. Recommendations for more detail).

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<sup>12</sup> [Reimers and Kaplan, 2024.](#)

<sup>13</sup> [Golshan 2019.](#)

## Current SDFR Proposals for Chicago

Chicago is the largest city without a public finance program, and currently, there have been proposals for SDFR as a means to reshape campaign finance reform. A proposal in the latest meeting of the Committee on Ethics and Government Oversight, chaired by Alderman Matt Martin, advocated for implementing a matching program for the aldermanic elections and setting contribution limits citywide. The table below shows the matching ratio discussed by most stakeholders, modeled off other cities like New York, Denver, and Evanston.

| Matching Ratio | Max Matched Contribution | Individual Contribution Limit |
|----------------|--------------------------|-------------------------------|
| 9:1            | \$150                    | \$500                         |

The policy would match individual contributions of up to \$150 at a rate of 9:1, totaling up to \$1,500. In order to be matched, donations must be made by individual donors who live in Chicago. The majority of public financing programs **are coupled with stricter contribution limits to avoid diminishing the impact of public financing reform.** In Illinois, the contribution limits are especially high, with nearly \$60,000 for a PAC. Also, the state currently allows corporation entities like LLCs, which allow donors to hide their identities, to contribute up to \$12,000. The table below demonstrates the current restrictions that are being discussed in terms of contribution limits.

|           | Individual | Corporations | PACs     | IEs       |
|-----------|------------|--------------|----------|-----------|
| Existing  | \$6,000    | \$12,000     | \$59,900 | Unlimited |
| Discussed | \$500      | None         | \$12,000 | Unlimited |

This approach closely mirrors measures adopted in cities like New York and Los Angeles. The proposed SDFR seeks to empower small donors, reduce the influence of large corporations and special interest groups, and promote transparency in campaign financing within Chicago's political landscape. However, **these proposals have been unable to pass in Chicago due to the influence of labor unions and their opposition to SDFR.**

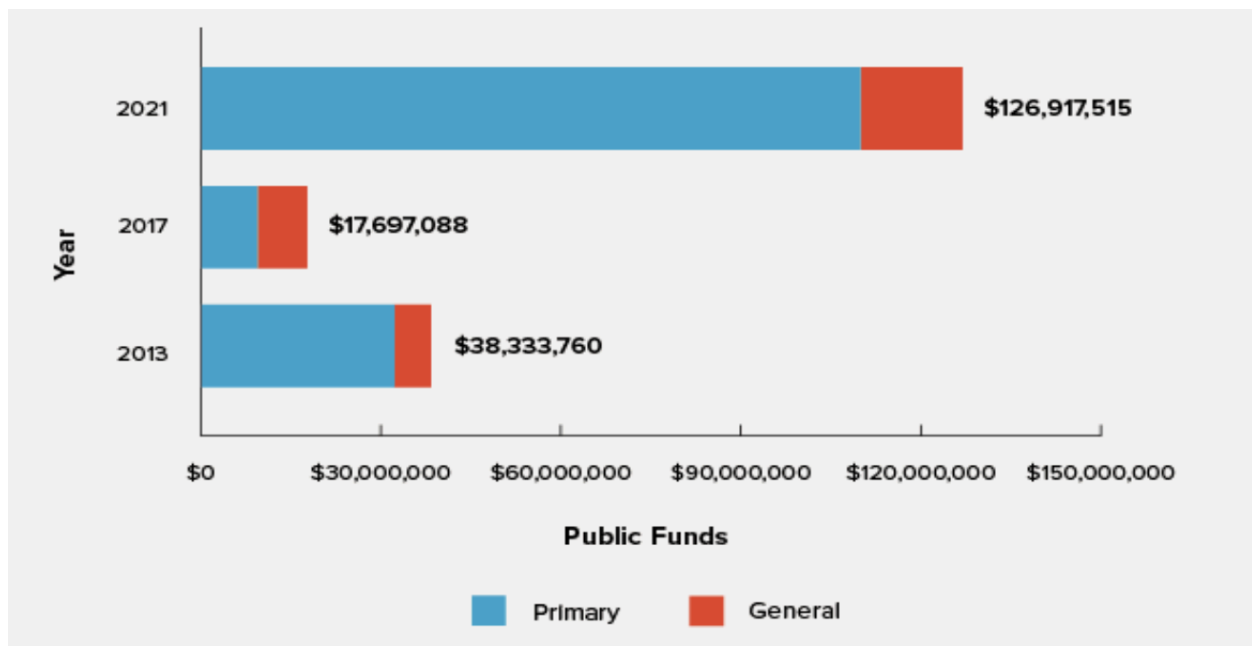
## III. Case Study: New York

### Current Small Donor Financing Policy in New York

New York has implemented small donor finance reform, both in the city and the state. In NYC, a small donor matching program has been in place since 1988, with the intention of **countering the growing cost of campaigning, reducing the influence of large donations, and empowering the voice of average New Yorkers.** For each dollar a NYC resident donates, up to a certain limit, the city's Campaign Finance Board provides an additional eight dollars in public funds, for a maximum of \$2000 in public funds per individual donor. Candidates qualify for matching funds



under certain criteria, including: (a) a minimum contribution threshold, such that mayoral candidates must have at least 1000 contributors and a minimum of \$250,000 raised, comptroller candidates must have at least 500 contributors and a minimum of \$125,000 raised, and city council candidates must have at least 75 contributors and a minimum of \$5000 raised; (b) abide by strict spending limits for their campaign; (c) adhere to all campaign finance laws and regulations; and (d) participate in public debates.<sup>14</sup> New York City’s matching program has a high utilization rate among candidates—in the 2021 elections, \$126.9 million in public funds were paid to 308 candidates, which matched \$18.3 million in contributions. Compared to the 2013 elections, 3% more primary election candidates and 19.0% more general election candidates participated in the public matching funds program.



A graph demonstrating candidates’ use of public funds, especially to encourage under-resourced candidates to run in primary elections.

### **New York State: A Newer SDFR Adoptee**

New York State followed NYC in 2019 by passing its own small donor matching funds program, which is set to be implemented in future elections. Funds are available for candidates running for governor, lieutenant governor, state attorney general, state comptroller, state senate, and state assembly. The program seeks to match small donations at a tiered ratio, with the highest match for the smallest donations in order to amplify the impact of contributions.<sup>15</sup> In New York, the matching ratios work as outlined to the right.<sup>16</sup>

Since this program is not set to be implemented until the 2024 election cycle, we do not have data about utilization at this time.

<sup>14</sup> [NYC Campaign Finance Board 2021.](#)

<sup>15</sup> [Program Overview Public Campaign Finance Board n.d.](#)

<sup>16</sup>



While public campaign financing was familiar to many in New York State due to New York City’s system, there was considerable opposition from politicians and groups who were concerned about the program’s cost, its potential misuse, and freedom of speech concerns.

Opponents of the program argued that public funds should not be used to finance electoral campaigns. In 2020, then-Governor Andrew Cuomo proposed a bill to enact small donor public financing, which was **supported by the Fair Elections for New York coalition.**<sup>17</sup> **Members included the Service Employees International Union, Communications Workers of America,** and many more. His proposal built upon a bill from 2013, the Fair Elections Act, which called for a public financing system for all New York State elections in which small donations up to \$175 would be matched \$6 to \$1 with public money. The act ultimately failed to pass due to political opposition by Republicans in the State Senate.

The next big movement for campaign finance reform came in the 2019 budget of Governor Cuomo, whose FY2020 budget established a public financing commission that will have the binding power to implement public campaign financing for legislative and statewide offices, authorizing up to \$100 million annually in public funds.<sup>18</sup> This commission was responsible for designing the details of the new public matching funds system, such as eligibility thresholds, public financing limits, and contribution limits for participating candidates, but their recommendations did not become finalized until fairly recently. The full implementation of this system will unfold in the 2024 State Legislature Elections.

### **Unions’ Opposition in New York State’s SDFR Fight**

Unions play a pivotal role in the development and implementation of New York State’s public financing systems, with certain unions in favor of SDFR and others against it. In 2019, the President of the New York AFL-CIO (consisting of 3000+ affiliated unions), Mario Cilento, stated that the costs of public campaign financing required further review and that “**now is not the time**”. Cilento hedged on his union’s position, saying that “this statement should not be seen as taking a position in

#### **Statewide Offices**

|                      |  |
|----------------------|--|
| <b>Match Formula</b> | \$6-to-\$1   |
| <b>Example</b>       | \$100 contribution gets \$600 public matching funds for a total of \$700       |
| <b>Maximum Match</b> | \$250 contribution gets \$1,500 public matching funds for a maximum of \$1,750 |

#### **State Legislative Offices**

|                      |   |
|----------------------|---|
| <b>Match Formula</b> | \$12-to-\$1 for first \$50<br>\$9-to-\$1 for next \$100<br>\$8-to-\$1 for next \$100                                      |
| <b>Example</b>       | \$100 contribution gets \$1,050 public matching funds (\$600 for first \$50 + \$450 for next \$50) for a total of \$1,150 |
| <b>Maximum Match</b> | \$250 contribution gets \$2,300 public matching funds for a maximum of \$2,550  |

<sup>17</sup> [Brennan Center for Justice n.d.](#)

<sup>18</sup> [NY State Division of the Budget 2019.](#)

opposition to Campaign Finance Reform, only that discussion on this important issue should continue after the budget is passed”. Cilento directed attention away from public financing and cited budget needs for public education, healthcare, and infrastructure, on top of the lack of federal funding for these social programs.<sup>19</sup> The unions’ efforts to delay policy change until further review successfully influenced lawmakers to postpone implementation.

According to the New York Times, the New York A.F.L.-C.I.O. and its affiliates have spent more than \$3.9 million from the start of 2018 to April of 2019 on state and local elections.<sup>20</sup> Unions contribute massive amounts of money to lawmakers across the state, with hundreds of thousands of dollars going directly to the campaigns of those lawmakers that are in charge of the efforts to pass a public matching fund system. The AFL-CIO filed a brief that supported corporations in the *Citizens United vs FEC* Supreme Court case, arguing that looser restrictions on political spending would help labor unions. Many other unions in opposition, such as the Civil Service Employees Association, focus their concerns on the program's projected cost, stating that there are better ways for the money to be spent. This goes to demonstrate that **present-day unions in New York State resisted SDFR for similar reasons to Chicago unions.**

## Rhetoric from Trade and Service Unions

| Service Union’s Mission Statement   | Trade Union’s Mission Statement  |
|---|--|
| <p>32BJ SEIU → “Our mission is to build and grow a diverse, effective, politically independent, and democratic organization of workers to change our lives for the better, improve our communities, and <b>build a more just society for present and future generations...</b>We are a diverse group in every way. We come from dozens of countries all over the world – and from families with long histories in the U.S. But we share the American Dream, a commitment to making life better for working families, and a fundamental respect for the dignity of all people.”<sup>21</sup></p> | <p>North America’s Building Trade Unions (Member of AFL-CIO) → “NABTU is dedicated to creating economic security and employment opportunities <b>for its construction workers</b> by growing infrastructure investment and union construction jobs, safeguarding workplace, wage and benefits standards, promoting responsible private capital investments, investing in renowned apprenticeship and training, and creating pathways to the middle class for women, communities of color, military veterans and justice.”<sup>22</sup></p> |

Overall, New York City’s long-running, successful SDFR program provides a model for municipal small donor financing programs. New York City confirms that candidates see value in the matching program and that candidates from historically disadvantaged communities can be more electorally successful. It proves that voter engagement also rises with SDFR programs at the city level.

