



# FAIR TODAY FAIR TOMORROW

*Why a hybrid city council is the  
unifying choice for Austin*



WE ARE SELECTING A SYSTEM THAT WILL LIKELY ENDURE FOR HALF A CENTURY. IT SHOULD PROMOTE A UNIFYING, CONSENSUS VISION.

The existing 'Gentlemen's Agreement' originated in 1971. It is likely that any new electoral system for the Austin City Council will endure just as long. As a result, the **new system should seek to address past injustices and contemporary problems as well as aim to create a resilient design that can deal with emerging trends as well as unknowable complications.**

A system of geographic representation for the Austin City Council is long overdue. Those of us who believe in the importance of geographic representation in Austin must all work together as a significant number of Austin voters want no change at all. **Without consensus to move forward with one proposal on the ballot, there will be little opportunity to achieve change.**

SINGLE-MEMBER DISTRICTS SHOULD BE THE BASELINE OF ANY NEW CITY COUNCIL ELECTION DESIGN. COMBINING EIGHT SMDs WITH TWO AT-LARGE (8-2) SEATS WOULD MAKE THE DESIGN FAIRER AND MORE RESILIENT.

The advantages of including some single-member district (SMD) seats in a new design are clear: (1) policy becomes more inclusive as city council members from geographic districts must cater to the *neighborhood* median voter in their district as opposed to the same *citywide* median voter as all other council members and (2) there is a clear assignment of responsibility by geography for dealing with customer service issues and neighborhood development deliberations.

The members of Austin Community for Change (AC4C) believe that a new system must include a significant number of geographic districts. However, AC4C also believes that **the many potential downsides of exclusively geographic-based representation should be countered by the inclusion of two at-large seats elected citywide.** There are three main reasons why this is a superior design:

1. It creates a **fairer system** that addresses the empirical shortcomings of SMDs such as reducing women's likelihood of equal electoral success and undercutting the political access of geographically-dispersed groups (e.g. Austin's Asian American community, GLBT community, African American community)

2. There is a [political access safety valve](#) both for Latinos, as well as non-Voting Rights Act protected groups (e.g. renters, people with disabilities) in the event that SMD boundaries intentionally or unintentionally dilute their ability to gain representation
3. A [fiscal firewall](#) is needed given the spending incentives created by the growth in the number of legislators and their heightened interest in neighborhood 'pork'

We now turn to discuss each of these three major points in the sections below.

## INCLUDING AT-LARGE SEATS ENSURES FAIR POLITICAL ACCESS TO ALL AUSTINITES

Empirical social science demonstrates that geographic districts undercut descriptive representation<sup>1</sup> opportunities for various identity groups including women, Asian Americans, the GLBT community, and potentially Latinos (depending on population proportion and district design). **A fair system would achieve a balance between SMDs and at-large districts to ensure access to descriptive representation by all Austin identity groups.**

The most recent and exhaustive review of the descriptive representation effects of at-large versus single-member districts examined a national data set of 7,174 cities and concluded that **only African American male candidates are significantly helped by single-member districts** in achieving at least one seat of representation as well as matching the underlying proportion of their ethnic group's population. Women candidates are modestly hurt, with women of Anglo descent faring the

"...the probability of a council having at least one female councilor is high: about 83% in at-large systems and about 80% in district systems, with the expected proportion of female councilors going from 20% in at-large cities to 18% in cities with district elections...Our findings reflect the conventional wisdom; women do better with larger city councils, but in at-large cities this effect is much more pronounced."

