

# Proportional Representation In New York City

New York City's Experiment with  
Proportional Representation and Multi-Party Democracy



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## Proportional Representation in New York

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In Proportional Representation in New York, FairVote explores the causes and effects of New York City's adoption of Single Transferable Vote in 1936.

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# Abstract

In 1936, New York City voted to change how its city council was elected, beginning the single largest experiment in proportional representation in American history. The electoral reform combined ranked choice voting with multi-winner districts and a unique apportionment scheme to guarantee fair outcomes and minority representation. This combination is often referred to as “proportional representation” (PR), or as “single transferable vote” (STV) when discussing other forms of proportional representation. While not a panacea for the turbulent and frequently political machine-driven policy struggles of the era, we find that this reform led to a more collaborative policy approach and produced more effective and knowledgeable legislators. For the first and only time, elections represented NYC voters proportionally, and the city’s heterogeneous opposition to the Democratic Party was placed within one vote of a majority. While STV survived two attempts at repeal by significant margins, and led to the success of number of popular bills and influential new politicians, it was ultimately doomed by two factors: the era’s “red scare” over Communism, and a reversal of the Republican Party and many business elites’ (including newspaper owners) stance on the reforms. Following repeal, the city council returned to disproportionate and comprehensive dominance by the Democratic Party, where it remains today.

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# Introduction

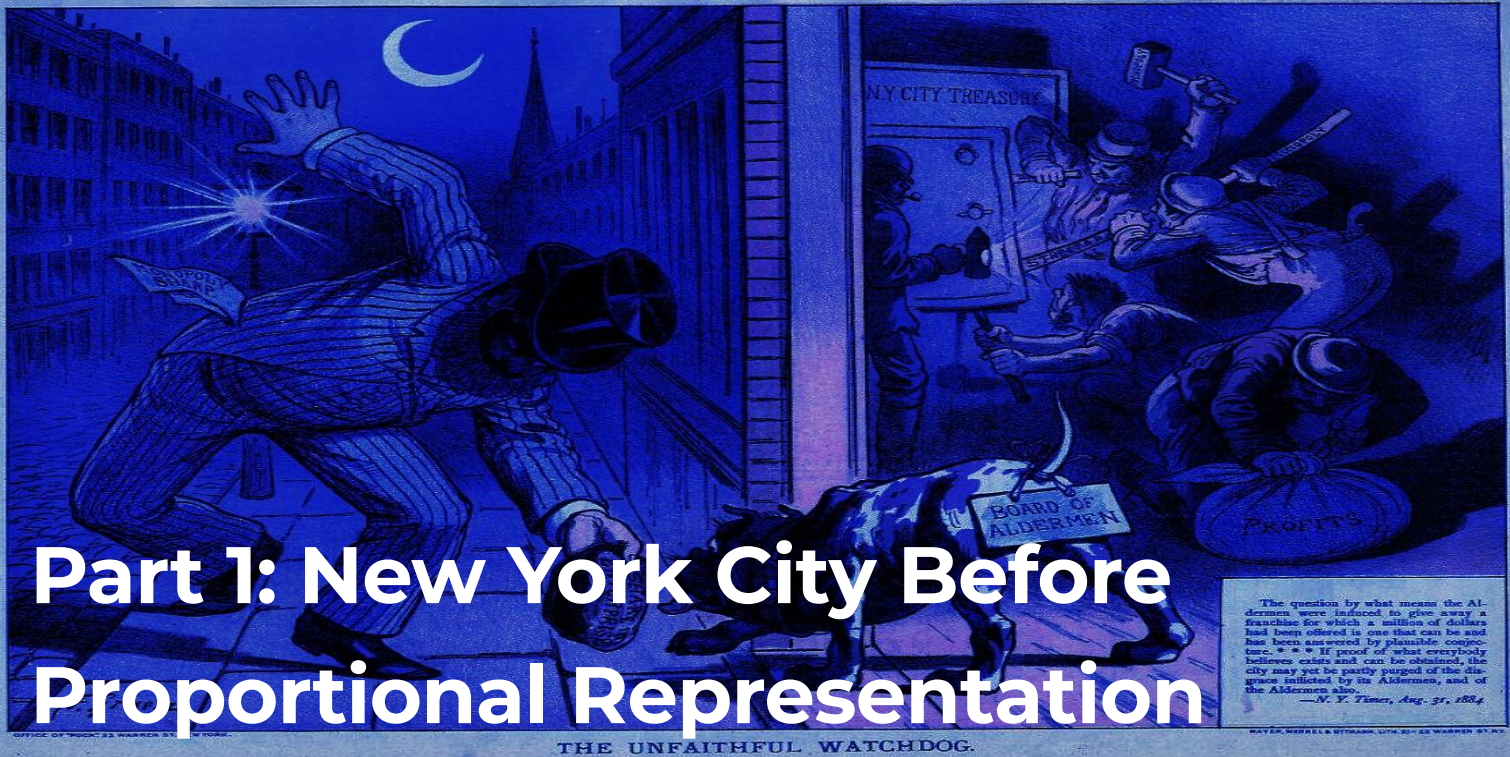
The adoption of multi-winner ranked choice voting (RCV) by New York City in 1936 marks the high water mark for electoral systems reform as a progressive goal. The good government groups and reformers who successfully passed RCV did so at the height of their power, but even as their council reforms went into effect, American politics was being realigned in ways that would close the window for non-partisan election reform.

New York's proportional system was beautifully designed, ensuring a mix of local representation, minority representation, and third party representation that New York had never seen before, and would never see again. The scope of these reforms raises the question, how was such an ambitious system ever passed, and having passed, how was a system that achieved such an improvement in representation repealed?