<sup>19</sup> [Wang and Goodman 2019.](#)

<sup>20</sup> [Wang and Goodman 2019.](#)

<sup>21</sup> [32BJ SEIU, n.d.](#)

<sup>22</sup> [NABTU, n.d.](#)

New York State, following in NYC's footsteps, reinforces the dynamic between trade and service unions that Chicago experiences. In doing so, it demonstrates a present-day path to passing SDFR policy in a similar environment to Chicago.

## IV. Recommendations

### Communications & Outreach Recommendations

- **Understand the split between trade and service unions and prioritize outreach accordingly.** Prioritize unions whose membership is more politically aligned with political directors. Though members' and political branches' ideology never quite aligns, we found that service unions tend to have consistently left-leaning members and political giving. Trade unions have a comparatively more conservative membership. By prioritizing unions with less divergence between leadership & membership, it should be easier to argue that members' donations in aggregate will resemble the union's pre-SDFR giving profile.
- **Emphasize the lack of *sustainability* in large unilateral grants** like the CTU in 2023, **compared to the sustainability of SDFR systems.** These grants are both financially unsustainable and politically untenable since union members are dissatisfied with the spending choices of their political directors.
- Emphasize the **“giving everyone a voice” aspect of SDFR** and its alignment with union missions and principles. Remind unions that SDFR and related voter engagement efforts line up most closely with stated missions. Point out the public relations disaster of the Chicago's Teacher Union giving to Brandon Johnson so fervently without members' consent. Under an SDFR system, unions would not be vulnerable to criticism over mismatched mission statements and political actions.
- Remind labor partners that **SDFR does *not* put their political interests at a competitive disadvantage; if anything, it advantages their interests over wealthy donors.** Even after block grants from unions are minimized by SDFR, unions will continue to be a strong political force and should not worry about losing political clout. Individual members will still donate, especially if unions sponsor civic engagement events to create a culture of political involvement among their members (see model below). By contrast, the individual donors that have funded unions' political opponents (e.g. Paul Vallas) will be drastically constrained. If anything, the campaign contribution limits that come with SDFR would increase union members' political influence, as wealthy donors' influence declines.

### An Alternate Model to Consider

Under the current SDFR proposal, unions retain a significant opportunity to be civically involved via in-kind donations. Though this would be a marked departure from unions' current approach to politics, we propose the model of in-kind donations of caterers, event space, etc. to stage civic events and provide an environment for union members to donate. This model would return agency to

individual members, with respect to how their money enters politics, and fulfills unions' original purpose to foster community and collective power among their members.

Advocacy for this model could benefit from remembering the comms recommendations listed above. This entails seeking out the best candidates for outreach, reminding unions that the current system is unsustainable and unpopular, and emphasizing unions' foundational, community-driven mission and priorities.

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# Proportional Ranked Choice Voting Efforts of the 1920s

Two New Case Studies, Cleveland & Sacramento

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## I. Executive Summary

Proportional ranked choice voting (PRCV) became popular in cities across the United States in the 1920s, including Cleveland and Sacramento. These systems were short-lived but achieved real representational gains for women in both cities and for Black residents of Cleveland. Among PRCV advocates in both cities, calls for representation of political minorities overshadowed calls for equitable gender or racial representation. Nevertheless, print media connected the PRCV fight to racial justice, even if only implicitly. Now that political machines are no longer a main issue for electoral reform advocates, there is room for PRCV proponents to emphasize improvements in racial representational gains in their advocacy. These cases also demonstrated that PRCV implementation is state-dependent and may face an easier path to constitutional legitimacy in some



states compared to others. Cleveland and Sacramento also attest to the potential for PRCV to improve government efficiency and reduce the impact of gerrymandering.

Otherwise, these case studies seem to fall in line with current understandings of the PRCV movements of the early 20th century. In short, we recommend continuing to advocate PRCV as a means for equitable representation and racial justice, with even greater confidence that the lessons that electoral advocates have drawn from the 1920s are corroborated by multiple examples.

## II. Background on PRCV

### Understanding Proportional Ranked Choice Voting

**Proportional ranked choice voting (PRCV)** is a candidate-based form of proportional representation, where nearly all voters will be able to elect at least one candidate they support. Different groups of voters will elect winners in proportion to their share of the votes cast, producing results that match the makeup of the electorate.<sup>1</sup>

PRCV, also known as the Single Transferable Vote (STV), is a ranked-choice system of voting for elections where multiple representatives are elected in each district.<sup>2</sup> Voters rank candidates in order of preference on the ballot, and any candidate with a number of first-choice voters over a certain threshold is elected. Votes are rarely wasted as excess votes, as those above the victory threshold to elect the first round of candidates are then counted for the voters' next choice.

If there are still no other candidates elected after this process, the lowest-placed candidate is eliminated and their first-choice votes redistributed to the second-choice candidates on the corresponding ballots. If second-choice votes would only go to an eliminated or already elected candidate, third-choice votes are used, and so on.

This process continues until all seats in the multi-member district are filled. Ultimately, this combination of multi-member district elections and ranked choice methods creates a close match between voters' preferences and the makeup of the elected body.<sup>3</sup>

### The Broader PRCV Movement of the 1920s-1930s

The early twentieth century featured several largely successful election reforms that reduced party domination and expanded access to the vote for women and political minorities. Examples of such reforms are women's suffrage, direct election of U.S. Senators, and open primaries.<sup>4</sup> Contextually, proportional ranked choice voting (PRCV) has a place **within this trend of progressive voting reforms**. Amidst this atmosphere of successful reform, cities across the United States began adopting PRCV starting as early as 1915, in Ashtabula, Ohio. Over the next two decades, the system spread through the rest of Ohio (to Cleveland, Cincinnati, Toledo, and Hamilton) and across the

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<sup>1</sup> [FairVote n.d.](#)

<sup>2</sup> [FairVote n.d.](#)

<sup>3</sup> [FairVote n.d.](#)

<sup>4</sup> [Library of Congress, n.d.](#)

country to places like Boulder, Colorado; Kalamazoo, Michigan; Sacramento, California; and West Hartford, Connecticut.<sup>5</sup>

These adoptions took place in **two main waves, each followed by a nationwide trend of repeal**. Cleveland and Sacramento fall into the first of these groups, as cities that adopted PRCV in the 1920s and repealed their systems within the decade following. The first repeal cycle reached its peak as Cleveland repealed its PRCV system in 1931; as the fifth major city to repeal a 1920s-era PRCV policy, this backslide left only three major cities in the nation with robust PRCV systems.<sup>6</sup>

When New York City adopted a multi-winner election system for their city council and school board elections in 1936, the second round of municipal PRCV adoption commenced and another eleven cities quickly reformed their systems. This quick adoption brought the number of PRCV cities to two dozen spread across six states by the early 1940s. However, by the late 1940s and throughout the 1950s, the pendulum swung back towards repeal and **PRCV has struggled to regain its footing in election reform implementation**.

## III. Cleveland, 1921-1931

### History, Advocates for PRCV, & Initial Results

Proportional ranked-choice voting (PRCV) was adopted by referendum in Cleveland in November of 1921 as part of a package of government reforms known as the **city manager plan**.<sup>7</sup> The plan also established a 25-seat city council elected from four districts, with voters being able to choose any number of candidates listed on the ballot.<sup>8</sup> The council would then select a city manager to administer government programs on a day-to-day basis in addition to the mayor.<sup>9</sup>

The principal argument made by advocates of PRCV leading up to the referendum surrounded **combating the power of party bosses and political machines**.<sup>10</sup> One notorious practice of machine politics was gerrymandering, or manipulating the boundaries of electoral districts in order to grant incumbent parties a number of seats in city council far out of proportion to their actual share of the vote.<sup>11</sup> Upon taking power at the state level, the Democratic and Republican parties would immediately redraw congressional districts to their advantage, sacrificing the equal and proportional representation of all voters in the Ohio legislature.<sup>12</sup> Indeed, the official City Manager

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<sup>5</sup> [Ault, 2018](#).

<sup>6</sup> [Ault, 2018](#).

<sup>7</sup> [Moley, 1923](#); [Hatton, 1921](#).

<sup>8</sup> [Moley, 1923](#).

<sup>9</sup> [Moley, 1923](#).

<sup>10</sup> [Ault, 2018](#).

<sup>11</sup> [Ault, 2018](#).

<sup>12</sup> [Ault, 2018](#).

Plan explicitly cited **gerrymandering as a problem it sought to eliminate**, asserting that “...with proportional representation, gerrymandering is ineffective and useless.”<sup>13</sup>

The *Proportional Representation Review* wrote that the PRCV referendum was “essentially a victory of the people rather than a few organizations of persons,” claiming it was opposed by both party machines, the Chamber of Commerce and business, among other special interests.<sup>14</sup> Although the pre-eminent Central Labour Union opposed PRCV, other voices in labor supported the proposal.<sup>15</sup> These included the labor newspaper the *Cleveland Citizen*, the International Molders’ Union, and the Brotherhood of Locomotive Engineers, whose Grand Chief Warren G. Stone argued that “Proportional representation by the Hare system is absolutely fair to the voter, the candidate and the city. It **cuts the ground from under the feet of the political bosses** and allows men of real principles to run and be elected.”<sup>16</sup>

PRCV supporters also championed the system’s ability to give more **proportional representation of the preferences of both voters at large and underrepresented minorities**. Women’s suffragists Walter J. Milliard and Carrie Chapman Catt spoke in favor of PRCV at a convention of the League of Women Voters held in Cleveland a few months before the 1921 referendum.<sup>17</sup> According to political scientist Kathleen Barber, the *Cleveland Press* also targeted women in its pro-PRCV articles, arguing in one that “we deplore methods and results in city housekeeping which would never be accepted as efficient in individual businesses or a home.”<sup>18</sup>

**Black communities were also targeted by outreach by the PRCV campaign**, with the Black newspaper the *Cleveland Gazette* reporting on Augustus R. Hatton, author of the City Manager Plan, speaking at a meeting of Black anti-machine activists: “He dwelt particularly on the points of special interest to our group and said that several of our representative people had been called into conference as to the needs of our people in forming the plan. He deplored the fact that we as a race had not been represented in city council by our highest type of manhood, and felt that a plan that did away with the Maschke-FitzGerald machine would materially aid the community in electing men who could properly represent us and that we could be proud of.”<sup>19</sup>

**Cleveland would indeed elect more representatives who were women or belonged to ethnic minorities after the adoption of PRCV**. In the first election following electoral reform, it elected three Black members of city council, having only ever elected one Black member up to that point. The city had also never elected a female member of the city council and proceeded to elect eight across five consecutive elections. After PRCV was repealed in 1931, representation of women decreased accordingly, with none being elected again until 1949.<sup>20</sup>

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<sup>13</sup> [Hatton, 1921.](#)

<sup>14</sup> [Proportional Representation Review, no. 61, 1922.](#)

<sup>15</sup> [Proportional Representation Review, no. 61, 1922.](#)

<sup>16</sup> [Proportional Representation Review, no. 61, 1922.](#)

<sup>17</sup> [Proportional Representation Review, no. 58, 1921.](#)

<sup>18</sup> [Barber 1995, 122.](#)

<sup>19</sup> [The Cleveland Gazette, 1921.](#)

<sup>20</sup> [Ault, 2018.](#)

## Opposition to PRCV

Opponents of PRCV, on the other hand, criticized its **complexity and alleged unconstitutionality**. The *Cleveland Plain Dealer* called the system “complicated, undemocratic and dangerous” because it would split the city council into many small interest groups by proportionally representing every single political minority in Cleveland.<sup>21</sup> In fact, the newspaper had no qualms with the city manager’s plan overall and advised that it should be submitted “without the PR incubus.”<sup>22</sup> After PRCV was instituted, it was unsuccessfully challenged in the Supreme Court of Ohio in *Reutener v. City of Cleveland et al.* in 1923.<sup>23</sup> William Reutener, named only by the court as a “taxpayer” from Cleveland, argued that PRCV was unconstitutional for three reasons:

- The adoption of PRCV amended Cleveland’s city charter to such an extent that it should have been considered an entirely new charter and the entire charter subject to a vote, rather than being introduced as a charter amendment.
- Verbatim copies of the PRCV amendment were not placed on the referendum ballots, which contained only a summary.
- PRCV violated the state constitutional requirement that every eligible voter be “entitled to vote at all elections” because redistributed ballots from eliminated candidates would effectively be “wasted.”

