

## **THE PRESBYTERIAN VOTING REFORM STUDY GROUP (VRSG)** **Overview and Questions for Reflection, Discussion, or Individual Response**

We welcome your ideas, concerns and perspectives on the fairness and effectiveness of the US political and electoral system in allocating the benefits and burdens of society.

**I. Background:** In 2004, the PCUSA General Assembly requested that the Advisory Committee on Social Witness Policy (ACSWP) conduct a study of voting rights and electoral reforms. This followed on a resolution\* concerned particularly with the disenfranchisement of African-American voters but aware of a more general need for electoral reform. In response, ACSWP assembled a study group and began research in applied Christian ethics from a Reformed perspective, itself influential in forming the democratic structure and ethos of the United States. The Voting Reform Study Group is examining how Presbyterians may faithfully contribute to a more representative, participatory, and trustworthy electoral process.

The Voting Reform Study Group met at the Washington Office of the Presbyterian Church in April, after having received previous policy statements and studies done by the church on the US democratic process. Mindful of a major part of their task to develop a "resolution on the disenfranchisement of people of color in the U.S. electoral process," they heard from several historic civil rights organizations and congressional offices. The VRSG also heard from groups concerned with ensuring a "level playing field" among the states and voters within the states and the District of Columbia, like FairVote and Common Cause. They heard both diagnosis and prescription, and developed a work plan for focusing on the most important questions. They are currently exploring which solutions are most compatible with our values and theological understandings of human freedom, sin, equality, individual rights and responsibilities, and accountability before God.

The VRSG recognizes that members of the Presbyterian Church represent a large range of theological and political approaches. We are also among the most politically active of US citizens, partly because many of us know how parts of the system works, and because the system works best for those of racial and economic privilege. We vote at a higher percentage than other Americans, and give money to campaigns at every level of our system. We have a mixture of self-interested savvy and high-minded idealism, but are here called to focus on what actually serves the common good. The full title of the Voting Reform Study Group is the Voting Rights and Electoral Reform Resolution\*Team, which names both the place of individual rights and the larger democratic process in historic Reformed thinking about the citizen and the "civil magistrate."

The group is chaired by attorney Dianne Briscoe of Denver, CO, and its vice-chair is Roger Gench, a pastor in Washington, DC with a Ph.D. in Christian ethics. In addition, the group includes three political scientists, a Christian ethicist specializing in faith and politics, two other attorneys with government experience, one as a city election officer, and two members with experience in academic and medical administration. Dr. Louisa Davis, a Christian ethicist and pastor, serves as writer-consultant to the Study Group.

## II. Five Key Areas for Reflection, Discussion or Individual Response:

1. **Representative?** Is it a problem that only about 50% of US citizens vote? We rank 114th in voter turnout among recognized democracies, according to the International Institute for Democracy and Electoral Assistance. Is it a further problem that the percentage is significantly lower for minorities and poorer citizens? Assuming you agree with the basic democratic principle that all people should have a say in deciding how they are governed, how do we attain this goal?
2. **An Affirmative Right to Vote or Universal Registration?** How do we reinvigorate electoral participation and trust? The Supreme Court affirmed in Dec. 2000 that “the individual citizen has no federal constitutional right to vote.” This legal reality puts the burden of proof on citizens who want to vote, unlike other western democracies that have universal registration. Would you oppose universal voter registration of all citizens (as they have in Canada where citizens are automatically registered, or say, standardizing registration at age 16 as part of high school civics courses prior to young people actually voting at 18?) Do we need a constitutional right to vote? According to FairVote, “more than eight million American citizens cannot vote where they live, but could vote if living in another state.” In this mobile age, what kind of state and local variations are justifiable?
3. **Equity?** For generations, discriminatory practices such as poll taxes and literacy tests prevented people of color from voting. After massive popular protests, the Voting Rights Act of 1965 was passed to ensure equal voting rights. Today, however, many see new identity or “anti-fraud” measures as not only partisan, but a reassertion of white dominance of our electoral system. Possible? Before you respond, please note this data from NYU’s Brennan Center. In states requiring voters to present documentation establishing their identity at the polls, Latinos were 10 percent less likely to vote, Asian-Americans 8.5 percent less likely to vote and African Americans 5.7 percent less likely to vote—than in other states. Combined with other approaches, such as special photo IDs, English-only requirements, and limited or complicated registration access, critics of our system attribute the 35% voting levels of people of color to “vote suppression” or “caging” of votes, especially in low-income neighborhoods. Black voters’ ballots are ten times more likely to be rejected than non-black voters’ ballots.
4. **A Uniform, Credible and Well-Supported National Electoral Infrastructure?** The federal Help America Vote Act (HAVA) which passed in 2002 after the issues in Florida in 2000, required and funded a national shift to uniform voting equipment. But in one survey of the electronic equipment performance in the 2004 election, only 14% of precincts reported the same number of electronic votes compared to voters who signed precinct books. Should we require that voting machines provide a paper trail (as bank machines do)? More broadly, who should own the voting equipment? Currently they are often leased to private companies who may not always put the public interest first.
5. **Toward a Sustaining American Electoral Ethic, A Presbyterian Approach:** What virtues, roles, rules, rights, results and relationships should guide and shape a Christian understanding of democratic participation, deliberation and vigilance? How do we co-create more vitality, equality and credibility in elections and political problem-solving with our diverse neighbors?