This paper attempts to answer these questions, and to determine what, if any, answers, New York has for those who seek to create more permanent electoral change today. Answering these questions requires understanding how radically alien the world of politics before the fifth party system is to us now, and how the events that culminated in New York's proportional representation system influenced, and were in turn influenced by national realignments..

Overall we hope this report will remind people in New York and nationally that a different politics is possible. Single winner districts elected via plurality rules may have been the norm for most of our history, but given the right opportunities and the right vision, serious reform can be achieved and succeed.





# Part 1: New York City Before Proportional Representation

## The Board of Aldermen

In the 1930s, few of New York’s political institutions were as frequently ridiculed as the city’s legislature: the Board of Aldermen. The board was composed of 65 aldermen representing single-winner districts. It was the legislative authority of the city, but over the decades, the board had gradually lost its grip on power, retaining limited lawmaking authority in the lead up to proportional representation. The historian Frederick Shaw offers a detailed account of the board’s operation preceding proportional representation, in which he argues that the board possessed very little real power, and even less of the skill required to use that power.<sup>1</sup>

The reputation of the board was that it was incompetent and corrupt, lacking the political will, or even legislative acumen to challenge the will of the other branches of city government. On the whole, this reputation was well deserved. Meetings were described as “perfunctory,” and the discussion of policy, if it occurred at all, almost never incorporated a serious deliberative process. In 1933, The Citizens Union, a good government watchdog, rated 64 out of the 65 aldermen as “unfit to serve.”<sup>2</sup> In an illustrative anecdote, Shaw recounts how one Irish alderman was convinced by a mischievous reporter to introduce a resolution that public buildings be decorated on Queen Victoria’s Birthday. When facing down a meeting packed with furious Irish activists, the exasperated alderman exclaimed “Does anyone here think I would have introduced such a resolution if I knew what was in it?”<sup>3</sup>

1. Shaw, Frederick. *The History of the New York City Legislature*. Columbia University Press, 1954., 57-109

2. *Ibid*, 69-70

3. *Ibid*, 50

In part, the failures of the body could be explained by how its membership was selected. While each alderman did need to be reelected every two years, the Democratic Party machine had definitive influence over the electoral process. Democratic leadership, and leaders of Tammany Hall in particular, played kingmaker with an electoral machine they had been refining for the better part of a century. Most aldermen were selected on the basis of their loyalty to the party, and not necessarily with the quality of legislative acumen. It was not uncommon for aldermen to be uneducated or disinterested in policy; almost no alderman had legal knowledge or skills to analyze municipal policy. The Republicans were the only elected opposition to the machine but never obtained more than a quarter of the seats in the decade before PR, rendering their opposition entirely symbolic. Their procedure for candidate selection was seldom more meritocratic.<sup>4</sup>

The New York City Board of Aldermen rarely passed any legislation of substance, largely because its powers had been eroded over the decades, but the council also made very limited use of the powers it did have. Before 1924, the board of aldermen had been forced to tread carefully, given the fact that the state legislature maintained ultimate authority over the body. But even after the home rule amendment, challenges to the authority of the board remained. The home rule amendment had come with a newly constituted board of estimate, which absorbed responsibility for fiscal policy; the mayor's office retained its veto power; and the state continued to play a legally ambiguous but significant role in governing the city. Legally, the powers of the board had been narrowly defined. In practice, the body had even less influence. When Democrats could rely on control of the mayor's office, the board of estimate, the municipal bureaucracy, and the city's public services, it made little sense to entrust responsibility to a board of 65 elected legislators.<sup>5</sup> If outside forces had narrowly circumscribed the functions of the board, its membership did little to advocate for their influence. The principal purpose of the council, as perceived by its membership, was to secure patronage for their district. The aldermen seldom discussed citywide policy, and when they did it tended to be insignificant or uncontroversial.<sup>6</sup> The Citizens Union explained the lackluster record of the board through its deference to the machine.

“The large powers conferred by the Greater New York Charter upon the Board of Aldermen are not commonly understood because many of them are seldom exercised. Many others when exercised are used for the sole purpose of securing patronage for the district organizations of the political parties, or to gain partisan advantages... The Board of Aldermen serves rather as an adjunct to the political organizations than as a branch of the city government.”<sup>7</sup>

At the heart of the incompetence, corruption, and powerlessness of the city legislature, was an electoral system that was incapable of making the body accountable to the people of New York. Carefully gerrymandered winner-take-all districts, coupled with established third parties that consistently split votes ensured grossly disproportionate outcomes in council elections. Aldermanic elections in the 1930s could not be considered democratic. Between 1931 and 1937, Democrats received between 51 and 66 percent of the vote, but won between 75 and 98 percent of the seats on the board of aldermen.

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4. Shaw, 94-95

5. Ibid, 49

6. Ibid 34

7. “Report of the Committee on Board of Aldermen of the Citizens Union.” (New York, 1911)