**The court’s opinion**, written by Judge Florence Allen, the first woman to ever sit on a state supreme court, **rejected all three arguments**. It found that PRCV was not a reform sweeping enough to constitute a new charter, the state constitution indeed accepted summaries of policies in referenda and votes could still be “wasted” under existing electoral systems due to gerrymandering or the Electoral College in presidential elections.

## The End of PRCV (1931)

PRCV was subject to no fewer than five referenda seeking its repeal, with the fifth referendum finally bringing the system to an end in 1931.<sup>24</sup> The primary reasons that persuaded Clevelanders to abandon PRCV were **a perceived failure to stop corruption, lack of outreach to underrepresented minorities by PRCV advocates, and economic decline**. Corruption took the form of high-profile political scandals, including the illegal destruction of ballots in the 1927 municipal election, the indictment of three city council members for fraud, bribery, and graft in 1929, and a backroom patronage deal between the Republicans and Democrats to split public service positions between their members in 1930.<sup>25</sup> Such incidents damaged public confidence in PRCV’s much-vaunted ability to clean up corrupt machine politics. In addition, the PRCV camp failed to publicize the system’s benefits to marginalized communities who would become more strongly represented in the city council.<sup>26</sup> PRCV campaigners did not meaningfully connect with

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<sup>21</sup> [Barber 1995](#).

<sup>22</sup> [Barber 1995](#).

<sup>23</sup> [Reutener v. City of Cleveland et al., 1923](#).

<sup>24</sup> [Barber, 1995](#).

<sup>25</sup> [Barber, 1995](#).

<sup>26</sup> [Barber, 1995](#).

ethnic minorities' community organizations leading up to the repeal referenda, and there was less spending and canvassing compared to the 1921 referendum in general.<sup>27</sup> This meant that they were quickly overwhelmed by the money and influence of the major party machines in 1931.<sup>28</sup> A third reason for the end of PRCV was the Great Depression. Clevelanders, plunged into economic distress, clamored for strong leaders from their neighborhoods rather than technocrats who served the city at large.<sup>29</sup>

## IV. Sacramento, 1920-1922

### Implementation of PRCV in Sacramento and Initial Results

On November 30, 1920, Sacramento residents voted 7,962-1,587 to switch from the majority-wins election system, in place since the city's founding, to proportional ranked choice voting.<sup>30, 31</sup>

Proponents of PRCV argued that Sacramento's majority system gave disproportionate amounts of power to small political minority groups. Because neither of Sacramento's two primary political parties had an outright majority, winning elections often came down to a small third party of organized voters.<sup>32</sup> The leadership of this small party would negotiate with major party candidates, trading their support for the candidates adopting some of their policy positions. **The growing power of small political groups led to discontent with the majority rule system**, thus paving the way for the introduction and subsequent passage of the PRCV charter.<sup>33</sup>

Immediately after its implementation, PRCV had a massive impact on Sacramento's election results. The first election using the new system was held on May 3rd, 1921, and yielded entirely different election results than the previous election. The political minority that previously controlled the ultimate outcome of elections was only able to secure 2 of the 9 city council seats under the new system, as the party's voters needed to focus their votes on winning those two seats and could not control others.<sup>34</sup> Under this new system, Sacramento was **able to both reduce the power of one party and introduce new voices into the city council**. In fact, in the 1921 election, Sacramento was able to elect **the first woman and the first labor representative** to their city council.<sup>35</sup>

After the election, PRCV was met with widespread approval from the Sacramento community. At the time, the city's three largest newspapers, *The Union*, *The Star*, and *The Bee*, all published endorsements of the new system.<sup>36</sup> Even beyond just endorsements, the system also seemed to be **making widely supported improvements to the city**. The new government decreased taxes,

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<sup>27</sup> [Barber, 1995.](#)

<sup>28</sup> [Ault, 2018.](#)

<sup>29</sup> [Barber, 1995.](#)

<sup>30</sup> [City Charter Provisions for Nomination and Election of Officers, 1932.](#)

<sup>31</sup> [Dunning, 2010.](#)

<sup>32</sup> [Dunning, 2010.](#)

<sup>33</sup> [Dunning, 2010.](#)

<sup>34</sup> [Dunning, 2010.](#)

<sup>35</sup> [Dunning, 2010.](#)

<sup>36</sup> [Dunning, 2010.](#)

increased wages for city employees, and made permanent improvements to the city.<sup>37</sup> The PRCV-elected council was also widely seen as more representative of the city. Even the city manager at the time asserted that speaking with the council felt like he was speaking with the entirety of the city.<sup>38</sup>

### **Immediate Repeal and Its Effects**

Despite the widespread support, anti-PRCV sentiment still existed in Sacramento, especially in the form of court challenges questioning the constitutionality of the system. On October 23, 1922, the California Court of Appeals declared PRCV **unconstitutional in the case *People v. Elkus***.<sup>39</sup> Initial court challenges in the 1922 case *People v. Elkus* had been filed with the goal of “[ousting representatives] from office on the ground that the charter provisions under which they were elected are unconstitutional.”<sup>40</sup> The argument for the system’s unconstitutionality was that PRCV violated the right of citizens to vote in all elections. The *People v. Elkus* decision explains that “the right to vote at all elections’ includes the right to vote for a candidate for every office to be filled.”<sup>41</sup> Opponents of PRCV argued that reallocating votes to second-choice candidates as first-choices were eliminated – a hallmark of ranked-choice systems – interfered with this citizens’ right.<sup>42</sup> PRCV supporters responded to this argument by asserting that choosing a voter’s second-choice candidate did not violate the right to vote in all elections, as the vote still goes to a candidate specifically chosen by the voter.

The court sided with the anti-PRCV groups, ruling that PRCV could not be used in subsequent elections.<sup>43</sup> The court confirmed that **cities in California have the right to choose their election systems** and can deviate from single-winner, majority-wins systems. Since PRCV was ruled unconstitutional, though, **it was not a system that Sacramento had the right to choose**. Notably, the court did not rule that the election was illegitimate and did not force the representatives elected under PRCV to immediately vacate their seats.<sup>44</sup>

In the first election following the PRCV’s repeal, **four of the nine newly elected representatives lost their seats, including the labor representative**.<sup>45</sup> Additionally, the representatives in the nine seats now only represented two political parties, with one holding eight of the seats and the other managing to keep only one.<sup>46</sup> Under the new system, only 54.5% of the valid votes were effective in electing members, compared with 86.6% under PRCV two years before.<sup>47</sup>

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<sup>37</sup> [Dunning, 2010](#).

<sup>38</sup> [Dunning, 2010](#).

<sup>39</sup> [People v. Elkus, 1922](#).

<sup>40</sup> [People v. Elkus, 1922](#).

<sup>41</sup> [People v. Elkus, 1922](#).

<sup>42</sup> [People v. Elkus, 1922](#).

<sup>43</sup> [People v. Elkus, 1922](#).

<sup>44</sup> [People v. Elkus, 1922](#).

<sup>45</sup> [Dunning, 2010](#).

<sup>46</sup> [Dunning, 2010](#).

<sup>47</sup> [Dunning, 2010](#).



After the repeal of proportional ranked choice voting, there were a few attempts to reinstate the system in Sacramento. The *People v. Elkus* decision was immediately appealed to the California Supreme Court, but they declined to hear the case.<sup>48</sup> Other attempts within the California legislature to reinstate PRCV ultimately failed. Ten years later, a ballot initiative calling for California constitutional amendment that would allow PRCV by “allowing city and city and county charters to select any method for the nomination and/or election of officers and allowing any system of proportional representation and voting” was proposed. However, the initiative narrowly failed, with 51.55% of the population voting against it.<sup>49</sup>

Despite the numerous attempts to reinstate PRCV, the system has not returned to Sacramento. However, ranked-choice voting is in place in other California cities and there are groups currently working for the reinstatement of the system, signaling a possible increase in modern support.<sup>50</sup>

## V. Case Study Takeaways

The above case studies of Sacramento and Cleveland lend the following takeaways:

- The systems in both Cleveland and Sacramento seemed to be effective at immediately increasing women’s representation in city government. The short time frame of Sacramento’s system means that we did not witness an increase in racial representation, but Cleveland saw a clear increase in Black representation in city government. **Upon repeal, these representational gains were lost**, indicating that the voting system may be responsible for these changes as opposed to other political or social trends.
- Among PRCV advocates in both cities, **calls for representation of political minorities overshadowed calls for equitable gender or racial representation**, even though both systems achieved clear representational improvement for these groups. Likewise, “confusion” and “unconstitutionality” of the system often dominated anti-PRCV argumentation in these cities. Whether these arguments were proxies for racism or pro-machine sentiment is unclear, but they demonstrate the ability of public figures in the 1920s-1930s to **wage the PRCV fight independent from questions of racial justice**. We don’t anticipate “political machines” to be a major voting issue for potential PRCV adoptees in the modern day. Although this does leave room for “confusion” to seep in as a proxy for racial animus, it also means that **there’s room for PRCV proponents to emphasize representational gains in their advocacy**.
- Constitutional challenges to PRCV in the first tranche of repeal efforts generally followed the same format and relied on the same arguments. Despite the consistency of constitutional challenges to PRCV, local context and judges’ interpretations created different outcomes between Sacramento and Cleveland. While the constitutional arguments against PRCV are

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<sup>48</sup> [People v. Elkus, 1922.](#)

<sup>49</sup> [Dunning, 2010](#)

<sup>50</sup> [Better Ballot Sacramento, 2024.](#)



different in the modern day, the combination of these two cases demonstrates that **PRCV implementation is state-dependent and may face an easier path to constitutional legitimacy in some states compared to others.**

- Local newspapers occasionally took active stances for or against their cities' PRCV systems. Endorsements from Sacramento's three major newspapers helped facilitate the passing, then legitimize the implementation, of the controversial new system. Cleveland's newspapers were not as politically active, but they provided influential coverage during the passage process and numerous repeal efforts. As one notable example, the *Cleveland Gazette*, a newspaper targeted towards Black audiences, covered an anti-political machine protest that advocated PRCV as a means for Black representation. Though the most widely-heard arguments for Cleveland's system focused on political machines rather than racial representation, this instance demonstrates that **print media connected the PRCV fight to racial justice, even if only implicitly.**

**The above studies support two new arguments in favor of PRCV reform, for future advocacy:**

- Even during its short implementation, there's evidence that the Sacramento city government was better managed when its council was elected via PRCV. There was a marked increase in public services and a simultaneous reduction in both municipal debt and local taxes. While further research could explore these impacts in more detail, this aligns with previous advocacy that proportional representation systems **improve government efficiency.** Sacramento can be an additional case to substantiate this argument.
- Though gerrymandering garners the most negative attention at the Congressional level, municipal government districts in Chicago, Jacksonville, Fresno, and elsewhere also experience the harms of gerrymandering. Cleveland's PRCV system, intended to counteract gerrymandering by the local political machine, helped decrease the influence of gerrymandered districts on city council composition. Since gerrymandering often serves as an obstacle to equitable representation, the **anti-gerrymandering power of PRCV systems** could be an additional argument for advocates' pro-PRCV toolkit.