From "The Context Matters: The Effects of Single-Member versus At-Large Districts on City Council Diversity" by Jessica Trounstone & Melody E. Valdini (2008)

worst. Latino representation hinges on the overall population share and district design. Not surprisingly, SMDs are better at achieving descriptive representation for Latinos when they are a

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<sup>1</sup> By 'descriptive' representation, we are referring to the perceived identity of an elected official. So for example, a geographic district with a majority Mexican-American voter population might have a preference for an elected official that reflects voters' ethnicity. This is a descriptive representation goal; it is different than 'substantive' representation, which focuses on policy and resource allocation. The same theoretical district might have a strong preference for investment of public funds in early childhood education programs. This is a substantive goal. Why the distinction? Because it is quite possible that candidates fulfill descriptive goals and not be either effective in achieving or supportive of substantive policy preferences.

very small proportion of the population - under 5% - but lost their superior descriptive fairness as the Latino population share grows larger, as is the case in Austin.<sup>2</sup>

**The deleterious effect of SMDs on female representation is a consistent finding in the most prominent articles in the research literature** on women's legislative representation and electoral institutional design.<sup>3</sup> The precise reasons for the success of women in at-large systems are elusive, but there's a suggestion that the lack of direct head-to-head competition in the at-large districts is more helpful to female candidates' style and triggers less overt sexist bias in voters. Obviously, women tend to be distributed in equal proportions across geographic district boundaries undermining the type of concentration that enables ethnic representation to be increased through boundary design.

**Latinos, Latinas, and female African Americans seem to represent at least one seat on a city council as well as match their underlying proportion of the population at relatively similar levels under at-large districts and SMDs.**<sup>4</sup>

Hispanics in particular show significant variation in the level of ethnocentric voting and have lower turnout; therefore, SMDs tend to prove superior to at-large at a statistically significant level in those contexts where district design highly concentrates Latinos.<sup>5</sup> Obviously, if taken too far, such packing could be detrimental to representation relative to an at-large system. The aspirations for higher Austin Latino representation amongst proponents of an exclusively SMD system hinge on Latino-friendly district design as well as the continued survival of the Voting Rights Act.

"I strongly concur with the need for a transition to a city council election system that is primarily geographically-focused as this represents the best method for addressing underrepresentation of the Hispanic community and many neighborhoods. For Austin's Asian-American community which is fast-growing and geographically-dispersed, the best chance of gaining representation is through an at large seat. For us, descriptive representation is actually substantively important because of the unique immigration patterns, language barriers, and acculturation process. Simply put, we want a fair, inclusive system that allows each community and group to have their best chance at obtaining representation on the city council."

Richard Jung  
2012 Austin City Charter Revision Committee Member  
Board Member Asian American Resource Center  
Board Member Network of Asian American Organizations  
Board Member Korean American Association of Greater Austin

<sup>2</sup> Jessica Trounstine & Melody E. Valdini, "The Context Matters: The Effects of Single-Member versus At-Large Districts on City Council Diversity", *American Journal of Political Science*, July 2008, vol. 52, no. 3; *this article makes several methodological contributions that make it the highest quality piece of research on this subject. The contributions are outlined in Appendix A.*

<sup>3</sup> Darcy, Robert, Susan Welch, and Janet Clark. 1985. "Women Candidates in Single-Member and Multimember Districts: American State Legislative Races." *Social Science Quarterly* 66(4): 945-53.; Matland, Richard E. 1995. "How the Electoral System Structure Has Helped Women Close the Representation Gap." in *Closing the Gap, Women in Nordic Politics*, ed. Lauri Karvonen and Per Selle. London: Dartmouth, 281-312; Matland, Richard E., and Deborah Dwight Brown. 1992. "District Magnitude's Effect on Female Representation in U.S. State Legislatures." *Legislative Studies Quarterly* 17(4): 469-92.; Norris, Pippa. 1985. *Politics and Sexual Equality*. Boulder, CO:Reinner; Rule, Wilma. 1994. "Parliaments of, by, and for the People: Except for Women?" In *Electoral Systems in Comparative Perspective: Their Impact on Women and Minorities*, ed. Wilma Rule and Joseph F. Zimmerman. Westport, CT: Greenwood, 15-30.; Schwindt-Bayer, Leslie A., and William Mishler. 2005. "An Integrated Model of Women's Representation." *Journal of Politics* 67(May): 407-28; Welch, Susan, and Donley Studlar. 1990. "Multimember Districts and the Representation of Women: Evidence from Britain and the United States." *Journal of Politics* 52(2): 391-412. ; Trounstine and Valdini, (2008).