## Figure 1: Proportionality of the New York City Legislature Over Time

	Party	Votes	Seats in Proportion to Votes Cast	Seats Won	%of Votes Cast	%of Seats won	Proportionality Gap
1925	Democratic	688,447	40	61	61.60%	93.80%	32.20%
	Republican	372,859	21.7	3	33.40%	4.60%	-28.80%
	Fusion	6921	0.4	1	0.60%	1.50%	0.90%
	Socialist	47095	2.7	0	4.20%	0%	-4.20%
	Others	1706	1	0	0.20%	0%	-0.20%
	Total	1117028	65	65	100%	100%	0.00%
1927	Democratic	684,137	40.7	58	62.60%	89.20%	26.60%
	Republican	352,080	20.9	7	32.20%	10.80%	-21.40%
	Socialist	51,629	3.1	0	4.70%	0.00%	-4.70%
	Others	4690	0.3	0	0.40%	0.00%	-0.40%
	Total	1,092,536	65	65	100.00%	100.00%	0.00%
1929	Democratic	842,686	40.5	61	62.20%	93.80%	31.60%
	Republican	428,650	20.6	4	31.70%	6.20%	-25.50%
	Socialist	77962	3.7	0	5.80%	0.00%	-5.80%
	Others	4422	0.2	0	0.30%	0.00%	-0.30%
	Total	1353720	65	65	100.00%	100.00%	0.00%
1931	Democratic	851216	42.3	64	65.00%	98.50%	33.50%
	Republican	339050	16.8	1	25.90%	1.50%	-24.40%
	Socialist	110254	5.5	0	8.40%	0.00%	-8.40%
	Others	8774	0.4	0	0.70%	0.00%	-0.70%
	Total	1309294	65	65	100.00%	100.00%	0.00%
1933	Democratic	969445	33.3	49	51.20%	75.40%	24.20%
	Republican	772463	26.5	16	40.80%	24.60%	-16.20%
	Recovery	28156	1	0	1.50%	0.00%	-1.50%
	City Fusion	9807	0.3	0	0.50%	0.00%	-0.50%
	Socialist	75827	2.6	0	4.00%	0.00%	-4.00%
	Other	39112	1.3	0	2.00%	0.00%	-2.00%
Total	1894810	65	65	100.00%	100.00%	0.00%	
1935	Democratic	1137609	43.2	62	66.40%	95.40%	29.00%
	Republican	447405	17	3	26.10%	4.60%	-21.50%
	Socialist	65839	2.5	0	3.90%	0.00%	-3.90%
	Others	61218	2.3	0	3.60%	0.00%	-3.60%
	Total	1712071	65	65	100.00%	100.00%	0.00%



Within the winner-take-all system, it's difficult to measure the appeal of third parties, which were forced to campaign against the idea that they were spoilers. Those who were drawn towards third party candidates, but believed it would be non-strategic to vote for them, do not appear in these data. These preferences may be better reflected by the proportional representation system, and we can see that at least by 1937, nontraditional parties have major appeal. Representation was not just disproportionate by party; it also failed to reflect the principle of equal representation. Geographically, the board of aldermen represented a New York of the past. As people rapidly emigrated from Manhattan, the reapportionment process lagged behind. This left the average alderman from Manhattan representing 69,000 New Yorkers, while the average alderman from Queens represented 232,000 New Yorkers.<sup>8</sup>

In sum, the electoral system guaranteed supermajorities for the Democratic party while failing to accurately represent the people of New York or allow alternative voices to be heard. In an environment where aldermen lacked such a fundamental level of accountability, graft, incompetence, and deference to unelected leadership became the norm.

## Creating Electoral Reform

The shortcomings of the board of aldermen had not gone unnoticed by the city's reformers. A phenomenon familiar to observers of New York City politics during the period was the "reform cycle," wherein Republicans and reformers would temporarily wrest control from the Democrats after egregious moments of Tammany corruption.<sup>9</sup> These moments were regular in New York politics, but institutionalizing change proved more challenging. The fleeting political capital attached to particularly egregious moments of corruption was difficult to translate into long term political influence for reformers. Reform typically took the shape of investigations, reports, and regulations that were binding in the short term but could be eroded once Democrats retook control through their structural electoral advantage. In fact, Mayor Fiorello La Guardia's reelection in 1937 was the first time in New York history that a mayor was elected to more than one term on a reform ticket.<sup>10</sup> Staying power was what made electoral reform distinct from previous strategies of the reform coalition. As Judge Samuel Seabury wrote, "proportional representation may mean all the difference between sustained good government year in and year out, and a spasm of reform once in a generation."<sup>11</sup> The potential impact of PR held great promise for the reform coalition, but it was not the first reform activists looked into, and other options demonstrate some of the key issues with progressive era reform.

Reformers of the late 19th century linked their desire to "clean up the city government" with the need to change how the city voted. But the electoral contingent of the reform movement had not always advocated for more democratic solutions. Early reformers were interested in eroding the power base of Tammany Hall by any means possible. These reformers tended to be the city's Republican party base, economic elites who were concerned by the growing political

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8. Shaw, 133

9. Lowi, Theodore. *At the Pleasure of the Mayor: Patronage and Power in New York City, 1898-1958*. New York, NY: The Free Press of Glencoe, 1964., 207

10. Prosterman, Daniel O. *Defining Democracy: Electoral Reform and the Struggle for Power in New York City*. Oxford; New York: Oxford University Press, 2012., 97

11. Shaw, 162

power of the city's Irish poor. Republican's successfully brought the secret ballot to New York in 1894. While the measure had its merits in preventing party pressure at the ballot box, it also imposed a significant literacy barrier. By ending the custom of partisan canvassers guiding voters through the process, electoral reformers sought to limit turnout amongst the city's poor. Limiting suffrage to property owners was another idea that was entertained as a way to restrain Tammany. Calls for proportional representation emerged out of this context in the late 19th century. In practice, PR would make New York City more democratic than ever before, but to elite advocates, the primary goal was to limit the power of Tammany Hall and the poor Irish base that elected it.<sup>12</sup>

In the early 20th century, the PR torch passed from the Republican partisan elites disaffected by what they saw as the impact of mass rule to more autonomous, and ultimately more populist public interest groups. Following a failed effort to restrict suffrage in the 1870s, Tammany's enemies had turned their eyes towards the grassroots. In the 1880s and 1890s, elite reformers founded and funded a civil society infrastructure of "Good Government Groups" who served as municipal watch dogs, and acted as less partisan voices for reform.<sup>13</sup> The consolidation of many of these groups into the Citizens Union created one of PR's staunchest and loudest allies.

