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# MassForward

**Advancing Democratic Innovation and  
Electoral Reform in Massachusetts**

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November 2019

**MassINC**

**Tufts**  
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## Advancing Democratic Innovation and Electoral Reform in Massachusetts

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November 2019

Dear Friends:

Massachusetts has a well-deserved reputation as a leading policy innovator. From advancing policy in education and health care to demonstrating climate and energy leadership, the Commonwealth's state and local governments have a proud history of problem-solving and innovating to improve the general welfare and brighten the future for generations to come. However, we cannot rest on our laurels. It is particularly incumbent on civic leaders who regularly work the halls of government to pause and consider whether current practices will best serve our democracy in the future.

As a statewide, nonpartisan organization, MassINC is a keen observer of the State House and local government, particularly in the Commonwealth's Gateway Cities. In recent years, we have become increasingly concerned that our governing bodies do not reflect our growing diversity, which clearly has ramifications for public policy and our ability to heal the growing economic divide that MassINC research has long identified as a major threat. Like so many others, we also worry about government accountability, with the gutting of local newsrooms and the loss of a competitive two-party system.

The goal of this research report is to spotlight these issues with solid data and objective analysis, and to advance a set of solutions grounded in evidence. We hope this information will bring experts, civic leaders, and elected officials together to mount a timely response.

We are extraordinarily grateful to the Boston Foundation, the Hyams Foundation, and the Klarman Family Foundation for providing generous financial support to make this work possible. We also thank our exceptional research partners at Tisch College, and the many experts and advisors who provided thoughtful guidance along the way. As always, we welcome your feedback and invite you to become more involved in MassINC.

Sincerely,



Lauren Grogan  
President & CEO



Benjamin Forman  
Research Director

## Executive Summary

To overcome the numerous and increasingly complex challenges the future promises to hold, we need the experience, expertise, insight, and service of *all* our people. From voters to state legislators and everyone in between, residents of the Commonwealth must be more engaged in state and local governance. This report outlines four major structural forces that inhibit residents—especially those who have historically been underrepresented—from participating fully in state and local civic life. We summarize as follows:

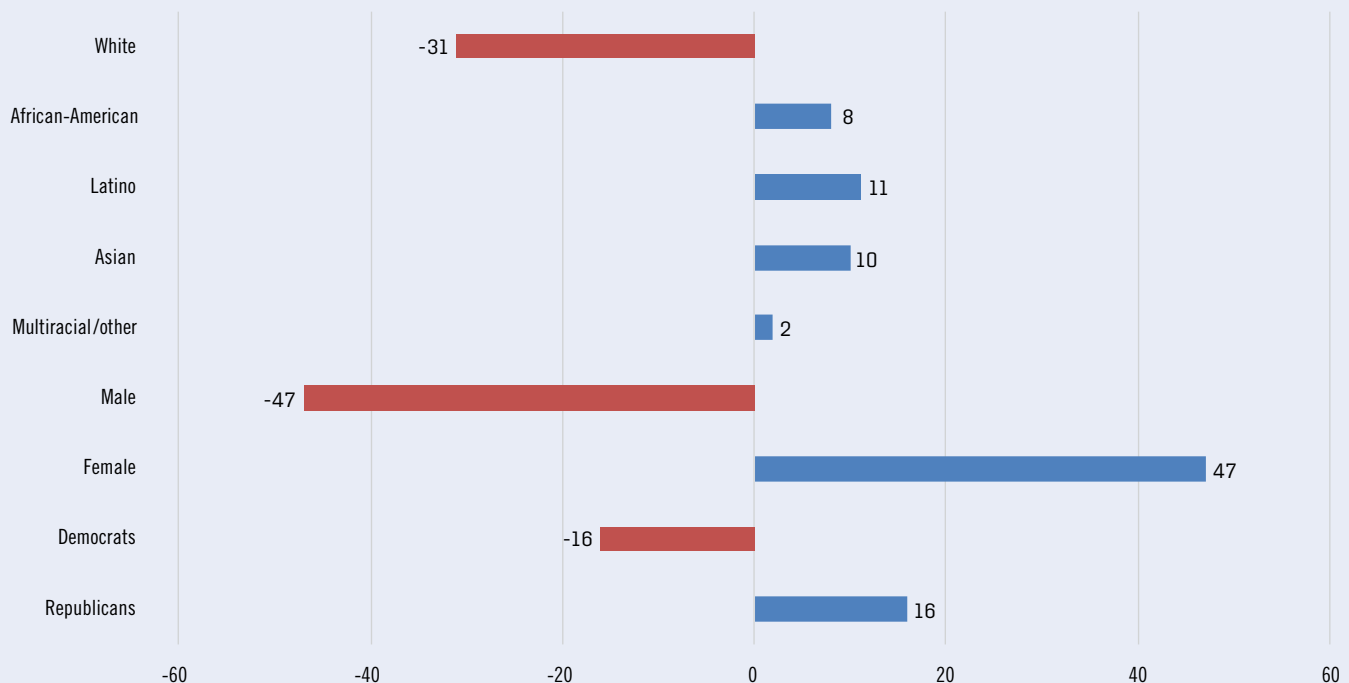
**1. Frequent elections make the electorate less representative and policy outcomes more vulnerable to special interests.** Our constitutional system of government is intentionally structured to offer citizens far more opportunities to vote than other democracies provide. Holding many different elections, however, reduces turnout and advantages voters with greater means. In November 2018, 56 percent of the state’s eligible voters went to the polls to cast ballots. While this was relatively high turnout for a midterm election in Massachusetts, only 19 percent of voters participated in the primaries, which determined the outcome of two-thirds of state legislative races in the cycle. Turnout is even lower in municipal elections held in odd