<sup>4</sup> Trounstine and Valdini (2008)

<sup>5</sup> Trounstine and Valdini (2008)

Both of these assumptions are uncertain; future district designs are hard to predict and the existing conservative majority of the United States Supreme Court poses a threat to the legality of the Voting Rights Act.

Austin Asian Americans are a fast-growing but geographically-dispersed set of groups. Austin's lesbian & gay communities are also a geographically dispersed. These identity groups are more likely to achieve one seat of representation and/or match their underlying population share on the city council through a hybrid system.

Further, there are many other highly relevant groupings relevant to policy-making (e.g. renters, parents, people with disabilities) that are not geographically concentrated. For many of these groups, retaining the ability to pool their vote for a citywide candidate will be vital to maintaining influence proportionate to their size in the population instead of being overwhelmed by majorities with different substantive priorities within SMD boundaries.

“Unless a city includes both a ‘gay ghetto’ with population sufficient to comprise a voting majority of a single district and an existing power base through friendly legislators to ensure the drawing of district lines to encompass rather than divide the ghetto, districts do not serve the interests of gays and lesbians.”

From “Institutions Matter: Local Electoral Laws, Gay and Lesbian Representation, and Coalition Building Across Minority Communities” by Gary M. Segura in *Gays and lesbians in the democratic process: public policy, political opinion, and political representation* by Ellen D.B. Riggle and Barry L. Tadlock (1999)

A hybrid system would offer voters an opportunity to fulfill both descriptive desires with their geographic candidate, as well as receive the expressive benefits of affirming diversity to ‘round out’ the City Council through the at-large seats. We further explore the evidence of diversity-affirming voting in Austin in the next section.

## AT-LARGE SEATS ARE A POLITICAL ACCESS SAFETY VALVE AGAINST UNFAIRNESS CREATED BY POOR GEOGRAPHIC DISTRICT DESIGN

Much of the potential descriptive representation gains for identity groups (i.e. Latinos) depend on the favorable design of districts.<sup>6</sup> This is also the case for groups - such as renters - that don't have legal safeguards protecting their ‘stacking’, ‘cracking’, or ‘packing’ (SCP) into districts to dilute their influence. **It is hard to predict the design of districts in the future and virtually impossible to anticipate all of the unintended consequences of specific geographic district boundaries.**

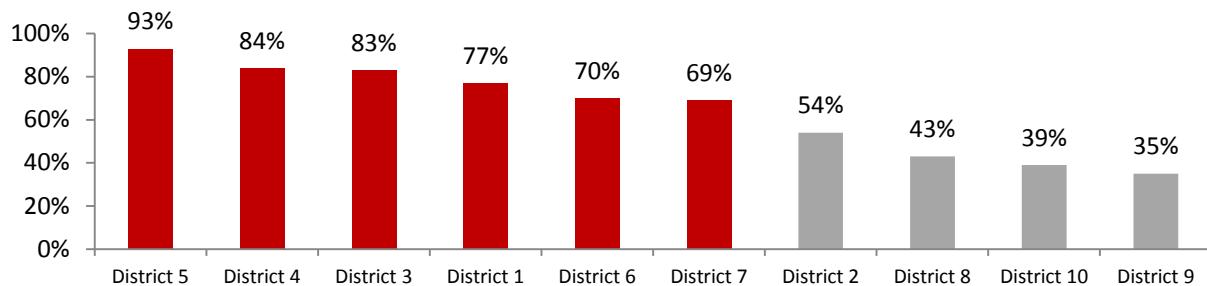
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<sup>6</sup> In general, one of the dilemmas posed by geographic districts is avoiding ‘stacking’, ‘packing’, and ‘cracking’ of historically-disadvantaged groups. In the Latino case specifically, as discussed in the above cited work by Troustine, Latino's exhibit a less ethnocentric approach to voting in municipal races. Hence, to ensure Latino representation, SMDs often need a high concentration of Latino voters. However, this opens the door to potential dilution.