Organized labor, which had been an intentional target of elite driven reform were now a powerful ally of PR.<sup>14</sup> They guessed, correctly, that PR provided an opening for the American Labor Party to elect its own people. The League of Women Voters supported the measure as a means to increase women's representation in government. When the pendulum swung back to electoral reform in the 1930s, PR had been reinvented as a political idea. Rather than its narrow conception as a weapon against Tammany, PR's backers now saw the system as a way to allow new voices to be heard, providing platforms for the city's robust civil society.

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12. Prosterman, 23

13. Prosterman, 25

14. Ibid, 56



# Part 2: PR in Practice

## PR's Moment

New York's Democratic Party was not known to surrender power easily, and the electoral reforms of 1936 were no exception. Proportional representation was a concession, won from a party that had been caught red handed in one of the highest profile corruption scandals in New York history. In 1930, the New York State Legislature, along with New York's ambitious Democratic Governor, Franklin Delano Roosevelt, charged Samuel Seabury, a well-known anti-Tammany reformer, with an investigation of the city's courts.<sup>15</sup> When the investigations turned up conclusive evidence of collusion between the city courts and police officers, the Republican state legislature broadened the investigation to the entire city government. The breadth of Tammany's patronage networks were exposed in a very public light, and political opponents did not hesitate to capitalize on the moment.<sup>16</sup> Reformers pushed for a new city charter. Fiorello La Guardia, a Fusion Republican reformer, was elected mayor a year after the Democratic Mayor Jimmy Walker's resignation in disgrace. The reform cycle was at its peak, but this time electoral reform was a central plank of the platform. The investigation proved a damning indictment of government without electoral competition, and Judge Seabury emphasized the partisan aspect of corruption. Seabury teamed up with George Hallett, the public intellectual most closely associated with PR to argue that the system had the potential to weaken Tammany's dominance, and in doing so, combat corruption.<sup>17</sup>

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15. Prosterman, 42

16. Mitgang, Herbert. "In Scandal of 1930's, City Shook and a Mayor Fell." New York Times. June 13, 1986.

17. Seabury, 40



As promised by La Guardia, a sweeping new revision to the city charter had been proposed by the commission he appointed. Proportional representation had proved the most controversial issue for the commission, so they opted to put it in front of the voters directly.<sup>18</sup> With a robust coalition supporting PR outside of the city's partisan channels, and Tammany reaching a new low in terms of public opinion, the stars were aligning behind the once-fringe policy. In the lead-up to the vote, more dominos fell. The city's opposition parties, spanning a diverse range from Republican to Communist were endorsing, and investing heavily in the PR campaign.<sup>19</sup> A significant contingent of the press endorsed PR on the eve of the vote. A number of progressive dailies supported proportional representation, as well as the New York Times.<sup>20</sup> Crucially, the Citizens Union, the League of Women Voters, and other good government groups that had pushed PR historically redoubled their efforts. Against the measure was New York's most powerful political institution, the Democratic Party. But in November, the machine proved unable to withstand the movement. Proportional representation won with roughly 920,000 votes to 550,000.<sup>21</sup> A decisive mandate had triggered a radical experiment in municipal democracy.

Specifically, voters approved a measure establishing an STV system with nomination by petition, with 2,000 signatures required. Candidates could affiliate with any number of parties and any party they wanted, ran at the borough level, and needed 75,000 votes to win. This combination was intended to kill three birds with one stone; insider deal making over party ballot lines, minority party under-representation, and malapportionment.<sup>22</sup> It is easy to demonstrate that PR addressed the later two problems well, equalizing the number of votes required to be elected, and drastically reducing the gap in representation between majority and minority parties. However, some have argued that this combination limited party control too severely, and that the breakdown in coalition discipline that followed was an important omen of repeal.<sup>22</sup>

## A New Democracy

The most transformative impact of PR was the end of Democratic supermajorities and the inclusion of a large and vocal minority in the city council. In the first election, Democrats won just 50% of the seats. Democrats continued to protect majorities for the period, but within a range of 50-66% of the seats on the council, never once reaching the two-thirds threshold that they had counted on in the days of the board of aldermen. For the first time in decades, Democrats had to make deals with members of other parties in order to achieve their legislative agenda. The difference proved to be the new electoral system. With the exception of 1937, Democrats did not significantly underperform their historical share of the popular vote. The critical shift however, was that they were now winning representation that was proportional to their share of the vote.

So who was stepping into fill the gap left by the shrinking of the Democratic majority? The answer, surprisingly, was not just Republicans. In fact most of the opposition was now composed of third party councilmen. In the days before PR, third parties had been a vocal force

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18. Prosterman, 64

19. Shaw, 171

20. Zeller, Bell, and Hugh Bone. "The Repeal of P.R. in New York City: Ten Years in Retrospect." *American Political Science Review* 42, no. 6 (December 1948): 1127-48. 21. Santucci, "Exit from Proportional Representation and Implications for Ranked-Choice Voting in American Government.," December 20 2016, Georgetown Department of Government, 21

22. *Ibid*, 22

in New York City politics, often endorsing, and occasionally running their own candidates but almost never winning high municipal offices. All that changed on November 2, 1937. The American Labor Party came in second with five seats, ahead of the Republican Party. The insurgent Democrats and City Fusion also won seats. For all of the PR period, at least four parties were represented on the city council.

