

SNG-“Nuclear options” for political reform-9-15-16

“Nuclear options” for political reform in Illinois

By Jim Nowlan

In the wake of the recent embarrassingly political, 4-3 partisan decision by the Illinois Supreme Court Democratic majority to reject a proposed voter initiative to reduce legislative district gerrymandering, savvy political observer Rich Miller has suggested the “nuclear option” of a voter initiative that would simply abolish the Illinois House altogether!

The idea is not so outlandish as one might think at first blush.

First, such a voter initiative would be constitutional, that is, it would meet the state high court’s wrong-headed requirement that initiatives be both “structural *and* procedural.”

Second, many democratic governments operate quite nicely with unicameral legislative bodies. Readers probably know that Nebraska has a one-house legislature, which they call the senate. [And that state appears to have avoided the dysfunction for which Illinois has become noted.]

Costa Rica is probably the healthiest democratic society in the Americas south of the U.S., other than maybe Uruguay. When I was that sunny clime some years ago, I visited their unicameral “assembly.” And the 30 states of Mexico also operate with unicameral legislatures.

I think Rich Miller had in mind that an effort to put such a proposal on the ballot might spur the Illinois General Assembly itself to enact redistricting reform, to stave off the abolition effort.

I believe the idea has merit on its own, at least for further consideration.

Another major idea that would assuredly pass constitutional muster with the court is to reinstitute cumulative voting for election to the Illinois House.

When I was a young legislator, members to the Illinois House were elected from three-member districts. Each voter had three votes to cast for candidates in a district, and voters could “cumulate” their votes, that is, cast all three votes for one candidate.

This voting scheme was put into the Illinois Constitution of 1870 by *Chicago Tribune* publisher and delegate Joseph Medill, who saw it as a way of ensuring that the minority party would be represented in each district.

So in my predominantly Republican district, the Democrats always elected one House member by cumulating their votes behind him (mostly “hims” then).

The minority representation system had the benefit of putting suburban Democrats (often very effective ones) into that party’s caucus, and Chicago Republicans into the GOP caucus, then dominated by downstaters.

A kind of cross-fertilization resulted, which moderated the positions of both caucuses and also reduced, certainly didn’t eliminate, the power of the Speaker.

For example, suburban House Democrats felt a bit more independent of the Speaker, confident they could be re-elected with their staunch local Democratic supporters, even if the Speaker came in and tried to beat them because of apostasy.

A proposal to reinstate cumulative voting would also have to be found constitutional by the state high court, because it would be the exact obverse of the proposal that made it to the ballot in 1980 and eliminated cumulative voting.

In 1980, populist and later governor Pat Quinn convinced voters that elimination of cumulative voting *and* reduction in the size of the legislature (both were in the same proposition)

would save money—and send a message to the lawmakers who had earlier given themselves a post-election pay raise.

I firmly believe most voters supported the Quinn “Cutback Amendment” because of their desire to get back at lawmakers, not because they wanted to eliminate cumulative voting.

Cumulative voting wasn’t perfect; no voting scheme is.

In practice, as the minority party often had no chance of electing more than one of the three, the party would only nominate one, rather than the two or three it could nominate.

This resulted in fall elections in which voters often had only three choices on the ballot in their district—for three positions!

Yet today, with legislative gerrymandering of voters into districts that lean heavily to one party or the other (protecting incumbents), there is probably even less competition in the fall than there was under cumulative voting.

The flaw in the old system could be addressed, to some extent, by requiring parties to put at least two candidates on the ballot.

In sum, I think cumulative voting had virtues that make it highly preferable to what we have today.

Because the state high court has in effect nullified our constitution’s proviso that voters be given a chance to change the legislative branch of government, a nuclear option should be considered.

[As an aside, I hope the four Democrat justices on the Illinois Supreme Court feel ashamed of themselves for hiding behind picayunish, hair-splitting reasoning that will deny voters the chance to reform the almost anti-democratic gerrymandering of the present. And for badly tarnishing the credibility of a state court we would like to hold in high esteem, but can’t.]