



Rethinking Representation Roundtable

January 12, 2007
Rayburn Office Building
Washington D.C.

CHAIRS
Dr. Kenneth Prewitt
Columbia University

Dr. Rush Holt (D –NJ)
U.S. House of Representatives

Roundtable Participants:

- Margo Anderson** (by phone) – Professor of History and Urban Studies at the University of Wisconsin - Milwaukee
Curtis Gans – Director of the Center for the Study of the American Electorate, American University
Jane Junn – Associate Professor of Political Science, Rutgers University
Deborah Markowitz – Secretary of the State of Vermont
Andrew Reamer – The Brookings Institute
Leo Munoz – Legislative Assistant to Congressman Gene Greene, former staff member in Texas state legislature.
Norm Ornstein – American Enterprise Institute
Tom Sawyer – former congressman from Ohio, recently elected member of the Ohio State Board of Education
Jeff Strode – Creator of web-site “www.thiry-thousand.org”
Carol Swain – Professor of Political Science and Law at Vanderbilt University

Attendees:

- Juliane Baron - PRC
Becky Beauregard – Consultant
Jane De Lung – President, PRC
Kara Driggers – PRC
Jane Goodridge - PRC
Terri Ann Lowenthal – Consultant
Faith Mitchell – Chair, PRC
Michele Moulder – Legislative Assistant for Congressman Rush Holt

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Angelique Olmo – PRC

Lesley Reynolds – Director of the National Association of the Secretary of States

Bob Walker – Consultant

Faith Mitchell welcomed everyone: This roundtable emerged from PRC's fall program 300 Million Americans commemorating the United States reaching a population of 300 million. At the program, there was a discussion of the pressures an additional 100 million people, projected for 2040, will put on this country.

In 1964, the number of staff assigned to each member of congress was set at eighteen which has not changed. The average number of constituents per representative in 2000 was 630,000. With a U.S. population of 400 million, each member will represent 920,000 residents and the range of the size of a district could be as great as 1.7 million and as small as 300,000. Ms. Mitchell asked that roundtable members consider the challenges facing members of congress who represent huge numbers of people and the electoral infrastructure. Faith introduced Ken Prewitt who facilitated the meeting.

Dr. Prewitt welcomed the group and thanked PRC for convening the meeting. Each member of the roundtable, as well as the attendees, introduced themselves:

Participants were asked the roundtable to discuss two major issues:

- 1.) Is there a proper number for governmental representation and how to form a research agenda around this question; and**
- 2.) When the impact of population growth is discussed, the political infrastructure is generally ignored. How can we put this issue on the table for public review?**

GOVERNMENTAL REPRESENTATION

Dr. Kenneth Prewitt, Chair

Congressman Sawyer remarked that he represented several districts in Ohio that were fairly typical of districts across the U.S., in that they vary widely. The question of representation also varies as to the style and dimension of the district, i.e. the diffuseness of Montana, the density of the Alaskan population along the coastline, large cities, and rural areas. One of the most consistent phenomena in recent years in the House of Representatives has been the growth of Single Member States, which has distorted the House, changing the way it functions, and changing the concept of One Man One Vote. There is a huge disparity between large and small congressional districts. He had introduced a bill to change the House size to 600, when he was a member of congress.

Dr. Prewitt cited the material circulated prepared for the meeting, noting that by 2040, nearly one third of the states could be Single or Dual Member States. What are the implications for allocation of resources and for addressing concerns of smaller states and rural areas?

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Dr. Swain voiced concern that representation is based on the number of people, not the number of citizens. Some states have large numbers of undocumented immigrants who are counted in the census (giving those states more representatives), but who do not vote and are not given much representation. Representatives do not have much incentive to represent people who do not or cannot vote. This also increases the “voting power” of citizens in those districts with large numbers of non-voters.

Dr. Prewitt mentioned that in the last Congress there was a suggestion to remove all non-citizens from apportionment. However, the job of the Representative is to represent ALL people (including children, felons etc.) not just citizens. He pointed out the problem with an enumerator inquiring about the legal status of people.