On the whole, council results were more proportional than ever before. In the final preference count, the average proportionality gap was 1.8%.<sup>23</sup> This was not perfect, but compared very favorably to the average gap in the five board of aldermen elections preceding PR, which was a whopping 14%. The greatest gap was six percent in 1943 when the Democrats got six percent more seats on the council than their vote share, the vast majority of disparities were under three percent. Geographically, PR had restored the principle of equal representation. A novel provision within New York's PR system was that the number of councilmembers representing a borough was tied to the number of votes cast in that borough. This meant that the number of councilmembers varied each year, but it fixed the problem of an apportionment process that lagged behind shifting population trends.<sup>24</sup>

The new electoral system changed who won elected office, but at a more basic level, it altered the nature of political power in New York City. On the board of aldermen, allegiance to a political machine had been the surest way to elected office. The very local districts that aldermen campaigned in meant that having a small patronage network of influential institutions in a neighborhood could guarantee a candidate election. The task of the political machine was to establish these networks, and candidates who promised their loyalty to the party were allowed to benefit from them.<sup>25</sup> The Democratic Party, and Tammany Hall in particular, had spent decades refining its network, the new electoral system effectively obsoleted it. In "Exit the Boss, Enter the Leader," Warren Moscow documented this shift, and noted the new challenge that was facing municipal politicians; to create a coherent policy platform that had appeal across the entire city.<sup>26</sup> PR cannot be credited with catalyzing this shift entirely. As Moscow discusses, a range of factors were making machine politics increasingly less tenable. The shift had begun before PR, and was occurring in other cities as well, including ones that were not experimenting with PR. Still, PR weakened political machines in a number of ways. First, it made third-party and independent candidacies viable, which gave candidates autonomy from their parties, because the endorsement of their machine could not make or break their candidacy. Second, it greatly increased the number of constituents represented by each council member. In campaigns where candidates had to court the vote of an entire borough, machine dominance of neighborhoods was less decisive. As Shaw observed, "there were signs that the city council was beginning to look beyond narrow district boundaries and to consider the welfare of the entire city."<sup>27</sup>

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23. The "proportionality gap" refers to the sum of the absolute values of differences between vote% and seat%. In a perfectly proportional system, the gap is equal to zero. This figure is taken from the final preference count after all but one losing candidate in each borough had been eliminated. At the time, critics pointed out that the first preference results in the 1937 election were not proportional to the assignment of seats. Democrats received 19% more seats than their votes in this round, while the 27% of votes for independent candidates failed to elect anyone. It seems unfair to judge a system that is designed to give weight to secondary preferences by its outcomes under a single choice analysis. Once these voters secondary preferences were distributed, the results proved to be quite proportional.

24. Shaw, 190

25. Lowi, 11

26. Moscow, Warren. "Exit the Boss, Enter the Leader." *New York Times Magazine*, June 1947.

27. Shaw, 213

# The Politics of the New Council

Both the deliberative process and the legislative accomplishments of the New York City Council set it apart from its predecessor. Observers of the new council were quick to note the professionalization of the body. A collection of civic leaders replaced Tammany Hall men. George H. McCaffrey, writing in the *National Municipal Review*, wrote “It seems to be the consensus of opinion that the new council will have the best personnel of any city legislative body since the greater city was formed.”<sup>28</sup> The new members did not agree easily. With four parties represented at all times, and an ideological spectrum that ranged from explicit Marxists to conservative Republicans, council meetings were becoming a lively affair.

Sharply contrasting the perfunctory meetings of the board of aldermen, council members would now regularly engage in contentious, and, at times, dysfunctional debates. Lively discussions and chaotic departures from the party line led Frederick Shaw to describe the council as a “Three Ring Circus.”<sup>29</sup> For the first time in recent history, the municipal legislature was exciting. The public quickly took interest, broadcasts of the city council became one of the most popular radio programs, attracting an estimated 750,000 listeners. The public was not just more interested, but seemingly more engaged in the business of the council. Public attendance was now regular, and constituent feedback could not be avoided. A controversial housing law alone attracted more than 4,000 letters from constituents.<sup>30</sup>

Critics argued that the addition of an empowered minority to the council had produced gridlock and slowed its work.<sup>31</sup> The record does not support this. While it is true that the council never returned to its rubber-stamp days as the board of aldermen, in terms of substantive legislation, it far outstripped its predecessor. The first major accomplishment originated from the minority. Baruch Charney Vladeck, a member of the American Labor Party, introduced the Vladeck Low Rent Housing Law. The law created the first housing project subsidized by the city.<sup>32</sup> The final session of the council produced a sweeping rent control bill, this time sponsored by the Democratic majority leader, Joseph Sharkey. Other accomplishments of the 1945-1947 term included the establishment of a central traffic commission and a smoke control bill.<sup>33</sup> The legislative accomplishments of the council were not unilateral victories achieved over the protests of a minority. Compromise and consensus-building were regular practices on the council; in 1940, minority leader Genevieve Earle calculated that the minority had voted alongside the majority on 267 out of the 305 bills passed by the council.<sup>34</sup> In the 1946-1947 term, 80% of bills passed unanimously. The presence of an opposition was not preventing the council from getting anything done; it was shaping the types of legislation enacted into law. The opposition forced compromise and the inclusion of new ideas into municipal policy.

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28. McCaffrey, George. “New York’s 1937 Election and Its Results.” *National Municipal Review* 27, no. 1 (January 1938).

29. Shaw, 211-228

30. Ibid

31. “The Future of PR.” *The New York Times*. April 2, 1947, sec. Editorial.