**Otherwise, these case studies seem to fall in line with current understandings of the PRCV movements of the early 20th century. In short, we recommend continuing to advocate PRCV as a means for equitable representation and racial justice, with even greater confidence that the lessons that electoral advocates have drawn from the 1920s are corroborated by multiple examples.**

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# Semi-Proportional Electoral Systems and Minority Representation

Case Studies in Illinois and North Carolina

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May 12th, 2024

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## I. Executive Summary

In cumulative voting (CV) and limited voting (LV) systems, multiple representatives are elected from each voting district. The number of votes that voters have differs between CV and LV, but both achieve semi-proportional representation (semi-PR). This ensures that minority voters are represented, but does not guarantee that the proportion of minority party legislators will match the percentage of votes for that party.

We evaluate the successes and drawbacks of semi-PR via case studies in Illinois and North Carolina. Illinois used cumulative voting from 1870-1980 to elect representatives in its House of Representatives. Five North Carolina counties still elect their Boards of Commissioners via limited voting, which emerged to resolve Voting Rights Act lawsuits in the 1980s and 1990s.

Illinois enacted CV in 1870 to resolve an environment of political polarization that resembles our modern day. The legislation achieved its goals of minority representation and showed promise in increasing equitable racial representation. Nevertheless, limited government advocates turned CV into a political scapegoat in the 1970s, and the system was repealed in 1980. CV in Illinois did have

some structural issues caused by Chicago’s geographic dominance, but these policy considerations went unaddressed and were overshadowed by political considerations.

Limited voting was one of many solutions that North Carolina counties implemented to resolve lawsuits over Section 2 of the Voting Rights Act (VRA). LV was often led by Black voters filing these suits and was most effective in rural counties with dispersed Black populations. Federal oversight, laid out in Section 5 of the VRA, was essential to establish these LV systems and empower Black voters in these rural counties. As a product of federal litigation, LV is less vulnerable to political pushback compared to CV in Illinois.

Arguments for and against CV in Illinois rarely addressed racial justice directly, whereas Black representation was the entire foundation for LV’s establishment in North Carolina.

**Moving forward, semi-PR advocates can cite these cases for successfully increasing minority representation and improving racial equity in elected office. Advocates must be cognizant of geography, to select the best electoral reform for the area and preempt structural policy issues. Choosing methods of implementation more insulated from political fluctuations, like federal litigation, sets these semi-PR systems up for the most long-term success.**

## II. Semi-Proportional Voting

**Semi-proportional voting systems** are multi-winner electoral systems that strive to increase the proportion of minority representatives, but they do not ensure that there is perfect proportional representation. In the context of electoral systems, proportional representation (PR) refers to the election of multiple representatives in each district in proportion to the number of people who vote for them, i.e., if one-third of voters back a political party, the party’s candidates win one-third of the seats.<sup>1</sup>

Examples of such systems include cumulative voting and limited voting. In **cumulative voting** (CV) systems, each voter is entitled to cast as many votes as there are seats up for election.<sup>2</sup> In a district electing three representatives, for example, voters could allocate all three votes to Candidate C, or allocate one vote each to Candidate A, B, and D.

| BALLOT 1    |   | BALLOT 2    |     |
|-------------|---|-------------|-----|
| Candidate A | X | Candidate A |     |
| Candidate B | X | Candidate B |     |
| Candidate C |   | Candidate C | XXX |
| Candidate D | X | Candidate D |     |
| Candidate E |   | Candidate E |     |

**Cumulative Voting**  
3 representatives will be elected

In **limited voting** (LV) systems, each voter has fewer votes than there are seats, such that the majority group can at best control the majority of the seats but not all the seats.<sup>3</sup> In the example to the right, voters have

<sup>1</sup> [Protect Democracy 2023](#).

<sup>2</sup> [Blair 1954a, 3-18](#).

<sup>3</sup> [FairVote, n.d. a](#).

been given two votes, and three candidates will be elected. As the number of votes per voter gets lower, it becomes more likely that the majority vote is split and minorities can rally around a smaller number of candidates. This makes minority representation more certain.

Though these systems have slight differences, they both fall under the umbrella of semi-proportional representation (Semi-PR) and approach proportional representation to similar extents. We use **Illinois** and **North Carolina** as case studies to guide our investigation of the implementation and impacts of cumulative & limited voting.

| BALLOT 1    |   | BALLOT 2    |    |
|-------------|---|-------------|----|
| Candidate A | X | Candidate A |    |
| Candidate B |   | Candidate B |    |
| Candidate C |   | Candidate C | XX |
| Candidate D | X | Candidate D |    |
| Candidate E |   | Candidate E |    |

**Limited Voting**  
3 representatives will be elected

### III. Cumulative voting in Illinois, 1870-1980

#### Enacting Cumulative Voting in 1870

Between 1870 and 1980, Illinois elected its State House of Representatives in three-winner districts using cumulative voting (CV). Delegate Joseph Medill proposed CV in 1870 in response to the partisan polarization that Illinois struggled with after the Civil War. Republicans controlled the House with majorities that vastly exceeded their vote totals, disillusioning state Democrats and increasing tension. On a more regional level, Northern Illinois had a Republican majority and Southern Illinois had a Democrat majority. This meant that Democratic voters in the North and Republican voters in the South were underrepresented. Furthermore, population size varied across districts, and consequently, Republicans were overrepresented in the State House relative to the actual level of popularity they enjoyed statewide.<sup>4</sup> **The dynamic of Illinois politics during this time resembles the stark polarization in many states’ modern-day politics.**

Medill advocated CV as a compromise solution that would maintain the Republican majority while electing a number of Democrats that more closely matched their proportion of the electorate. As a semi-proportional system, CV would not achieve perfectly proportional representation and Republicans would still dominate. This way, Democrats were satisfied with the reform and felt empowered, but Republicans recognized that they still maintained a comfortable margin of power.

The Illinois Constitutional Convention approved this proposal and voters passed the measure with 58% support in 1870. Each part of the constitution was voted on separately, and the individual

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<sup>4</sup> [Blair 1954b, 373-384.](#)



provision enacting CV passed with the narrowest margin of support.<sup>5</sup> This reflects some worry from Republicans (and Southern Illinois Democrats) that they would be pushed into the minority as challengers replaced their current representatives. Ultimately, the willingness of Republicans to adopt CV demonstrates that **Semi-PR systems might be more politically feasible to implement, compared to fully proportional systems** that would empower the minority party even further.

## **Evaluations of Cumulative Voting**

Evaluations of CV during its implementation generally found that **Illinois' cumulative voting system achieved its goals**, bringing the minority party's representation in the legislature into line with each party's vote share. Across the state, 98.5% of districts had split-party delegations, ensuring that minority political (and racial) groups almost always had a representative from their local area.<sup>6</sup>

By increasing minority representation, CV also created a better-functioning legislature. The minority party became a consistent, respected presence in the policymaking process. Many districts settled into an equilibrium with 2 majority party members and 1 minority party member, which increased the ability of incumbents to hold onto their seats. Blair argued that this created a legislature with deep legislative experience and prevented "political landslides" of inexperienced lawmakers.<sup>7</sup> Later repeal advocates would argue against this incumbent advantage, and Blair's contemporary evaluation of CV did not mention racial representation.

Retrospective studies of Illinois' CV system also look upon it favorably and **list benefits that connect more directly to racial representation**. In 1999, the Institute of Government and Public Affairs at the University of Illinois created the Illinois Task Force on Political Representation and Alternative Electoral Systems. Based on their analysis of CV compared to Illinois' current system and compared to other systems of voting nation- and worldwide, **they recommended a return to cumulative voting**.<sup>8</sup>

The Task Force first listed benefits similar to original CV advocates: minority party representation, a better-functioning legislature, etc. However, new arguments that specifically relate to equity are also featured in their list of benefits:

- CV tends to "provide prospective candidates easier access to the electoral system".<sup>9</sup> Illinois' state legislature has a percentage of Black legislators exceeding the percentage of Black residents, but still lags behind in representing Hispanic voters, who make up 15% of the population but only 8% of legislators.<sup>10,11</sup> A system like CV that encourages new candidates

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<sup>5</sup> [DePue 2017, 352-371](#).

<sup>6</sup> [Blair 1954a, 18](#).

<sup>7</sup> [Blair 1954a, 18](#).

<sup>8</sup> [Illinois Assembly 2001, 1-37](#).

<sup>9</sup> [Illinois Assembly 2001, 13](#).

<sup>10</sup> [NCSL 2020](#).

<sup>11</sup> [United States Census Bureau, n.d.](#)

from underrepresented backgrounds to run for office could **help fill this representation gap**.

- Voter engagement rises when voters feel like their vote matters.<sup>12</sup> By giving political minorities like Democrats in Southern Illinois an opportunity to elect a representative from their party, CV could encourage voter turnout for these groups. This potential for increased turnout would **empower BIPOC, Democratic voters in Republican regions of the state**.
- Since CV operates with multi-member districts, **the effect of racist gerrymandering is minimized**. Compared to Illinois, this dynamic is more applicable to Republican states like Texas, where BIPOC voters have been “packed” into or “cracked” between districts to minimize their electoral power. Gerrymandering becomes much more difficult in CV systems; 98.5% of Illinois’ CV districts still elected at least one member of the minority party.<sup>13</sup> Even if BIPOC voters are “cracked” between districts, they should be able to elect at least one representative of their choice.
- The Task Force also directly explained that **racial representation might improve if CV were reestablished**.<sup>14</sup> At the time of writing in 2001, racial and gender identity were increasingly mapping onto specific political ideologies. Authors speculated that if CV were reimplemented, the prospect of rallying around a minority candidate – and a realistic chance of getting them elected – would increase bloc voting for that candidate.

Though the report came out in favor of CV, its authors shared a familiar concern about the possibility of its reimplementation: that it might be more complex for voters than first-past-the-post systems.<sup>15</sup> With more representatives per district, they worried that candidates from large multi-member districts might be less accountable to their voters because responsibility for constituent services could be offloaded to another local representative. Since politics has drastically changed since the 1970s – even by the time of the report’s writing in 2001 – they also expressed hesitation that CV would function the same. The new media landscape and increase of money in politics were cited as potential obstacles to a return to the previous, successful version of CV.

## **Cumulative Voting’s Decline and Repeal**

Cumulative voting weathered repeal efforts in 1910, 1920, and 1934. Despite its success, Illinois faced recurring campaigns to shrink the state legislature and implement single-winner districts throughout the 1970s. Since CV requires multi-member districts, these proposed cuts would kill the CV system. Though the first measure to abolish CV would fail in 1970, opposition from Republicans during that constitutional convention was fierce. Critics at the convention pointed out that:

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<sup>12</sup> [Illinois Assembly 2001, 19-20](#).