Dr. Anderson reported that the issue of the size of the House and the size of a district was discussed constantly in the 18th and 19th centuries when the house size changed routinely after each Census. Citizens were thus much more knowledgeable about the issue. At that time there were many fewer voters – the population was much smaller, women did not have the right to vote, and the voting age was twenty-one. The number of people participating in the elections was much smaller. These questions need to be reopened. The U.S. representational system looks very different from other large democracies. The conversation is rusty and needs to be updated.

Dr. Ornstein asked what does representation mean? The framers of the constitution wanted the House to be very close to the people. How can a representative be close to one million people? There are also important issues concerning redistricting and the creation of very homogenous districts. Tom Downey, a former representative, suggested increasing the size of the House, with some members elected “at large” a variation of the German system.

He added that there is a difference between a Congress and a Parliament. The founding fathers created a Congress where members would ‘meet’ and get to know one another. Even though they came from different areas of the country and from diverse backgrounds, they met together face to face to make decisions. He suggested providing a generous housing stipend so that members could bring their families to DC and stay a while. A Parliament has a fundamentally different philosophy, where the numbers of people make little difference, since their role is to just state their positions.

He asked what is the “tipping point” of the size of congress,” i.e. what number would make it too large to function as it was intended to function? Our country was once in the center, now very few members represent the center. (Lou Stokes – how to create center in a body that has none.)

Jane Junn acknowledged the contestant nature of representative government and wondered how a state with only one representative could maneuver politically. She commented that size does matter, adding that the numbers of people a member of Congress represents affects that representation both in the district and in the House.

Curtis Gans asked how a representative could be in touch with 500,000 people let alone a million – the House was supposed to be the body that most reflected the public will was now running in districts that were larger in population than many states. And while the Constitution provided that small states would get some protection

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by virtue of the unequal (not One Person, One Vote) representation in the U.S. Senate, we are likely to see a similar distortion in the House if we end up with 15 states with just one Representative.

Ken Prewitt agreed that the primary problems are homogenous districts, centrism, one man-one vote, representation of very large numbers, and the inequality of state size.

Jeff Strode described the web site (thirty-thousand.org) he has created to address the constitutional issues facing House representation. A maximum number of 50,000 constituents per representative was originally written into the first amendment. The wording was subsequently removed by congressional committee. One Man One Vote should follow that mandate.

Norm Ornstein commented that following that principle, there would be 8,000 members of congress when the U.S. population reached 400 million people.

Margo Anderson added that there are historical analyses of this. However, discussions always involve partisan implications. Often, the historic, scientific, and mathematical issues mask partisan ones. The U.S. never intended to be a country of 400 million people – it was daunting to the framers to even contemplate four million. We are in uncharted territory as we contemplate creating representational democracy in such a large country.

Jeff Strode noted that the Federalist papers predicted that the House would be 420 members by 1820 and in another 100 years there would be 600 Representatives.

Jane Junn stated we cannot really know what the founding fathers intended. Conflation of the words of the constitution with the intentions of the founding fathers is a negative argument. The questions are if size matters:

- **How does it alter representational politics within states?**
- **How does it make it difficult to know the constituency?**

Ken Prewitt asked the roundtable to consider how other government groups represent large numbers of people. For example, Tom Sawyer is representing 1.2 million people on the Ohio School Board. How do similar groups provide representation?

Carol Swain suggested that, assuming the size of the House doesn't change, why not change the number of staff members, creating a formula that would give more staff to Representatives with larger districts allowing Representatives to appoint regional directors within districts to initiate constituent outreach.

Norm Ornstein agreed that there is not a good reason why we couldn't have a formula for staff in House.



Leo Munoz described the Texas legislature, it has a Senate of 31 and a House of 150. The districts reflect the same issues as the U.S., i.e. one member for a very large rural area and several members in each of the major cities. Houston has five members in Congress and Montana has one. The language is very specific between states, but within states there is huge flexibility.

Norm Ornstein commented on the problems created by the courts in apportionment. They have insisted on districting precisely by the numbers, but the numbers are often out of date and not reliable. A huge number of people do not have anything close to a desired level of representation.

Rush Holt remarked that the variation in the kind of representation provided by a member of congress is huge and may be more important than the numbers, i.e. that a member's character, attitude toward the responsibility, and political philosophy. Numbers may not be the primary issue. Also, the difference in the way each state draws its districts vary enormously. Some have bi-partisan panels which pay attention to the need of the constituents, rather than partisan issues. Despite this effort, party performance frequently determines the districts.