32. Shaw, 214

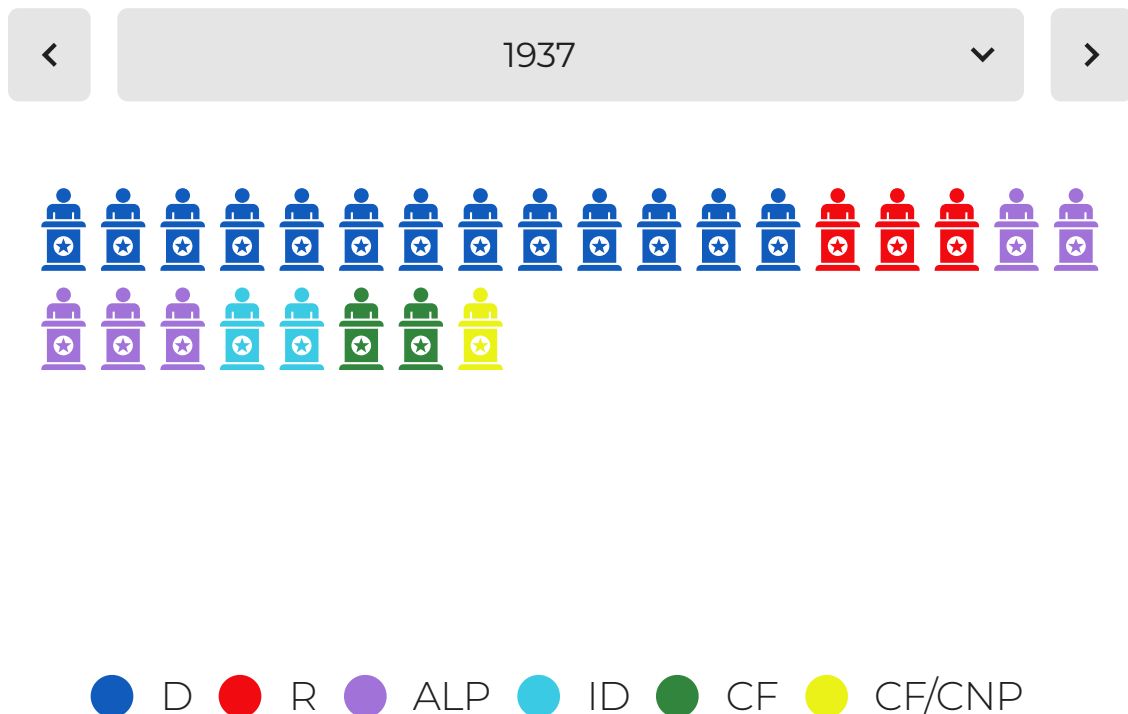
33. Shaw, 218

34. Shaw, 222



On Election Day, New Yorker's were selecting a heterogeneous slate of candidates and a robust minority. Because of the city's new electoral system, these candidates were actually winning office and changing the face of the city legislature. Throughout their terms, these councils were proving the merits of minority representation. The council was producing substantive legislation, and it was doing so with the input of minority parties. Ten years of proportional representation illustrated the connection between fair representation and good government.

Figure 1: Parties on the City Council Over Time



Key: D= Democratic (blue), R= Republican (red), ALP = American Labor Party (light purple), ID = Insurgent Democrat (light blue), CF= City Fusion (Green), CF/CNP = City Fusion/Citizens Non-Partisan (yellow), C= Communist (pink), I= Independent (black), ALP/CF = American Labor Party/City Fusion (orange), R/CNP= Republican/Citizens Non-Partisan (gray), L= Liberal (Dark Purple)

**Table 2: Seat Percent vs Vote Percent for Parties Under Proportional Representation**

1937			1939		
Party	Seat%	Vote%	Party	Seat%	Vote%
Democratic	50.0%	47.0%	Democratic	66.5%	65.5%
Republican	11.5%	8.5%	Republican	9.5%	8.0%
ID	8.0%	7.0%	ID	5.0%	4.0%
ALP	19.0%	21.0%	ALP	9.5%	11.5%
City Fusion	11.5%	10.5%	City Fusion	9.5%	11.0%
Communist	2.5%	0.0%	Communist	0.0%	0.0%
Liberal	0.0%	0.0%	Liberal	0.0%	0.0%
Others	0.0%	3.5%	Others	0.0%	0.0%
1941			1943		
Party	Seat%	Vote%	Party	Seat%	Vote%
Democratic	65.5%	64.0%	Democratic	59.0%	53.0%
Republican	7.5%	6.5%	Republican	17.0%	22.0%
ID	0.0%	0.0%	ID	0.0%	0.0%
ALP	11.5%	11.5%	ALP	12.0%	11.0%
City Fusion	11.5%	12.5%	City Fusion	0.0%	0.0%
Communist	0.0%	0.0%	Communist	12.0%	14.0%
Liberal	0.0%	0.0%	Liberal	0.0%	0.0%
Others	4.0%	5.5%	Others	0.0%	0.0%
1945					
		Party	Seat%	Vote%	
		Democratic	60.0%	59.0%	
		Republican	13.0%	15.0%	
		ID	0%	0%	
		ALP	9.0%	10.0%	
		City Fusion	0.0%	0.0%	
		Communist	9.0%	7.0%	
		Liberal	9.0%	9.0%	
		Others	0.0%	0.0%	



# Part 3: Repeal and Postmortem

**AMERICA UNDER COMMUNISM!**

## Repeal

In 1947, New Yorkers repealed proportional representation by a substantial margin. The repeal vote was the final effort of a coordinated assault on PR that had begun before it was implemented and continued throughout its existence. From the beginning, Democrats loyal to Tammany Hall had understood PR to be an existential threat. Ten years of proportional election results had validated their fears. The referendum of 1947 was the third time that repeal had been put on the ballot. Since 1936, New York voters had rejected repeal twice.<sup>35</sup> So the question remains; why were New Yorkers compelled to repeal a system that produced proportional outcomes, allowed minority voices to be heard, and elevated the stature of the New York City legislature? Furthermore, why did New Yorkers vote to repeal a system in 1947 that they had voted in support of three times in the previous ten years? While traditional accounts have focused on the Red Scare, and elite reactions to the election of communists to the council from 1941 onward, new research has shown that immediate reasons for repeal had a lot to do with how PR interacted with the New Deal realignment, leading to a reversal of support by business interests and the Republican party.