For example, San Antonio - which has a city council composed of ten SMDs and is 63% Hispanic according to the 2010 Census - features several district designs with substantial Hispanic concentration which reduce Hispanic descriptive opportunities in multiple districts drained of Hispanic voting age population (See **Figure 1**). Simply put, SMDs coupled with a substantial Hispanic population are not enough to avoid SCP strategies, even in a city where the Voting Rights Act is in effect.

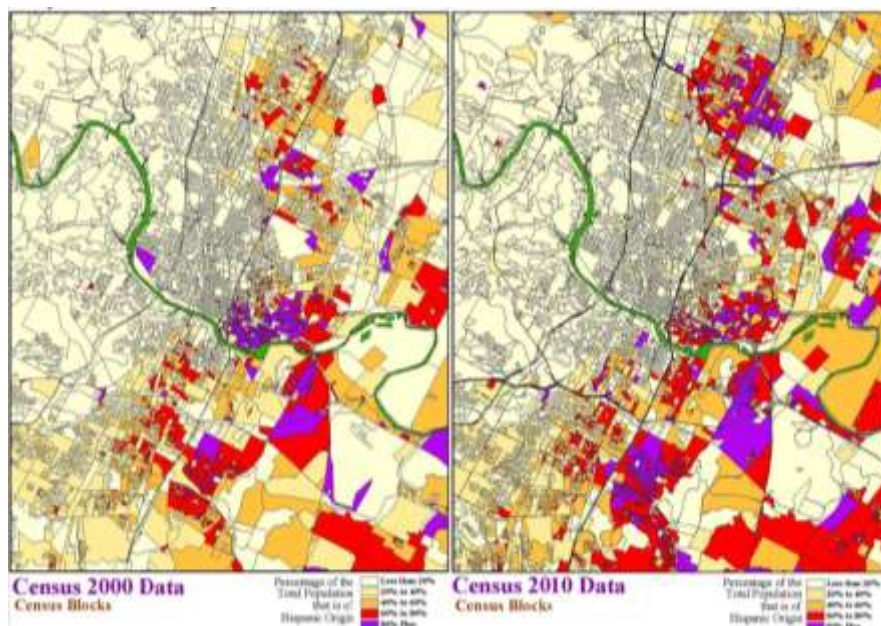
**Figure 1. Six out of Ten San Antonio SMDs pack Hispanics**

San Antonio is 63% Hispanic



**The risk of SCP strategies in Austin are particularly acute for the Latino community as a result of their geographic concentration in the East and South of the city.** A scenario where Austin’s Latino population continues to grow its share but does not disperse evenly across neighborhoods is particularly problematic for an exclusively SMD approach. Such a scenario would resemble the pattern of growth from 2000 to 2010 (See **Figure 2**).

**Figure 2. Latino population share increase does not necessarily lead to equal dispersion across neighborhoods**

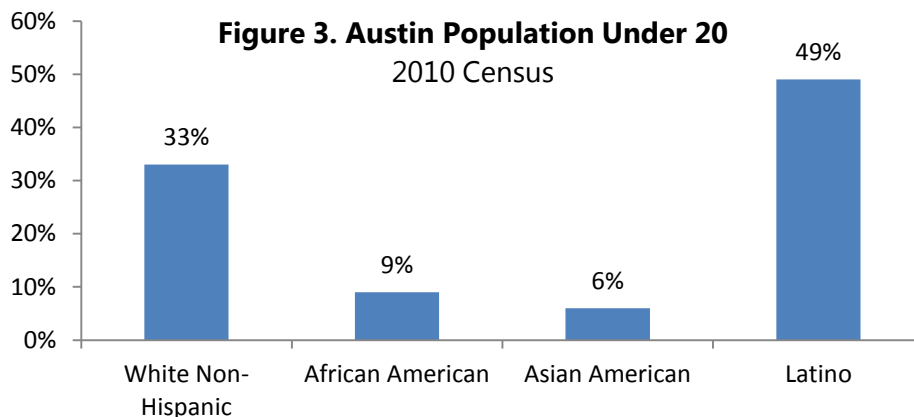




Dense Latino concentration facilitates (1) the packing of the group into a few significantly overloaded districts (such as San Antonio’s District 5) combined with (2) the dilution of the group by adjoining smaller sliver to adjoining districts. The lack of any preliminary prototype SMD maps have made it impossible to achieve public clarity on how anti-Latino SCP strategies can be avoided in Austin.