Ken Prewitt reviewing the discussion, noted that Carol said that we need to strengthen the interaction between the Representatives and the constituents. Rush has reminded us that the drawing of the districts is critical.

Jeff Strode commented that representatives have to campaign every two years in very large districts to raise large sums of money, e.g. they have little time for representation.

Rush Holt responded that being a good representative is equivalent to campaigning.

Norm Ornstein suggested that given the distortion between the size of constituent bases, perhaps representation should cross state lines. Size conflicts with deliberation. A case could be made that 435 representatives is too large for a deliberative body. A case could also be made that 100 Senators is not large enough to be deliberative.

- **What is representation?**
- **What is a representative body? Is it different from a deliberative body?**

He also commented that representing 900,000 people is probably not that much different from representing 500,000.

Deborah Markowitz remarked that we don't have practice at doing this.

What sort of research is necessary to determine the 'right' number for a successful House of Representatives? She agreed that staff support is lacking and the degree of service from a representative can be measured by that persons' interest. Size may not matter as much as quality.



Curtis Gans commented that the present finance laws are restrictive in facilitating good representation because they make politics available only to the rich, those connected to wealth and the famous and don't provide the risk capital for others to seek office..

What do we want from a representative? How in touch with his/her constituents should he/she be? How much can be done by staff and how much should be done by staff – which by its very nature insulates the office-holder from direct contact with those he or she represents? How deliberative can the House be? Is it feasible to consider seats across state lines? Do states with small districts have advantages over others?

Carol Swain added that the role of the Representative is to be responsive to various constituencies that often have huge racial and ethnic diversities. The staff may need to speak different languages, have offices located in a variety of places, and strategically deploy their resources.

Jeff Strode remarked that we could decrease the House size to 200 without making representation more disproportionately inequitable than it is currently.

Norm Ornstein noted that size is not as important as districting. Districts are too homogenous. They do not represent the many voices within a given district. He added that once the House gets larger than 500 people, the ability of the Members to know one another diminishes and becomes more difficult. That is critical if they are to be a deliberative body.

Terr Ann Lowenthal remarked that the formula for apportionment plays a role in the disparity and asked if technology helps or hinders representative. She gave an example of one representative receiving 8,000 emails in one evening.

Tom Sawyer added that traveling back and forth from districts to D.C. every weekend – which is what most Representatives do at the present time – is very disruptive and has significantly changed the culture of the House. Members do not have an opportunity to get to know one another. In the mid 80's there was a huge change, with the three day schedule and racing back to the district.



VOTING INFRASTRUCTURE AND PARTICIPATION

Chair: Dr. Rush Holt (D-NJ)

Rush Holt asked the group to consider what is the role of a representative? A mirror of the district? A filter? National? or Local? To set an ethical standard? A spokesperson? A problem solver? A constituent server?

He commented that cynicism of government has reached crisis level in the last several years and has affected voting. People in the past would state that “their vote does not count”, now they say “my vote will not be counted.” Constituents need to feel that he/she has a Representative. He then discussed some of the infrastructure issues facing a citizen’s right and ability to vote. There were 185,000 polling places in 2000, but that number has dropped to 174,000.

However, the actual voting equipment can be more important than the number of polling places. Congressman Holt has introduced legislation to restrict the size of polling places, maintain an equitable distribution of voting equipment, and establish a target of a maximum one hour wait to vote. This legislation would authorize \$50 million to recruit and train election workers. Early voting and absentee voting are other methods to relieve the pressure on polling places, but he is concerned about the security of these methods. Technology needs to be embraced cautiously. Using unverifiable machines can cause huge problems. There are many opportunities for coercion and fraud, largely because of the loss of security. Overseas and military voting are critical problems right now.

Three principles that must be observed for elections are: 1.) reliability, 2.) accessibility, and 3.) auditability.