As Jack Santucci argues in his paper “Exit from Proportional Representation and Implications for Ranked-choice Voting in American Government,” moving back to or maintaining a majoritarian system tends to be attractive to the first and second largest parties in a given system. The largest party in a majoritarian system gets to rule almost unimpeded, but the second largest party also receives notable advantages, chiefly the opportunity to coalesce all opposition to the ruling party under its banner.<sup>36</sup>

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35. Prosterman, “1938 State Constitution Referendum to Abolish PR” and “1940 Referendum to Abolish PR”

36. Santucci, “Exit from Proportional Representation and Implications for Ranked-Choice Voting in American Government.”, December 20 2016, Georgetown Department of Government



Republican support for PR emerges out of a period in which the Democratic coalition had collapsed due to highly publicized corruption trials and a split over whether to support the New Deal. As Bradley Spahn argues in “Before the American Voter,” the formation of a new Democratic coalition around the New Deal transformed American’s relationships to political parties, creating enduring advantages for Democrats that far exceed the types of partisan loyalty we see in the pre-New Deal era.<sup>37</sup> However, party leaders in New York City were neither prepared for this shift, nor well suited to capitalize on it. The standard bearer for the New Deal, President Franklin Roosevelt, had a successful and well-publicized working relationship with Fiorello LaGuardia, the city’s Republican mayor, and the Democrats of Tammany Hall initially opposed much of the New Deal due to its weakening of local patronage.

Within this context Republicans were able to construct an alternate ruling coalition that prevailed on a number of issues due to control of the supermajority veto point and other veto points (the mayoralty, the board of estimate). The power they were able to exercise within the context of PR, outweighed their incentives to support repeal. However, as the Democratic party re-coalesced, more or less on the terms of its New Deal supportive elements, Republicans lost control of several of these veto points, and much of their power to control legislation. Equally terrifying, the success of the American Labor party showed that should third parties continue to gain power under PR, Republicans might not remain the second largest party. With the collapse of the ALP, Republicans had an opportunity to bake in their second largest party status with no guarantee they would see such an opportunity again.

The Republican turn against PR led to a mass exodus from the movement of business and good government interests that were more loyal to the Republican party than they were to proportional representation. In 1936, in the wake of the Seabury investigations, a majority of the city’s influential newspapers had rallied behind PR as a means to combat corruption and machine rule.<sup>38</sup> Citing concerns about communism, many of these institutions reversed their previous positions, giving opponents of PR a significant structural advantage. In their review of the repeal of PR, Hugh Bone and Bell Zeller calculated that the circulation of repeal papers outnumbered those supportive of PR by a massive margin. Daily papers supporting repeal outnumbered PR’s supporters with a circulation of 4,845,955 vs 813,325.<sup>39</sup> Sunday circulation was an even greater advantage of 8,347,520 to 979,850. Most of these papers published editorials that explicitly altered their positions, but they also supported the repeal effort from outside of the opinion section. <sup>40</sup> With little remaining support from the dominant institutions of the city, and well-funded opposition with a clear and simple message (red baiting) the repeal of PR was more of a question of dates than referendum margins.

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37. Spahn, Bradley. Before the American Voter, September 6, 2017.

38. Prosterman, 91

39. Bone and Zeller, 1131

40. Prosterman, 176

# The Return of Supermajorities

In 1949, New York had its first election after the repeal of PR. The Democratic Party's return to dominance was more swift, decisive, and disproportionate than anyone anticipated. With just fifty-three percent of the vote, Democrats won twenty four of the twenty five seats on the city council, and Republican Stanley Isaacs became the sole member of the opposition.<sup>41</sup> Democratic supermajorities have been the norm ever since. In the most recent election of 2017, Democrats won 48 of the 51 seats on the city council with just over seventy-five percent of the vote.<sup>42</sup> Still, ten years of fair representation had a long term positive impact on the city council. The council's embrace of process, and substantive legislative accomplishments under PR legitimized it as an institution. The council was now incorporated as opposed to evaded by other governing arms of the city.<sup>43</sup> The city's legislature would never slip back to its discredited days as the board of aldermen. Although the minority is terribly underrepresented, norms remain that encourage democrats to listen to and engage with the minority.

However, informal respect can never compare to the influence of robust minorities under PR which, with a handful of defections by Democratic members could make or break legislation. Evidence from roll call voting patterns in recent years suggests that the city's Democratic majority uses its agenda control to exercise its power in ways that are more subtle but no less absolute. Where once a bill might have been doomed to a massively lopsided vote when Democrats opposed it, now such a bill is unlikely to receive a floor vote at all.<sup>44</sup>

Tammany Hall returned with a vengeance in the 1950s, but ultimately faded from the political scene by the early 1960s when the Village Independent Democrats, a reform group that still exists today, seized control of the Manhattan Democratic Party. However, the tradition of party boss controlled primary elections has continued. More recently a disturbing trend has emerged in which incumbents resign after the primary election window, allowing the party to choose a new nominee without holding a primary election.<sup>45</sup> Without a return to electoral reform, it is difficult to imagine exciting and competitive intra-party primary contests in New York City, much less a functional multi-party democracy.