**Providing some at-large seats provides a ‘safety valve’ for minority groups with citywide presence that are not geographically concentrated (e.g. African Americans, Asian Americans), as well as for ethnic groups that might be exposed to aggressive SCP strategies (especially if the Voting Rights Act is ruled unconstitutional in the future) such as Latinos.**

For the emerging Latino population in particular, at-large seats as a way to manage risk of voting strength dilution through SCP strategies; this is feasible given that Latinos tend to achieve the same amount of success under SMDs and at-large systems once they begin to exceed a small share (i.e. 5 percent) of the population. Moreover, given that Latinos already roughly achieved majority status in the under 20 year-old population, the citywide median voter is poised to grow increasingly Latino (see **Figure 3**).



For African Americans, at-large seats provide a second venue to achieve descriptive representation in the event that a favorable district cannot be designed.

The enduring nature of Austin’s ‘Gentlemen’s Agreement’ demonstrates that local voters approach at-large representatives under the prism of a set of norms that value affirming diversity. This pattern is also observed in some of the other communities with at-large voting,

which is why the superiority of SMDs over at-large districts for certain groups such as Latinos, Asian Americans, as well as gays and lesbians is highly contextual and not straightforward.<sup>7</sup>

Preserving some at-large seats to provide descriptive representation and substantive influence opportunities for Asian Americans, African Americans, as well as gay and lesbian candidates is viable given Austin's already existing diversity-affirming norms in at-large voting. Further, given the findings of how women tend to achieve fair levels of representation at lower rates under SMDs, it is sensible to preserve some at-large seats to maintain their contemporary near-parity rates of representation on the City Council.

Finally, **a hybrid system also provides a constituent services safety valve.** SMD council members are only human and may not always provide the help neighborhood residents expect. They may not share concern for a particular issue, especially if the concern is from an opposing coalition; they may have a legal conflict of interest; they may become incapacitated through illness or accident; or they may not form effective alliances. Under any of these circumstances, at-large members can serve as a backup access point to government.

## INCLUDING AT-LARGE SEATS CREATES A FISCAL FIREWALL THAT PROTECTS THE CITY'S FINANCES FOR FUTURE GENERATIONS

The increase in total elected seats combined with the lack of strong-mayor veto power creates a significant risk that Austin will become a public expenditure outlier. Legislative bodies with geographic districts tend to spend more on neighborhood-focused public goods when there is a weak mayor.<sup>8</sup> As the number of seats (whether at-large or SMD) increase, then the coordination costs amongst the higher number of legislators along with their focus on neighborhood constituent needs mean higher expenditures relative to similar communities with fewer legislators.<sup>9</sup>