Curtis Gans shares Rush Holt’s concerns about early voting and absentee voting, because they eliminate the secret ballot, do not help and possibly hurt turnout, are the biggest invitation to fraud in our electoral system and may deprive millions of voters the opportunity to cast votes on information we should all share. A major national event—for instance in 2004, the capture of Osama bin Laden, a domestic terrorist act, a stock market crash or a substantiated revelation of moral turpitude—could have occurred on the last weekend before the election and 25 million people would have already cast irrevocable ballots without having that information. He does not think internet voting is acceptable because there will never be a 100 percent protection against viruses, hackers or software breakdown that could jeopardize the integrity of the entire process which needs that certain on the one day that ballots are cast and counted. He believes that all the evidence suggests that voting on a holiday or weekend and in an atmosphere in which the motivation to vote has been eroded, that people would go fishing rather than voting. He suggests instead that every state should adopt New York’s voting hours – 6 a.m. to 9 p.m. which would give people three hours on each side of the work day but leave in place the instruments of mobilization which exist on a workday – teachers, employers and shop stewards.

Colorado has created voting kiosks, which allow people to vote outside of their own precincts. This concept should be pursued. Ultimately, there should be a biometrical form of ID to eliminate both the obstacle to voting called registration and purging and also all forms voting fraud, except vote buying and election official fraud. Another problem that must be faced is the recruitment, training and paying for poll workers. Presently, those serving as poll workers tend to be the old who are dying out without replacement.

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Deborah Markowitz said that it is important to identify who the voters are. Presently, the elderly population is a strong voting group and younger people are less likely to vote. How can we engage this younger group in civic life? There is a large growth in Latino voters. Do we need to make changes to accommodate this group? The Voting Rights Act requires that ballots and information be accessible in different languages. Technology is in a time of transition. We should not refute technology because of transitional failures.

Many of the problems at polls stem from poor planning. Election officials need to do a better job in planning. The correct size of a precinct is determined not by the actual number, but by the type of technology/voting machine in use. The length of the ballot also affects the time it takes to vote. Furthermore, a poorly designed ballot affects the vote. In her experience, voters really like early voting and absentee voting, which also takes some of the pressure off the precincts on Election Day.

Norm Ornstein added that voting requires money – more machines, back up systems, more poll workers. Convenience and accessibility are very important. There should be a distinction between early voting and absentee voting. Early voting is more secure. Absentee ballots are often handled improperly. Once a voter takes a ballot elsewhere, coercion is more of a concern. He thinks that early voting should be limited to a few days. He suggested a 24 hour voting period, over the weekend. Large voting areas should be considered, with easy parking and lots of help. Walmarts? Shea Stadium? Mandatory voting should also be considered. Australia has this, with a \$15 fine for not voting. One effect of this is that it changes the nature of campaigning – getting out the voters in a specific party is less important since all must vote.

Carol Swain agreed with a 24 hour voting period and a shorter window of early voting. She asked if there have been any studies to determine how long people will wait in line?

Leo Munoz said that most states seem to be planning ahead for voting infrastructure changes. New precincts follow population shifts – i.e. schools and churches are built where there are new populations, and they become the polling places. He added that newer voters – recently turned 18 year-olds – are totally comfortable with technology. He believes that being able to vote on the internet would increase participation from younger voters.

Jeff Strode commented that he works in technology and is not comfortable with the security of the internet for voting.

Curtis Gans suggested that polling places be easily located on the internet. If the U. S. Postal Service can allow a citizen to put in an address and get a zip code, a similar approach should make possible a citizen getting his or her polling place.

Voter information pamphlets, which give the biographies and self-ascribed issue positions of the candidates and the pros and cons of ballot propositions by proponents and opponents and are, for the states which have them (mostly in the west) the best way for citizens to have an understanding of what is being decided in each election. They can be produced cheaply and in multiple languages and should be available everywhere to insure informed voting.

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The problem with society at the present time is motivation to vote. He has done studies to show that no excuse absentee voting, early voting and mail balloting either have no impact or a negative impact on participation and the evidence exists that the problem of participation is rooted not in procedures but rather in motivation. There is no procedural quick fix to enhancing participation levels and that we need focus on larger issues such as education, civic education, possible mandatory national service, presenting and reinforcing better and more civilly oriented values, strengthening and realigning our political institutions and particularly the political parties, improving coverage of politics and improving the conduct of campaigns.

Rush Holt added that the passage of the 26th Amendment (changing the voting age to 18) did not change the voting participation significantly.

Ken Prewitt asked that if we keep the same system in place and the population grows by 25 percent, will we see a continued decline in voting, or will it grow proportionately? We do not want to increase reasons not to vote.