<sup>13</sup> [Blair 1954a, 18](#).

<sup>14</sup> [Illinois Assembly 2001, 21-22](#).

<sup>15</sup> [Illinois Assembly 2001, 13](#).

- Many districts settled at an equilibrium with two representatives from the majority party and one representative from the minority party. Majority party leadership understood this equilibrium and did not want to waste resources fielding more than two candidates, leaving voters with only three candidates for three seats. In this way, the CV system, even more than single-member districts, made races less competitive and made candidates complacent. With multiple representatives, districts were less likely to swing between parties, and legislators could get re-elected over and over again without any chance of a challenge. **This reality departed significantly from CV's promise to elect members that matched the changing preferences of the electorate.**<sup>16</sup>
- The semi-proportional representation of the CV system meant that Democrats were elected from districts across the state, even from rural districts with large Republican majorities. Illinois' Democratic Party was dominated by Democrats in Chicago, especially Mayor Richard J. Daley, who recruited and approved many candidates in these Republican-majority districts. Republicans complained that Daley wielded a disproportionate influence over the legislature and that **Chicago's interests were overrepresented in the state legislature.**<sup>17</sup>
- Though voters had successfully navigated the CV system for most of the past century, the 1964 election rekindled arguments that the process was too complicated for the average voter to understand. A recent Supreme Court ruling had forced Illinois to redraw its state House districts, but failure to pass a new map in time meant that all state representatives were elected at-large. Under the CV rules, 118 Democrats and 118 Republicans were on the ballot, and voters were instructed to cast 177 votes in total. This logistical disaster overshadowed the previous century of otherwise uneventful elections, and **confused voters became a common concern again.**<sup>18</sup>

These policy disagreements did match the real flaws of the CV system but were not convincing enough to make the 1970 repeal effort successful. Just as arguments for CV's passage in 1870 were deeply connected to political trends of the time, so too were arguments that led to its final repeal in 1980.

Limited government activists, leading into the broader small-government movement of the 1980s, revived campaigning for the CV repeal in 1978. Illinois' state House was under fire for its inefficiency and lack of action, yet legislators had just received significant pay raises. Appealing to angry taxpayers, the **Cutback Amendment** gained popularity. The Amendment drastically cut the size of the Illinois House from 177 to 118 members and abolished multi-member districts and cumulative voting.<sup>19</sup>

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<sup>16</sup> [DePue 2017, 355, 357.](#)

<sup>17</sup> [DePue 2017, 356-357.](#)

<sup>18</sup> [DePue 2017, 356.](#)

<sup>19</sup> [DePue 2017, 362.](#)

Proponents of the Cutback Amendment argued that it would save taxpayers millions, streamline the legislative process, reduce frivolous bills, increase legislative accountability, and bring government and people closer.<sup>20</sup> Notably, **none of these criticisms were inherent risks of cumulative voting systems**. Refer to the 1970 list above for structural concerns built into the CV system. In this case, the politics of small government made CV into a scapegoat and crowded out any discussion of policy reforms to the system.

Opponents of the amendment were much more likely to specifically defend cumulative voting on its merits, citing its distinct advantages **for the representation of women and racial minorities**.<sup>21</sup> Legislators from the political minority of their district, in self-interest, were vehement opponents of the Amendment. Political industry operatives, like lobbyists and campaign consultants, also opposed the shrinking of the Illinois political environment.

Riding the wave of small government and taxpayers' outrage at the 1978 legislative pay raises, the Cutback Amendment ultimately passed in 1980, ending Illinois' 110-year system of cumulative voting.

### **Illinois After Cumulative Voting**

Though the Cutback Amendment did create slight cost savings, the end of cumulative voting also created many new issues for the Illinois legislature. With little chance of getting their preferred choice elected, minority party members – like Democrats in Southern Illinois – became less engaged. This **worsened the decline in voter turnout** that Illinois was already experiencing. The legislature also became **more partisan and less collegial**. Caucuses cohered more strongly around party leaders' ideologies and viewpoint diversity, which might function to introduce progressive measures for racial justice, decreased.<sup>22</sup>

Since the repeal, both parties in Illinois have expressed some preference for the return of cumulative voting, though it has been low on the list of legislative priorities:

“In 2001, Democratic Rep. Feigenholtz and Republican Rep. Winkel co-sponsored a measure to again elect the house of representatives from three-winner districts while returning cumulative voting rights to the voters. In 2001, Barack Obama – then a junior state senator – co-sponsored a bill with Republican Tom Walsh to return Illinois to multi-winner districts and cumulative voting.”<sup>23</sup>

Notably, **Peoria**—a city in central Illinois—**still employs a cumulative voting system for its local elections**. Cumulative voting was brought in to resolve a lawsuit under the Voting Rights Act in 1991 and was kept because of its success in representing the full political diversity of Peoria.<sup>24</sup> This

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<sup>20</sup> [DePue 2017, 363.](#)

<sup>21</sup> [DePue 2017, 358, 364.](#)

<sup>22</sup> [DePue 2017, 366.](#)

<sup>23</sup> [FairVote n.d. b.](#)

<sup>24</sup> [FairVote n.d. b.](#)

process, a product of a different time than the 1870 passage, resembles the North Carolina case studies discussed below.

## IV. Limited Voting in North Carolina, 1980s-present

### Background on the Voting Rights Act

Limited voting in North Carolina counties originated from **Voting Rights Act** (VRA) litigation during the 1980s and 1990s. Two sections of the Voting Rights Act are particularly important here:

- **Section 2** prohibits discriminatory election systems, especially protecting from racial discrimination.<sup>25</sup> In the decades after the passage of the Voting Rights Act, Section 2 lawsuits became an essential tool to challenge voting systems that under-represented Black voters across the country. Federal prosecutors and lawyers from organizations like the NAACP brought Section 2 suits in jurisdictions across the country from the 1960s onward. **Limited voting emerged as one of many potential electoral reforms to resolve Section 2 violations.**
- **Section 5** required that areas across the country with a history of discriminatory voting practices get **preclearance** from the federal government when changing their voting systems.<sup>26</sup> In North Carolina, Section 5 applied only to specific counties, often those with large Black populations that had been underrepresented in county government. If counties facing a Section 2 lawsuit proposed inadequate updates to their election laws, the Justice Department was able to reject those changes and compel counties to reconsider. These reconsiderations brought counties closer to proportional systems, including the limited vote. Ultimately, Section 5 created a system of **accountability** for counties, **ensuring that changes actually made progress to undo Black vote dilution.**
- North Carolina VRA litigation that created counties' LV systems was generally completed by the 1990s (see cases below). *Shelby County v. Holder*, a Supreme Court case in 2013, makes a revival of these LV cases much more difficult.<sup>27</sup> *Shelby County v. Holder* found Section 4 of the Voting Rights Act unconstitutional and no longer necessary to protect from voting discrimination. Section 4 had been the section used to determine which jurisdictions would fall under Section 5, meaning that *Shelby* also gutted the Section 5 preclearance requirement.

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<sup>25</sup> [National Archives n.d.](#)

<sup>26</sup> [National Archives n.d.](#)

<sup>27</sup> [Brennan Center for Justice 2023.](#)

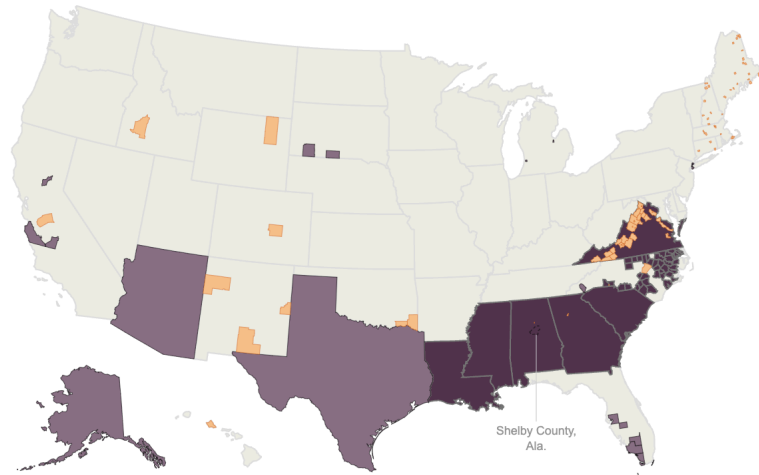
**Places covered by the law** \_\_\_\_\_

■ Covered since 1965 Section 5 was first applied to places that had voter registration or turnout rates below 50 percent in 1964 and also “devices” to discourage voting, like literacy tests.

■ Added in 1970 or 1975 On renewal, the law used data from 1968 and 1972 and defined a “device” to include English-only ballots in places where at least 5 percent of voting-age citizens spoke a single language other than English.

**Bailed out** \_\_\_\_\_

■ Places that had been free of any voting discrimination for 10 years could be released from coverage by a court.



Map of jurisdictions covered by Section 5 of the Voting Rights Act before *Shelby County v. Holder* ruled that these categories were unconstitutional. Note the many individual, rural counties in North Carolina that fell under the federal preclearance requirement.<sup>28</sup>

### North Carolina’s Limited Voting Jurisdictions

Today, North Carolina has five counties with Boards of Commissioners elected partially or entirely using limited voting: **Beaufort, Bladen, Martin, Perquimans, and Tyrrell.**<sup>29</sup> Each of these counties qualified for federal preclearance under Section 5 and had significant Black populations. In the 1980s and 1990s, plaintiffs challenged how Board of Commissioners elections were conducted.<sup>30</sup> They noticed that these counties, even with their large Black population, had elected far fewer Black commissioners than proportional. In general, plaintiffs argued that the county’s voting system diluted the Black vote and violated Section 2.

#### **Counties with Boards of Commissioners elected using LV**



1. Perquimans County
2. Tyrrell County
3. Martin County
4. Beaufort County
5. Bladen County

<sup>28</sup> [New York Times 2016.](#)

<sup>29</sup> [NCACC 2024.](#)

<sup>30</sup> [Earls et al 2008, 577-642.](#)

These suits were often settled by **consent decree** or settlement, which means that the County and the plaintiff agreed to implement a new system before a judge ruling. The new system then needed to be approved by a federal judge. Limited voting was one of many solutions that emerged during this consent process to solve the dilution of the Black vote.