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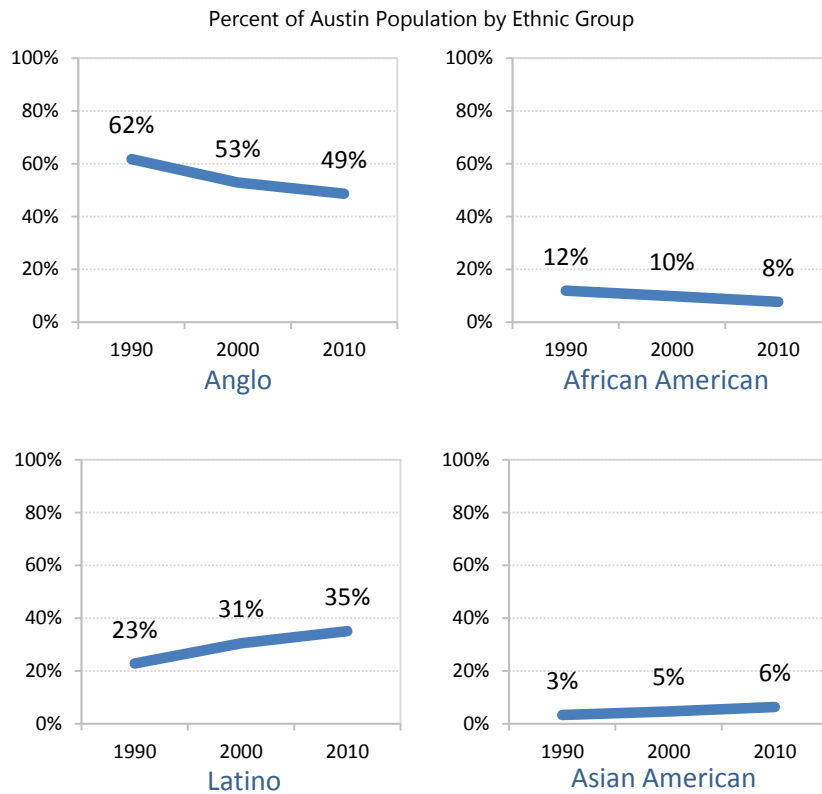
<sup>7</sup> Gary M. Segura, *Institutions Matter: Local Electoral Laws, Gay and Lesbian Representation, and Coalition Building Across Minority Communities* in Gays and lesbians in the democratic process: public policy, political opinion, and political representation by Ellen D.B. Riggle and Barry L. Tadlock, Columbia University Press, 1999; Troustine (2008)

<sup>8</sup> Laura I. Langbein, Philip Crewson & Charles Neil Brasher, "Rethinking ward and at-large elections in cities: Total spending, the number of locations of selected city services, and policy types", *Public Choice* 88, 1996, vol. 88, no. 3-4

<sup>9</sup>Reza Baqir, "Districting and Government Overspending", *Journal of Political Economy*, 2002, vol. 110, no.6; Langbein, Crewson & Brasher (1996)



**Figure 4. Groups benefitting from an initial wave of neighborhood-focused spending will likely not be the same groups that will finance it**



Without council members accountable to a citywide median voter (or passage of a new mayoral veto power that covers fiscal policy) one would expect higher levels of neighborhood-focused spending.

**This new fiscal dynamic could create a severely unjust inter-generational transfer from future *citywide* public goods (and proportionately more Latino and Asian American) Austin residents towards neighborhood-level public goods for the highly-engaged constituencies of today's status quo electorate.**

Proponents of SMDs are correct that fairly designed geographic districts are likely to lead to greater opportunities for Latinos and/or candidates from outside Central Austin. However, one significant downside to an exclusively SMDs system is that now all candidates are focused on the narrower needs of their neighborhood and in delivering geographically-targeted public goods (i.e. "park improvements for my neighborhood", "more cops for my district").

Since many of the new public goods delivered during this potential spending ramp up will involve either pension guarantees or involve capital expenditures, there is an inter-generational transfer from future generations to current consumption. And because Latino and Asian American growth is likely to continue (See **Figure 4**) it is quite likely that the beneficiaries of the spending bump as will be ethnically quite different from those saddled with paying for it.<sup>10</sup>

“Evidence from U.S. cities shows that scaled measures of government size do indeed go up with the number of legislators in a city government. The finding is robust to consideration of a number of possibly omitted variables and specifications...for any government, keeping the fiscal house in order depends in large part on how many people get to spend out of the tax revenue pool. When more people are added, everybody, including the incumbents, raises his or her spending decisions.”