### **III. Toward more in depth consideration of the disenfranchisement of people of color and the traditionally dominant role of well-to-do white people in our electoral system:**

6. **Voter Fraud/Voter Integrity:** One legally registered person, one vote is at the heart of the integrity of our system. Much of the ID legislation and a considerable part of the firing of 6-10 US Attorneys in 2006 is attributed to claims of unprosecuted voter fraud, particularly among poorer citizens and immigrants who, frankly, have tended to vote Democratic. How do we sort out the scope of this threat? The Republican Party through the Voter Integrity Project and Department of Justice appointments has focused on “voter integrity.” The data does not show any significant levels of voter fraud in any jurisdictions, and less than .004 of charges actually filed conclude in conviction. Over 400 Democratic candidates or office-holders were charged with corruption before elections in the past 6 years, while only 30 Republicans were so charged. Do you know of data or personal experience that suggests the existence of intentional fraudulent voting (by false identities, dead voters, sheer bribery, or other means)? How might we balance common concerns for both voter integrity and voter accessibility?
7. **District of Columbia Voting Rights:** Although the reasons why DC residents were not originally given the right to vote are complicated, those reasons (low population count, undue federal impact, and fear of rebellion, etc.) no longer exist. At least two states with fewer residents have senators and a representative. And unlike other “colonies,” DC residents pay full taxes--without representation. Bipartisan congressional and national disregard for the enfranchisement of DC voters has a disproportionate impact on people of color who make up 65% of the city population. If the District had two U.S. Senators, might the number of African Americans in the US Senate increase from one of one hundred seats? Is this a flaw in our Constitution, an anachronism, or merely partisan politics?
8. **Felon Disenfranchisement:** Do you favor ending “felon disenfranchisement,” whereby some states deny voting rights to persons who were once convicted of a crime even if they have “paid their debt” to society? States vary widely on who and how they re-enfranchise. Meanwhile, the “politics of punishment” sends greater proportions of men of color to prison than their white counterparts. How should such prison populations be counted in the census— now usually in the rural jurisdictions where they are moved, or instead where prisoners come from (and where presumably federal funds and voices for prevention are urgently needed.)
9. **Systemic Racism:** In light of the above concerns, how should we address the biases in our electoral processes toward well-to-do white people--those of relative social and economic privilege who can, for instance, take time on a Tuesday workday to vote, afford more often to run for office and to cultivate early support among big funders, and who can, in Presidential primaries, appeal to predominantly white states first?

### **IV. Our Democracy Continues to Evolve, Toward More Meaningful Choice and a Fairer System:**

10. **Nonpartisan Re-districting (vs Gerrymandering):** Drawing the boundaries of political districts to their advantage remains a tool of both parties: after controlling redistricting in Texas in 1992, Democrats won 21 of 22 of non-incumbent-running Congressional seats. A similarly lop-sided election vote obtained after Republican controlled re-districting in 2003 led by Congressman Tom DeLay. Governor Arnold Schwarzenegger of California and others have proposed non-partisan methods for setting district boundaries so that elections would become more competitive (weakening the advantages of incumbency and “safe seats” that have allowed more than 98% of incumbents to win in House elections since 1994).

However, continuing our concern for the dignity of all, civil rights law allows the drawing of boundaries to include enough minority voters so that some minority representatives may be elected. While Blacks and Latinos comprise about 25% of the US population, only 3% of the Senate and 7% of the House of Representatives are Black or Latino. It was zero in 2002. How would you balance these interests?