The lawsuit process and LV outcomes varied slightly between counties, so here are quick explanations of each county's specific implementation process and outcome:

- **Beaufort County's** population was around 30% Black in 1989, yet no Black candidate had been elected to the County Board of Commissioners in decades. Black voters filed suit under Section 2 and negotiated a **settlement** to implement LV, **arguing that it would allow Black voters to rally around a single candidate.** The Board of Commissioners faced pushback from voters and tried to refuse to honor the settlement, but a federal court ruled in *Moore v. Beaufort County* (1991) that the settlement and limited voting must be enforced.<sup>31</sup> Following Section 5 preclearance requirements, the Justice Department approved the system and LV continues in Beaufort County to this day.
- **Bladen County's** electoral system was challenged in 1989 under Section 2 for diluting the Black vote in *Harry v. Bladen County*.<sup>32</sup> The County responded to the challenge with a new system that purported to increase minority electoral representation, then proceeded to seek Section 5 preclearance for their system. The attorney general did not approve the change, marking an example of **Section 5 functioning to block inadequate electoral reforms.** Forced to reconsider, the County agreed to a settlement where three of nine commissioners would be elected at-large, but voters would have just one vote. This LV plan passed Section 5 preclearance and still governs Board of Commissioners' elections.
- **Martin County** achieved limited voting through a fairly smooth **consent decree** process. Black voters in the county and the cities of Jamesville and Robersonville filed a Section 2 suit, arguing that the vote of the 45% of county residents who were Black was being diluted. Martin County's five commissioners are now elected using the limited vote, and Jamesville also resolved its Section 2 violation with a LV system for town board election.<sup>33</sup> VRA litigation, then, was not only helpful in introducing LV at the county level but also **could work to implement limited voting at the municipal level.**
- **Tyrrell County** implemented LV via a similar consent decree process in 1994 but gave a clear rationale for choosing LV over alternatives. While the voting age population was 37% Black and many Black candidates ran for commissioner, very few were successfully elected to the Board. Black voters filed a lawsuit under the VRA – and the 1st, 13th, 14th, and 15th Amendments – to remedy the situation. The most common resolution to this type of lawsuit was the creation of single-member districts, making sure to draw majority-minority districts

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<sup>31</sup> [Earls et al 2008, 617-618.](#)

<sup>32</sup> [Earls et al 2008, 606-607.](#)

<sup>33</sup> [Earls et al 2008, 600.](#)



to improve Black representation. Since Tyrrell County was rural and the Black population was dispersed, this solution was not feasible. At-large limited voting better ensured that the large Black population would be able to elect their candidates of choice. Tyrrell County reveals that when faced with a Section 2 violation, **LV systems won out over alternative remedies in rural geographies with dispersed Black populations.**<sup>34</sup>

Though this geographical reasoning was not cited in the other four counties' cases, those counties also have rural, dispersed Black populations, as do many of the North Carolina counties formerly covered by Section 5. Interestingly, a state bill to allow cumulative voting was proposed by Tyrrell County's local representative in 1997.<sup>35</sup> The bill failed, meaning that Commissioners are still elected using LV today.

**Perquimans County** rounds out the list of five North Carolina counties that still use LV for county commissioners' elections, but there is minimal information on the litigation that brought the system into being.

A few counties' Boards of Education are also elected using LV, including **Anson County**, a Section 5 jurisdiction where Black residents make up 45% of the population. After an unsuccessful lawsuit from the NAACP in 1989, the United States filed suit against the County Board of Education in 1994. *United States v. Anson Board of Education* ended with a consent decree that established two at-large Board seats, elected using LV, with each voter having a single vote.<sup>36</sup> *Anson* proves that Section 2 suits could be used to create LV systems in county government beyond the Board of Commissioners.

### **Failures in Limited Voting Litigation**

Though Section 2 suits and Section 5 preclearance were vital to implementing limited voting in the five counties above, not all LV proposals were successful in the long term. Even when limited voting systems proved effective at electing Black county commissioners, **procedural issues** in the litigation process led to LV's overturning:

- At first, **Cleveland County** followed a consent decree course similar to Martin County and Tyrrell County. Black voters, represented by the NAACP, filed a Section 2 suit because the 21% Black county had elected no Black commissioners. The original consent decree created an at-large limited voting system, adding two seats to the Board and giving voters four votes to elect seven commissioners. Before any LV election could take place, though, a group of white voters filed suit against the Board and the NAACP, arguing that the two new seats created an unconstitutional race-based election system. This “reverse discrimination” type of argument failed constitutionally, but it brought to light concerns with the original consent decree process and ended LV before it could be used.<sup>37</sup>

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<sup>34</sup> [Earls et al 2006, 27-28.](#)

<sup>35</sup> [McClees 2020.](#)

<sup>36</sup> [Earls et al 2008, 635.](#)

<sup>37</sup> [Earls et al 2008, 598-599.](#)

- **Granville County** also had a significant Black voting age population, around 41%, yet no Black candidate had ever been successfully elected to the Board of Commissioners. The consent decree process failed, so the County submitted a single-member district plan to resolve the VRA violation. Black voters thought this plan was an inadequate remedy and successfully argued for a limited voting plan to the district court. A LV election was underway, and **Black candidates had achieved historic success in the primary election.** The district court decision was appealed, and the Circuit Court found that the County’s original single-member plan was “legally adequate”, overturning the LV system.<sup>38</sup> The case of Granville County demonstrates that arguments over **legal definitions could block the implementation of LV, even when it appeared successful.**

Ultimately, limited voting was one of many remedies that North Carolina counties implemented to resolve Section 2 Voting Rights Act violations. LV had an advantage over alternative remedies in counties with rural, dispersed Black populations. Though LV has been successful at electing Black commissioners, the *Shelby County v. Holder* decision means this VRA model for enacting LV is unlikely to be revived for the present day.

## V. Comparison & Implications

### Legislation vs. Litigation

Though these case studies are united under the umbrella of semi-PR, the process for implementing cumulative voting in Illinois vastly differed from limited voting in North Carolina. Since Illinois’ system was enacted and repealed via legislation, **political objections to CV were able to overshadow substantive policy discussions about equity.** The 1978 legislative pay raises, entirely unrelated to CV, sparked intense political outrage towards the dysfunctional and over-funded legislature. CV was caught in the crosshairs, even though it had been successful in increasing minority representation. Instead of discussing ways to reform CV within a more efficient legislature, legislators followed the political winds and repealed the law. Within two years, the century-old, mostly successful system could be repealed.

Limited voting in the five North Carolina counties, as the product of federal-level Voting Rights Act litigation, has been **less vulnerable to political pushback and more difficult to overturn.** The federal government, via Section 2 litigation and Section 5 preclearance requirements, was able to act independent of public opinion and to create successful LV systems. Even though many North Carolinians opposed semi-proportional representation, like in the case of Granville County, the federal government ignored these political objections and facilitated action to improve Black representation. Though federal protection decreased after *Shelby County v. Holder* dismantled Section 5, Section 2 is still active and continues to be litigated.

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<sup>38</sup> [Earls et al 2008, 615-616.](#)

## Geography and Semi-PR

In both Illinois and North Carolina, geography and population distribution featured prominently in arguments for and against semi-PR systems. Advocates leveraged geography in their successful arguments for semi-PR systems in two different ways:

- Illinois represents the conventional geographic argument in favor of semi-proportional systems. Like many states, a large area of Illinois consistently votes for the political minority, yet struggles with underrepresentation in the state legislature (e.g. Republicans across Southern Illinois). Simultaneously, minority party members in majority party areas (e.g. Democrats in Southern Illinois) feel like their voice is never heard. Cumulative voting solved these representational issues, bringing party representation closer to proportionality. **This argument tends to focus on political minority representation, rather than equitable racial representation.**
- North Carolina's LV implementation concerned race more directly since the Voting Rights Act motivated each county's adoption of the system. Many rural counties in North Carolina – **and across Southern states** – have significant Black populations, but voters are dispersed throughout the county. This population distribution means that single-member district reform efforts (e.g. redistricting) are less effective because districts to ensure Black representation are hard to draw. Semi-PR, limiting voting in North Carolina's case, beats out these single-member district alternatives, because **LV is able to create minority representation even when minority populations are dispersed.** This argument applies more directly to achieving racial justice through electoral reform.

Though geography was the foundation for these arguments in favor of semi-PR, **geographic realities also limited the implementation of both semi-PR systems:**

- North Carolina only saw county-level VRA lawsuits in counties covered by Section 5, which were generally rural counties with large Black populations. This meant that these **Section 2 lawsuits rarely impacted North Carolina's urban Black voters or other non-Black people of color.** Most other Southern states with a Jim Crow history fell under Section 5 coverage in their entirety (see map in Section IV). If North Carolina had followed this trend, preclearance requirements would have extended across the state. In this case, the federal government's mandate for appropriate remedies might introduce semi-PR systems to voters of color across the state. The geographic reality – a patchwork of counties covered by Section 5 – prevented this possibility.
- As the largest city in Illinois by far, Chicago dominated Democratic politics to a degree that threatened cumulative voting. CV advocates claimed that Democrats from Republican-dominated Southern Illinois would bring new perspectives to the legislature because their ideology and policy priorities would be influenced by regional identity. **These geographically diverse perspectives were a main draw to CV.** In reality, Chicago Democrats exerted tight control over Democratic nominations across the state. Chicago's

interests, then, became overrepresented within the Democratic caucus of the state House. In situations like this, **CV policymakers must include safeguards against domination by party members from the most populous areas.**

- Since Illinois' semi-PR system operated at a larger scale, it became **more vulnerable to political pushback and logistical failures.** As a statewide system, criticism towards CV could be amplified by legislators and news media. Logistical failures, like the 236-candidate 1964 election, also had the potential to become more disastrous at this larger geographic scale. By contrast, LV systems in small North Carolina counties placed a smaller logistical burden on election administrators. Legislators and small-town newspapers also have not been so easily able to levy criticism at the more unwieldy statewide scale.

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# Electronic Ballot Return & Election Conspiracy Theories

A Call to Explore Alternatives E-Voting

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# I. Executive Summary

Electronic ballot return (EBR), often known as internet voting or e-voting, refers to voting conducted over the Internet. Electoral reform proponents frequently channel their attention and resources towards EBR advocacy, arguing that EBR can expand access for voters with disabilities and those who live in remote areas. On these merits, EBR has been implemented in elections around the world with popular support and is catching on amongst voting access advocates in the United States. Despite these praises for EBR, the reality of internet voting in the United States makes the system a liability to expanding voter access, not a boon.

Compared to alternative measures that expand voter access, EBR is open to significantly more security issues. Federal regulation over e-voting vendors is inadequate, meaning that companies can – and do – tout false claims about the security and ease of implementation for their products. Internet voting is also a prime target for election conspiracy theories in the U.S., which undermine voters’ trust in the electoral process and worsen polarization. At a base level, these risks to security and trust in democracy are not worth the potential increase in voter access. **We recommend that election reform advocates move away from EBR and pursue alternative measures to expand voter access.**

## II. Background

### Understanding Internet Voting & EBR

Internet voting, otherwise known as **Electronic Ballot Return (EBR)**, was introduced in some regions of the US starting in 2000 and was subsequently adopted by 14 countries, including core users like Canada, Estonia, France, and Switzerland.<sup>1</sup> The evolution of internet voting mirrors the broader digital transformation in governance, aimed at modernizing electoral systems to enhance democratic participation and address security and identity verification challenges. While EBR has emerged as a significant aspect of the potential of modern democracy, in practice, internet voting faces numerous challenges, including technical complexities and political considerations, which hinder its widespread adoption. The difficulties and technical considerations required when implementing internet voting systems, particularly regarding secure online voter authentication, present formidable hurdles rooted in transparency and integrity for many nations.

As a result, while internet voting shows promise in enhancing electoral processes, its integration remains a complex and evolving endeavor **that could have broader implications for constituents’ trust in democracy as a whole.** Due to its novel and limited implementation, EBR has come under fire for its potential lack of integrity as well as its vulnerability to internal and external internet manipulation. Opponents of EBR highlight the importance of trust, secrecy, and accessibility within electoral systems, especially when considering these systems’ inability to ensure the secrecy and freedom of voting in unsupervised internet environments. The accessibility of

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<sup>1</sup> [NDI 2013.](#)

internet voting, while cited as a reason for its introduction, also raises concerns about unequal access among different social groups, potentially affecting electoral outcomes.