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41. Shaw 245

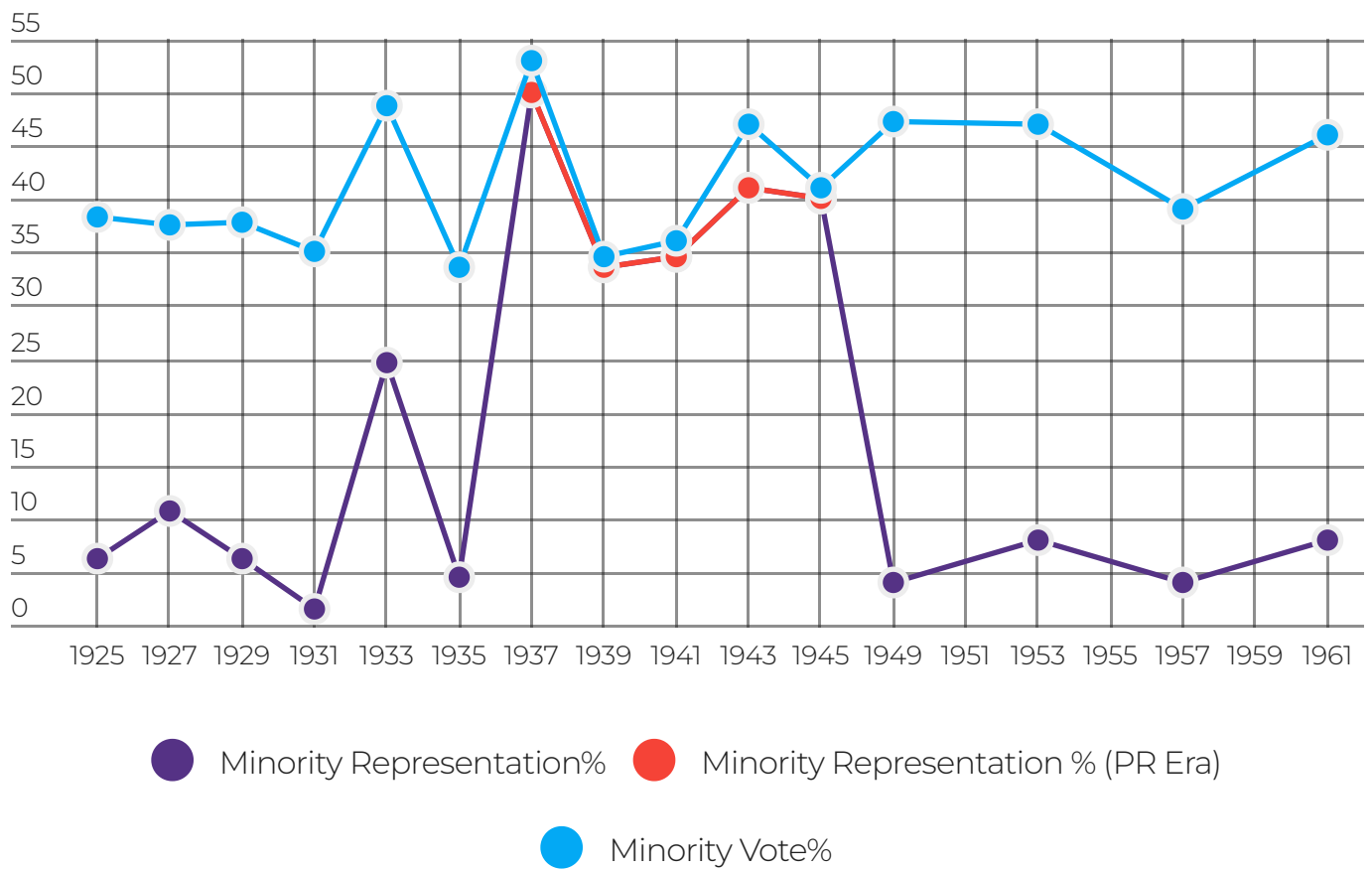
42. "Election Results: New York City Council." New York Times. November 5, 2013.

43. Shaw, 249

44. Legistar, New York City Council, accessed via <http://legistar.council.nyc.gov>

45. Goldmacher, "How Party Bosses, Not Voters, Pick Candidates in New York." New York Times. September 18, 2017

Figure 2: Members of Political Minorities Elected vs. Votes for Members of Political Minorities 1925-1961



\*Political minorities are defined as all candidates running off the Democratic ticket



# Conclusions

While the PR period in New York was brief, New York's experience with PR demonstrates its tremendous power to incentivize collaborative policy making, and to reshuffle stagnant political coalitions. Reformers looking to adopt systems similar to New York style multi-winner ranked choice voting should be aware of three things:

1. Other electoral structures still matter: The PR period in New York was defined at least as much by its apportionment formula and peculiar supermajority veto points such as the board of estimate as it was by ranked choice voting. Reformers looking to change how legislators are elected need to think about how their new legislature will interact with powerful non-legislative actors, and how to resolve questions such as apportionment that can have significant impact on disparities even within a PR system.
2. Party buy-in is crucial: Santucci's work demonstrates that the top two largest parties in a PR system will usually have incentives to repeal, however, party decisions on such policy decisions are complicated, and as the PR period demonstrates intra-party divisions can be as fierce as divisions between parties. A sustained campaign to keep parties supportive or at least divided on the question of ranked choice voting is crucial to maintaining ranked choice voting within a political system, as is maintaining the support and tactical cooperation of smaller parties and independents who would be wiped out by repeal.
3. Multi-winner ranked choice voting (STV) can achieve high levels of proportionality: While some political observers refer to STV as a semi-proportional system, New York's experience with STV shows that even within a fairly small legislative body, STV creates outcomes that mirror the proportion of votes cast for each party almost perfectly.

Overall, New York City's experiment with proportional voting demonstrates how quickly the bounds of what is possible can change. The massive upheavals in New York politics, from corrupt one party rule and the Seabury trials in 1931 to ranked choice voting, took only five years. Still, none of it would have been possible if reformers had not spent decades contemplating how the cities politics could best be improved. Opportunities for reform in a system that is as broken as our current politics are both unpredictable and inevitable, and reformers must be prepared for when they arrive.



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