11. **Electoral College Reform:** Do you favor ending or reforming the Electoral College, which can over-ride the choice of a majority of US voters as in the 2000 election and makes some “swing states” more important than others? Those who look to reform the electoral college system have proposed another idea, the National Popular Vote plan, an interstate compact with each member state pledging to award its electoral votes not, as now, to the presidential candidate who receives the most popular votes in that state, but rather to the presidential candidate who has received the most popular votes nationwide. States that join the compact are bound to follow that procedure only if the compact’s membership commands a majority. Would you want your state to participate?
12. **Proportional Voting:** Many are concerned that our “winner-take-all” elections reinforces two-party dominance, contributes to the polarization of our county and often leads to a lack of real and meaningful choices. Proportional voting would re-balance the influence of our system: where if 45% of voters in a given state, for example, were Republican, 45% of the legislators in the statehouse would more likely represent that viewpoint (and may also have no votes in the Electoral College.)
13. **Ranked Choice or Instant-Run-off Voting (IRV) Proposals:** Another proposed reform attacks the root cause of non-competitive elections, our “winner-take-all” election system -- the candidate who receives the most votes in a district is elected while other candidates and their supporters win nothing. The reform organization FairVote proposes a ranked choice system (also called “instant runoff”) that would replace that system. IRV protects majority rule while accommodating voters by having more than two choices -- e.g., handles the emergence of third parties and independents. Most Americans support having more than two major parties, but our electoral rules do not accommodate voter choice. Should we allow third parties and independents easier access to the ballot and debates? Should we adopt instant runoff voting to ensure candidates win with a majority even as people can vote for their favorite candidate as a first choice? This is achieved in some jurisdictions already with at-large seats and sub-districting. Are you familiar with alternative methods of voting? Would you like to receive more information on them?
14. **The Cost of Political Campaigns:** In light of the Supreme Court’s recent (6/07) decision to allow “soft” special issue money in political campaigns, we are reminded that in 2000, the General Assembly issued strong support for campaign finance reforms in order to increase public participation in elections and fairness in allocating the benefits and burdens of society. Would we be remiss not to acknowledge and struggle with the influence that money plays in whom and what earns our officials’ attention?

Do you believe the Constitution protects unlimited paid political advertising as “free speech?” Would you support equal access to the airwaves (a public good originally) to diminish the influence of money and often-distorted advertising—the most expensive part of modern campaigns? With recent Senate candidates spending over \$50 million dollars for their seats, what limits should be placed on campaign fund-raising? How do we assure representation of the needs and interests of all Americans, even future generations?

**V. NEXT STEPS:** The Voting Rights Study Group meets again on September 6-8th to consider their first draft and recommendations, and welcomes your theological insights, local experiences and political wisdom as we address these issues and others. The questions above may not include sufficient treatment of anti-corruption measures, and the Study Group has not decided how much treatment of these matters is possible, given the enormous scope of this problem. We welcome your views there as well.

Is the information above disturbing? Do you find some of the possible solutions threatening? But if our system is not making good choices, perhaps our prescriptions should be more disturbing and radical. John Calvin, John Knox and many others among our Reformed and Presbyterian forbearers struggled over the accountability of rulers and the freedoms and responsibilities of citizens. We believe Presbyterians can be credible nonpartisan voices for the renewal of our democracy at home, in the church and throughout the world, and that this has both spiritual and material benefits for the whole human community. How do we assure the adequate representation of the needs and interests of all Americans, and future generations?

Please send your thoughts, resources and concerns to the Voting Reform Study Group directly to Dr. Davis at [louisaldavis@igc.org](mailto:louisaldavis@igc.org) or 7981 Eastern Avenue, #114 Silver Spring, MD 20910, Dianne Briscoe, at [briscodian@aol.com](mailto:briscodian@aol.com), or Dr. Chris Iosso, ACSWP Coordinator, at [ciosso@ctr.pcusa.org](mailto:ciosso@ctr.pcusa.org).

\*A General Assembly resolution, according to current Presbyterian practice, is a focused statement that applies previous church policy, in this case particularly statements of the 1983 and 1987 Assemblies. Policy statements are usually longer and derive principles from the Bible, our Confessions and the historic, ecumenical witness of the Church. This base then informs our theological-ethical analysis of empirical data, historic trends and contemporary challenges. A Social Policy Compilation covering much of the past Century is available on the Advisory Committee on Social Witness Policy website (<http://www.pcusa.org/acswp>)ED.