The adoption of EBR is driven by the need to facilitate voting for individuals who face barriers to traditional voting methods. **This includes enhancing access for voters in remote locations, reducing logistical burdens, and expediting the voting process for those with disabilities.** For instance, in the Northern Territory of Australia, the introduction of internet voting aimed to address the challenges faced by voters in remote areas, ensuring their participation in the electoral process. While these arguments in support of EBR are indeed virtuous in theory, the system's practical implementation and subsequent technological challenges call into question its ability to facilitate credible and trustworthy elections.

## **Global Implementations of EBR**

One of the primary reasons for implementing EBR is to increase voter turnout by making the voting process more accessible and convenient. This is particularly significant for **historically disenfranchised groups, such as those living in rural indigenous communities or with mobility issues.** In the same vein of accessibility, the system's potential to provide faster election results and reduce the environmental and logistical costs associated with traditional paper ballots is also a significant theoretical advantage that proponents of EBR have used as justification for implementing the system. For example, Estonia's e-voting system is focused on security, ease of use, and accessibility.<sup>2</sup> Voters use their national identity card and a card reader to authenticate themselves on the voting website during the election period. After authentication, the voter can access their digital ballot, select their choices, and submit their vote securely. The system allows for multiple voting attempts, with only the final vote counted, addressing concerns about coercion or voter manipulation. The votes are then encrypted and stored until the election's end, when they are decrypted and tallied in a secure environment. This process ensures that the voting is not only accessible from any location with Internet access but also maintains the confidentiality and integrity of each vote cast. The use and inception of e-voting in Estonia is and was driven by a desire to increase electoral participation and modernize the electoral process, and its success **relied on the country's high digital literacy and Internet penetration rates.** It reflects a broader national strategy to integrate digital solutions into all aspects of governance and public services, aligning with Estonia's vision of a tech-savvy, inclusive, and efficient democratic society. The system has been **well-received by the public,** with increasing numbers of voters choosing to vote online in successive elections.

Borucki and Hartleb found affirming trends for the country's goal of increasing and widening voter turnout demographics citing, "E-voting was most popular among Estonians in the 25–34 age group, as data shows. Almost 65% of voters in this category cast a digital ballot."<sup>3</sup>

Similarly, the Northern Territory Government of Australia has cited that, "While feedback from those who trialed these methods has varied, there is a **strong consensus among the blind and low vision community** that electronic voting machines, unlike other methods, are best

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<sup>2</sup> [NDI n.d.](#)

<sup>3</sup> [Borucki and Hartleb 2023.](#)

equipped to assist individuals in the casting of a vote that is both independent and secret”.<sup>4</sup> Additionally, they found that the widespread dispersion of the Northern Territory population presented challenges in establishing and staffing polling stations, especially in remote areas. While postal voting addressed this issue to some extent, it introduced its own set of challenges such as transit delays and strict legislative timeframes, potentially leading to votes being received or returned too late for counting. Postal voting required voters to trust that their vote had been accurately counted and remained secure. Introducing a **remote internet voting system addressed these challenges by making voting feasible and accessible for individuals residing in remote locations**. Given the widespread access to the internet nowadays, remote internet voting eliminates the time delays associated with postal voting, assuring voters that their votes are promptly counted. The Northern Territory Government also hoped that the convenience of internet voting may also enhance voter turnout, which is particularly crucial in the Northern Territory where turnout rates are 10% to 20% lower than the national average of 90%, with even lower participation rates in remote areas.

Internet voting in Switzerland is primarily used to address the challenges and limitations of traditional postal voting identified by the Australian government, and it is also used to cater to the needs of Swiss citizens living abroad. The high prevalence of postal voting in Switzerland, particularly in Geneva, and the logistical issues faced by Swiss expatriates necessitated a more efficient and accessible voting method, leading the Swiss government to implement EBR as a means of mitigating these negative effects felt by their constituents.<sup>5</sup> The country started considering e-voting in the late 1990s, aiming to complement its existing postal voting system. The implementation process was gradual, respecting autonomy of Switzerland’s provinces (known as cantons). Three distinct models of e-voting emerged across pilot cantons. Their initiative began with trials in 2003 and later expanded to include Swiss voters abroad. Legal frameworks were then established to enable expatriates to vote online, reflecting **Switzerland's commitment to justifying EBR as a form of a more inclusive democracy**. By offering alternative voting methods, such as internet voting, Switzerland hoped to overcome geographical barriers and cater to the diverse needs of its population, including expatriates, much like Australia did with its more rural regions. Switzerland observed the demographic patterns of e-voting uptake, particularly among younger, male, and higher-educated individuals, suggesting that e-voting resonates well with tech-savvy demographics.<sup>6</sup> This data indicates a potential for e-voting in Switzerland to engage traditionally underrepresented groups in the electoral process and increase overall voter turnout.

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<sup>4</sup> [Electoral Council of Australia and New Zealand 2013](#).

<sup>5</sup> [Franke 2013](#).

<sup>6</sup> [Serdult et al 2015](#).

# III. Vendor Security Claims

## Section Overview

Section 3 evaluates the security assurances offered by internet voting vendors against documented vulnerabilities. It highlights the absence of foolproof technologies against election interference and tampering with electronic voting. It will also address missing verifiable paper trails, making detection of tampering and miscounts and auditing difficult. Significant technological and security hurdles emphasize the gap in academic validation due to proprietary restrictions on research publication.

This section scrutinizes **vendor marketing strategies that target demographics like young and disabled voters with pro-democracy messages, while often neglecting to discuss security concerns.** Campaigns such as Tusk's mobile voting campaigns, exemplify how these strategies prioritize accessibility over security. Historical security breaches, notably the Voatz app controversy, are real-world examples of inherent e-voting vulnerabilities that will be brought up.

Also, this section will address the certification process for e-voting systems, focusing on the standards set by the Election Assistance Commission in the U.S. and the potential for loopholes within this framework. This sets the stage for why, **despite the potential for increasing voter access, internet voting presents unresolved security risks.**

## Risks/Loopholes of the E-Voting Certification Process

### Nationwide Certification Risks

The certification process for e-voting systems in the United States is overseen by the Election Assistance Commission (EAC) under the Voluntary Voting System Guidelines (VVSG). The EAC established the VVSG in 2005 to legally and officially recognize the certifications for and requirements of electronic voting and counting systems. It includes several features that inherently pose security inconsistencies, vulnerabilities, and many loopholes in the regulatory framework.

Firstly, the certification process is voluntary, and states decide whether to require EAC certification for their voting systems. This decentralized approach could lead to fragmented adoption and inconsistencies in the application and enforcement of security standards across states. This could mean some areas may be more vulnerable than others due to jurisdiction.

Next, despite the VVSG having about 1,200 requirements, the EAC depends on external labs to perform the certification. This reliance on third-party labs, especially for a sensitive government process relating to elections, **could introduce variability and unreliability in the testing processes, without government oversight.**<sup>7</sup> Suppliers of e-voting and counting systems must apply to receive certification from these approved labs, which can create a backlog for implementing new and improved technologies.

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<sup>7</sup> [NDI n.d. b.](#)

## Under-Resourced Elections Offices

Election security concerns go hand in hand with funding concerns. The Help America Vote Act (HAVA) was enacted in 2002 and has periodically appropriated federal funds for state and local elections when Congress has authorized it. Yet, such grants have rarely met the needs of election offices, leaving them understaffed and under-resourced. Running successful and secure elections is difficult enough for these offices, so learning new technology and defusing conspiracy theories (see below) would place even further strain on the system. Statewide programs like Illinois' Cyber Navigator Program have attempted to alleviate the learning curve by training election officials on cybersecurity, but keeping up with the rapidly changing e-voting vendor market is extremely challenging.<sup>8</sup>

## Claims by Vendors & Lack of Academic Validation **False Claims**

Voting vendors frequently claim that their systems are “secure”, “accurate”, and “immutable”, grounding their assurances in the extensive testing the systems undergo by security researchers.<sup>9</sup> Claims made by internet voting vendors are **misleading and very dangerous because they fail to elucidate the security concerns present within online voting systems**. Since such testing is frequently done in-house, the results of which are not shared with the public amid assertions of copyright concerns, or released as high-level summaries that do not provide critical, in-depth information<sup>10</sup>. Indeed, when independent third parties and government research agencies have tested the claims made by vendors, they find numerous vulnerabilities, challenging the vendors' claims<sup>11</sup>. For instance, in 2021, M. Specter and J. Halderman at MIT published a security analysis of vendor Democracy Live's online voting system used in Delaware's 2020 elections. Halderman and Specter discovered that the system used “a simplistic approach that is **vulnerable to vote manipulation by malware** on the voter's device and by insiders or other attackers who compromise Democracy Live, Amazon, Google, or Cloudflare.”<sup>12</sup> Specifically, by reverse engineering the client-side server of voters, the academics found severe vulnerabilities including malware on people's voting devices, compromised server infrastructure, and control of third-party code that could severely alter the outcomes of elections ranging from the simple misdirection of ballots to complete ballot manipulation.<sup>13</sup> Moreover, the researchers also found that Democracy Live unnecessarily stores voter information in their servers and without a proper privacy policy may sell such information. Thus even though Democracy Live claims that their systems are tested by security researchers and that they have “never been compromised”, the report highlights that **such testing is not infallible and such claims misconstrue the reality of the situation**.

Democracy Live is not the only case in which an independent review has contested the security claims of online voting vendors. Specter et al (2020) conducted a similar security analysis of

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<sup>8</sup> [Illinois Department of Innovation and Technology n.d.](#)

<sup>9</sup> [Greenhalgh 2021.](#)

<sup>10</sup> [Greenhalgh 2021; Specter and Halderman 2020.](#)

<sup>11</sup> [Greenhalgh 2021; Specter and Halderman 2020; Specter et al 2020; Halderman and Teague 2015; Wolchok et al 2012.](#)

<sup>12</sup> [Specter and Halderman 2020.](#)

<sup>13</sup> [Specter and Halderman 2020.](#)

online voting vendor Voatz. In the case of Voatz, the pioneering use of blockchain technology led to assertions that “votes are verified and immutably stored on multiple, geographically diverse verifying servers”.<sup>14</sup> However, despite limited access to the functionality of the Voatz system, Specter et al were still able to **uncover severe threats to its integrity**. For one, the authors circumvented the third-party malware detection system guarding against client-side attacks with **just four lines of code**. Moreover, they revealed that the blockchain is most likely used on the back end of the voting process, on the receiving end where votes are cast. Consequently, Specter et al notably highlight that the API server used to transmit information between the user’s device and the blockchain is very susceptible to server-side attacks, rendering the secure blockchain technology useless since the system can be corrupted before the information enters the blockchain.