Congressman Holt added that advertising and promotion can make a difference, giving as an example the increase in participation in the last Census, after precipitous declines in the previous two Censuses. The Census Bureau mounted a huge promotional campaign which seemed to affect participation. He also noted that the Census Bureau uses very sophisticated algorithms to indicate if something is wrong with data. Could a similar method be used to identify technical voting problems in advanced electronic machines?

Rush Holt responded that even if an error is identified, there must be a way to find the correct data. He has also sponsored legislation, the “Voter Deception Bill,” that would criminalize anyone who deliberately misleads voters. Another piece of legislation would allow provisional ballots to be cast anywhere within a congressional district.

Jane DeLung asked if there is work being done on ballot design? What is best practice?

Lesley Reynolds replied that the Election Assistance Commission (EAC) helps states work on this.

Deborah Markowitz added that Vermont has design standards that are primarily set around disability access.

Rush Holt added that election machinery has been dominated by vendors and the hardware needs. There needs to be more thought given to ballot design – whether it be on a screen or on paper.

Jane Junn emphasized that we must be concerned about the nature of representation – both in the quality of representation within the House and also how members interact there. These issues should be disaggregated. Infrastructure issues are very different because they affect the behavior and motivation of the voter. Arguments must be more analytically precise.

Carol Swain discussed the issue of minority/majority representation. The population distribution concentrates most minorities in six or seven states. Whites are distributed more evenly among the states. Minorities think that, as they become more numerous, they will have more power. That will probably not be true and could cause

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disillusionment and civic problems. People don't realize the degree to which they are being short changed. We need to look at the distribution of wealth.

Ken Prewitt encouraged participants to keep in mind the real veto power. A small percent of the population can shut down the amendment process, if all the small size states were to vote against a proposed amendment.

Margo Anderson emphasized that demographic analysis is critical to these issues because of apportionment and the size of the districts. It will be difficult to create majority/minority districts. She also emphasized that these problems take time to resolve.

Ken Prewitt commented that numbers (count and distribution) constitute the non-partisan starting point for what then becomes partisan process of re-districting, representation, etc. He emphasized the importance of ensuring that the count itself is insulated from politics.

Faith Mitchell thanked all the participant and said that PRC would (1) circulate a summary of the meeting, (2) identify research questions, (3) post it on our web site and notify participants and (4) seek support for research grants.



RESEARCH AGENDA

REPRESENTATION

- 1) How do we define Representation?
- 2) What are the issues raised by the disparity between large and small districts?
- 3) What are the implications of a growing number of single and dual Member Districts? How does this affect power? How will these states be able to maneuver politically? Can one Member cover all of the issues that affect a state? How will they fulfill the basic responsibilities of a Member?
- 4) Is it possible to have at-large or “super” seats which transcend state boundaries?
- 5) What are the ways that size matters in the role of a Representative?
- 6) What are the ways to increase the interaction between Representatives and constituents?
- 7) Are there better ways to draw districts to ensure that representation?
- 8) What are ways to insulate our political system from the deleterious effects as the population grows.
- 9) As districts grow in size how does one insure minority, majority districts? If that is not possible, how does the Member remain representatives of constituents from a wide range of income, racial and educational attributes.
- 10) How do we measure access to representation in districts of varying population and geographic size? What are the challenges between a homogenous district and a heterogeneous district?
- 11) Does technology help or hinder the ability of a representative to do their job?
- 12) Will minorities power grow as their numbers increase or will the size of the districts and growth of single member district dilute their power?

INFRASTRUCTURE

- 1) What are the steps to protect the reliability, accessibility and the audit of the act of voting?
- 2) Are there indicators that size, length of time to vote or proximity to poll affect voting participation rates?

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- 3) How does one balance the need for ease and efficiency with the need to protect the ballot and ensure a fair count?
- 4) What are the challenges of the aging “poll workers” with the growing technological experience and expectation of the younger voter?
- 5) What are the characteristics in a state voting system that predict voter registration and turnout? Do states with more creating voting options have a higher turnout?
- 6) Will voting increase if there is a national holiday, if people vote on a weekend?
- 7) Should there be federal standards for machines, size of precinct, hours?
- 8) What is the role of technology vs. participation?