From “Districting and Government Overspending” by Reza Baqir (2008)

**Perhaps most disturbingly, instead of focusing on citywide improvements to shared public goods, the incentive is for geographically-discernible benefits that some would describe as ‘neighborhood pork’.** For example, instead of focusing transit choices linked to citywide median income growth, elected officials will have an incentive to disproportionately focus on sidewalk repair in the corners of their district with highly engaged homeowners.

Austin will have to balance the desire to create opportunities for African-American representation and for every major neighborhood to be represented with logrolling downsides, as well as the threats posed to an optimal public investment and fiscal policy. AC4C supports increasing the number of seats to ensure the viability of an African American influence district and cover all major Austin neighborhoods. However, as a result of this increase in the number of seats, it is vital that geographic seats be balanced by representatives responsible to the citywide electorate and hence more likely to resemble a strong mayor in their advocacy of a fiscally responsible approach.<sup>11</sup>

## THE DESIGN OF INSTITUTIONS MATTERS. SOCIAL SCIENCE AND DATA-DRIVEN DECISION-MAKING CAN HELP US MAKE BETTER CHOICES.

AC4C believes that the design of our local city council election system is both a high-stakes choice for Austin and one that eludes simple answers. We have drawn from contemporary social science research and proposed a hybrid approach that balances the advantages and shortcoming of SMDs and at-large districts and acknowledges the uncertainty created by not knowing future district boundaries or long-term demographic and political trends.

<sup>10</sup> From the City of Austin Demographic Profile. Source data accessed at: [http://www.austintexas.gov/sites/default/files/files/Demographic\\_Profile.pdf](http://www.austintexas.gov/sites/default/files/files/Demographic_Profile.pdf)

<sup>11</sup> The research literature on this topic - including the previous citations - features varying findings on the relative effectiveness of at-large seats versus a strong mayor in preserving fiscal soundness. In general, a strong mayor is most likely to prevent a community from being an expenditure outlier; research suggests that exclusively at-large systems and hybrid systems are sometimes not as effective as a strong mayor. Hence, the inclusion of at-large seats in an Austin hybrid system are a sub-optimal strategy for fiscal responsibility relative to a strong mayor but much more likely to lead to a similar outcome as a strong mayor than an exclusively SMD approach.

Hybrid opponents cite a 1990 decision against Dallas' 8-3 system as evidence that hybrids are illegal. However, that case mostly addressed campaign finance requirements and packing of African-Americans into SMDs. At-large districts were not the deciding or sole motivating factor in the case. Further, no African Americans and only one Latino had won Dallas at-large seats by 1990 – a fact pattern violating voter protections. Austin's at-large track record is quite different. **Regardless, Houston presently has an 11 SMD & 5 at-large hybrid system.**

Opponents of a hybrid system also argue that two at-large seats will create an unfair majority voting block from Central Austin. In the unlikely event that the mayor and both at-large positions were elected from the same district and voted in lockstep with the area's representative, the resulting 7-4 block would not be enough to override the remaining geographic majority. Recent high profile 4-3 Council vote splits highlights that lockstep voting is highly improbable even when members are from the same area.

Ultimately, AC4C's proposal provides the best management of risks to fair representation and fiscal profligacy while rectifying the injustices of an exclusively at-large system. The practical balance of a hybrid system will appeal to voters skeptical of an exclusively geographic approach. The hybrid approach is a proven, legal, and fair system that can build the inclusive future for Austin that we all want. We hope the evidence presented here will enhance the quality of the deliberations amongst Austin residents and elected officials on this important policy choice.

## **APPENDIX A – METHODOLOGICAL CONTRIBUTIONS OF THE TROUNSTINE-VALDINI STUDY**

The Trounstine-Valdini study improves on previous research by:

1. Taking into account the large number of cities with no female or minority council members and using tobit models to predict the likelihood that a city will elect any women or people of color and then to estimate the proportion of female and minority councilors
2. Previous research on electoral systems and underrepresentation tested the effects of either segregation or group size. Trounstine-Valdini included both variables
3. Use of a very large sample size (n=7174 cities)
4. Moves beyond looking exclusively at race/ethnicity and adds gender into the model

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