## Misleading Claims

Other EBR vendors claim that systems are already in place to deal with similarly valuable information, such as online shopping and bank transfers. While this may seem like a common sense objection to limiting online voting, two crucial considerations void this comparison: **1) bank transactions aren’t very secure and 2) voting is fundamentally distinct from bank transactions in meaningful ways that complicate its security**. First, online commercial activity is not as secure as many people believe.<sup>15</sup> Indeed, consumers have a false sense of security when engaging in e-commerce activities because laws, banks, and credit card companies frequently provide insured reimbursement for innocent victims, thus diluting the saliency of associated losses. However, that is not to say that no one gets hurt, in 2023 it was reported that U.S. citizens lost over \$12.5 billion to cybercrime.<sup>16</sup> Financial institutions recognize these shortcomings and engage in tradeoff calculations because investment in cybersecurity is expensive and sometimes paying the damages is cheaper. Thus, businesses frequently redistribute their losses from such reimbursements through higher interest rates and fees, trying to keep losses silent in fear of undermining public confidence in e-commerce systems.<sup>17</sup>

Second, finance is fundamentally different from **voting, whose security vulnerabilities challenge the very democracy of the nation**. The first distinction is that voting is anonymous while banking isn’t. Banking has many checks to safeguard against fraud and discrepancies such as double-entry bookkeeping, financial audit records, receipts, and even just checking bank statements. However, similar checks are not possible for online voting because votes are meant to be cast anonymously. Thus, there is a need for an end-to-end audit trail to verify that the votes cast by an individual are indeed the same as the ones received. However, no form of online security can guarantee this audit trail, and—given the nature of voting secrecy and hacking capabilities—it is **nearly impossible to tell if votes have been altered**.<sup>18</sup> Moreover, even if there was strong suspicion of manipulation, the secret nature of voting makes it impossible to know which ones were altered.

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<sup>14</sup> [Specter et al 2020](#).

<sup>15</sup> [Jefferson 2014](#).

<sup>16</sup> [Federal Bureau of Investigation 2023](#).

<sup>17</sup> [Jefferson 2014](#).

<sup>18</sup> [Greenhalgh 2021](#); [Specter and Halderman 2020](#); [Specter et al 2020](#); [Halderman and Teague 2015](#); [Wolchok et al 2012](#); [Jefferson 2014](#); [Halderman 2024](#).



Additionally, there are no “insurances” that make up for an altered vote in the way banks compensate victims of financial fraud, one cannot pass on the “losses” from fraudulent ballots. Hence, not only is voting fundamentally different from banking but the vulnerabilities posed by online voting put into question the integrity of our elections—the very integrity of our democracy.

Even further, some vendors have **falsely misled the public by presenting information and assurances in a manner that implies government certification, a potentially illegal practice.**<sup>19</sup> During the autumn of 2019, Voatz requested an assessment by the Hunt and Incident Response Team (HURT) of the U.S. Department of Homeland Security to determine if there was evidence of intrusion within its systems. Per federal policy, the results of this assessment were not made public by DHS. In February 2020, Voatz was made aware of the MIT report and its adverse findings, yet they proceeded to publish a broad, in-house summary of the assessment that was done the previous fall. The summary included DHS and its Cybersecurity and Infrastructure Security Agency (CISA) department’s seals, **even though the publication wasn’t authorized by them.** The document does not inform the reader that the document was not written by the government, an action that may be punishable by 18 U.S.C. § 701 (prohibiting use of government seals except as provided by regulations) or 18 U.S.C. § 1017 (prohibiting false use of government seals). Consequently, these claims aim to dilute the security concerns associated with such systems. However, by hiding their true vulnerabilities, the misleading and potentially illegal marketing practices of online voting systems dangerously undermine the findings of academics and researchers, and with them, undermine the security of democracy.

## Case Study Examples

Indeed, real-world examples illustrate just how vulnerable such systems are. In 2010, Washington, D.C. was piloting an electronic voting system allowing overseas absentee voters to cast their ballots over a website. Before the system’s launch, the District of Columbia organized a mock election where people were invited to break its security.<sup>20</sup> Wolchok et al (2012) were able to gain **“near complete control of the election server”** in less than 48 hours, successfully changing every vote and revealing almost every secret ballot.

Moreover, in the Australian elections of New South Wales in 2015, the iVote internet voting system was used in the world’s largest deployment of e-voting. Halderman and Teague (2015) found severe vulnerabilities during an independent security analysis during the election. Specifically, the authors found that votes were susceptible to manipulation and subversion of verification as well as a large risk of leaked ballot privacy.<sup>21</sup> Server-side risks would allow some attackers to inject malware into voters’ browsers. **Election officials did not detect these security flaws until they were notified by the research team.** Additionally in the Australian elections 2019, the internet voting system that was being used crashed at 8:30am on election day, leading to the subsequent abandonment of such voting systems.<sup>22</sup>

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<sup>19</sup> [Greenhalgh 2021.](#)

<sup>20</sup> [Wolchok et al 2012.](#)

<sup>21</sup> [Halderman and Teague 2015.](#)

<sup>22</sup> [Halderman 2024.](#)



# IV. EBR & Conspiracy Theories

## E-voting Inflames Conspiracy Theories

Internet voting, or e-voting, has been proposed as an alternative to traditional in-person polling methods to increase voter participation through digital technology. However, e-voting introduces unique challenges that can **further the spread of conspiracy theories related to election integrity**. Specifically, challenges stemming from the anonymity of voting, the lack of oversight, and past instances of misinformation and election interference.

One of the most appealing aspects of internet voting is the anonymity of voters, which protects voter privacy and also eliminates the requirement of physical presence. During in-person polling, the visibility of voters and the physical security measures, such as supervised ballot boxes and monitored voting booths, help to reinforce the perceived integrity of the electoral process in the eyes of voters and candidates. In contrast, **the digital nature of e-voting would hide these processes from public view**. Since voters do not witness the handling and counting of their votes themselves, this lack of transparency can give rise to suspicions and conspiracy theories.

The digital environment is inherently susceptible to cyber-attacks, which can range from small data breaches to the direct hacking of entire voting systems. Instances such as the reported attempts to influence the 2016 United States presidential election via cyber means have elevated concerns surrounding the security of digital voting systems. For instance, a study by Goodman, Pammett, and DeBardeleben (2010) highlights how the theoretical risks of hacking have manifested in actual security lapses, where voter databases were compromised, **leading to widespread mistrust in the security of e-voting processes**.<sup>23</sup>

Furthermore, the difficulty in counting and verifying the results of digital votes compounds these issues. There is an inherent challenge in providing a transparent auditing and counting process in e-voting systems meaning that any alleged discrepancies during elections can quickly escalate and become the basis for conspiracy theories. The lack of a verifiable paper trail in many e-voting systems can make it nearly impossible to refute claims of digital tampering, **providing an ideal scenario for the propagation of misinformation**.<sup>24</sup>

This is particularly concerning in an era where misinformation can be rapidly spread through social media and other digital platforms. The perception that e-voting systems are not fully transparent fosters narratives that the electoral process can be manipulated behind the scenes, perhaps even without detection. As noted by Epstein (2019), such beliefs and perceptions can undermine faith in democratic processes and **may even deter voter participation, which would counter one of the primary goals of e-voting**.<sup>25</sup>

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<sup>23</sup> [Goodman et al 2010](#).

<sup>24</sup> [Szajda 2020](#).

<sup>25</sup> [Epstein 2019](#).

## Structured Theories Surrounding EBR

There are very many conspiracy theories related to electronic voting, and they are often related to broader narratives of election fraud and partisan allegiance. Conspiracy theories gained traction following the 2020 US presidential election, when claims about Dominion Voting Systems and Smartmatic began to trend.<sup>26</sup> Claims ranged from vote flipping and machines being susceptible to fraud, to elaborate ties with foreign governments and agents, and most seriously the use of technology to manipulate election outcomes.<sup>27</sup> This was all amplified by high-profile figures and partisan media channels that challenged the integrity of e-voting systems.

Another great example is the “Birds Aren’t Real” or “Freedom Drones” conspiracy theory. “Birds Aren’t Real” began as a satirical/humorous movement, suggesting that birds were drones used by the government for surveillance. Despite originating in humor and satire, the theory tapped into the public’s fascination with and fear of surveillance — reflected a sentiment of mistrust in government and technology. The movement was started by a 20-year-old college student that used some clever marketing to spread his idea, using the internet and meme culture to get widespread attention.<sup>28</sup> It shows very well how the blend of satire and conspiracy amplified through social media and partisan media can muddy discourse, making the whole discussion area susceptible to conspiracy theories.

## Commodification

The commercial interests in the e-voting system market exacerbate the already high tensions that exist due to lack of faith in election oversight and conspiracy theories surrounding elections and electronic voting.<sup>29</sup> The market for voting technology is dominated by a few major companies, and they have been accused of prioritizing profits over the security and reliability of their systems.<sup>30</sup> Specifically, these companies are notorious for inadequate responses to security inquiries and aggressive lobbying.

The marketing success of “Birds Aren’t Real” merchandise shows how easily **conspiracy theories can be monetized, potentially increasing their spread and acceptance.**<sup>31</sup> The adoption of e-voting in the US was driven by a desire to improve the speed and reliability of vote counting. Advocates for increased voter accessibility might find it difficult to speak out against e-voting due to their beliefs, but they also might have legitimate concerns about the security of e-voting.

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<sup>26</sup> [Cercone 2023](#), [Spencer 2020](#).

<sup>27</sup> [Roston 2022](#), [Miller 2023](#).

<sup>28</sup> [Alfonso 2018](#).

<sup>29</sup> [Zdun 2022](#).

<sup>30</sup> [Huseman 2019](#).

<sup>31</sup> [Alfonso 2018](#).

## **Conspiracy Theories' Impact on Voter Confidence & Turnout**

Evidence points to the fact that the impact of conspiracy theories on voter confidence and turnout is significant, and decreases trust in the electoral process. **Exposure to conspiracy theories can lead to a lower likelihood of voting and decreased engagement with democratic processes.** The spread of these narratives, particularly in partisan media ecosystems, highlights how different media consumption and political affiliation can impact perceptions of election integrity.<sup>32</sup> It also influences voter behavior and disincentivizes participation in the electoral process because of mistrust or confusion about the security and reliability of voting systems.

A study in the Journal of Experimental Political Science explored the effects of unsubstantiated voter fraud claims on public confidence in elections. It found that exposure to such claims, particularly from political leaders, **significantly reduced confidence in elections among loyal followers or those predisposed to believe them**, often neo-conservative Republicans and Trump supporters.<sup>33</sup> This further shows how partisan alignment can amplify the impact of conspiracy theories in relation to e-voting.

Misinformation regarding the 2020 election results has been identified as a key factor in eroding the American public's trust in the electoral system. 57% of white Americans believe voter fraud occurred during the 2020 presidential election.<sup>34</sup>

**By avoiding these conspiracy-prone voting systems, electoral systems can tap into the positive relationship between confidence in the electoral process and the willingness to participate in the democratic process.**<sup>35</sup>

## **V. Implications & Comms Recommendations**

Channeling attention and resources away from EBR, given its popularity, will be challenging. Complex security issues must be communicated to diverse stakeholder groups without undermining election integrity or further fueling conspiracy theories. As risky as this communications strategy is, **it remains the superior alternative to pursuing EBR further** and endangering Americans' trust in elections.

**We recommend the following strategies for advocates who take this position:**

- 1) Highlight the wealth of other voter access measures that are more secure and less conspiracy-prone alternatives to EBR.

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<sup>32</sup> [Mitchell et al 2020.](#)

<sup>33</sup> [Berlinski et al 2021.](#)

<sup>34</sup> [Sanchez 2022.](#)

<sup>35</sup> [Lyons 2022.](#)

- 2) Use the language of accessibility vs. security trade-offs when communicating on the issue. While there is a potential to increase voter turnout among disenfranchised populations, it pales when compared to the risk that irresponsible EBR vendors and conspiracy theorists pose to election security and trust in elections.
- 3) Leverage existing task forces and programs, like Illinois' Cyber Navigators Program, to disseminate knowledge on EBR and direct attention towards the development and implementation of alternatives.

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