years. In November 2017, less than 20 percent of Boston’s adult residents voted.

**2. Our elected officials do not reflect our diversity.** From its local officeholders to its state legislators, Massachusetts is not producing a body of representative leaders equipped to do the work of the entire people. Unbalanced representation by race and ethnicity is particularly striking, but there are also gaps by gender and party affiliation (**Figure ES1**). The data we present show:

- White residents are overrepresented by about 16 percentage points in the Massachusetts legislature, while Asian, African-American, and Latino residents are significantly underrepresented. To achieve balance, the legislature would need an additional 31 members of color.
- In Massachusetts, 52 percent of adult citizens are women, yet women hold less than 29 percent of the seats in the legislature. The National Conference of State Legislatures now ranks Massachusetts 27th in gender representation, down from 18th in 2009. To achieve balanced representation, the legislature would need an additional 47 female members.

Figure ES1: Net Change in Members to Achieve Balanced Representation in Massachusetts Legislature by Race, Ethnicity, Gender, and Party Affiliation

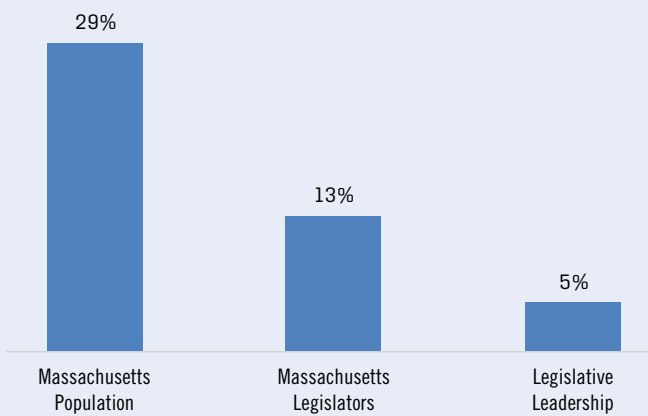


Source: Authors’ analysis of data from National Conference of State Legislatures and US Census Bureau

- Democrats hold 80 percent of the seats in the state legislature, yet they account for just one-third of registered voters and only about half of voters when including independents who lean toward the Democratic Party. Republicans and voters who lean Republican make up 27 percent of voters in Massachusetts. To reflect the partisan values of the voters, the legislature would need an additional 16 Republican members.

The lack of diverse membership in the body overall is exacerbated by underrepresentation within the leadership structure (**Figure ES2**). The House leadership team is all white, while the Senate leadership has one Asian member representing the minority party. Of the 76 members who hold leadership posts or committee chairs, just four are people of color (two Democrats and two Republicans).

**Figure ES2: People of Color as a Share of the Total Population, State Legislators, and Legislative Leadership in Massachusetts**



Source: Authors' analysis of data from National Conference of State Legislatures and US Census Bureau

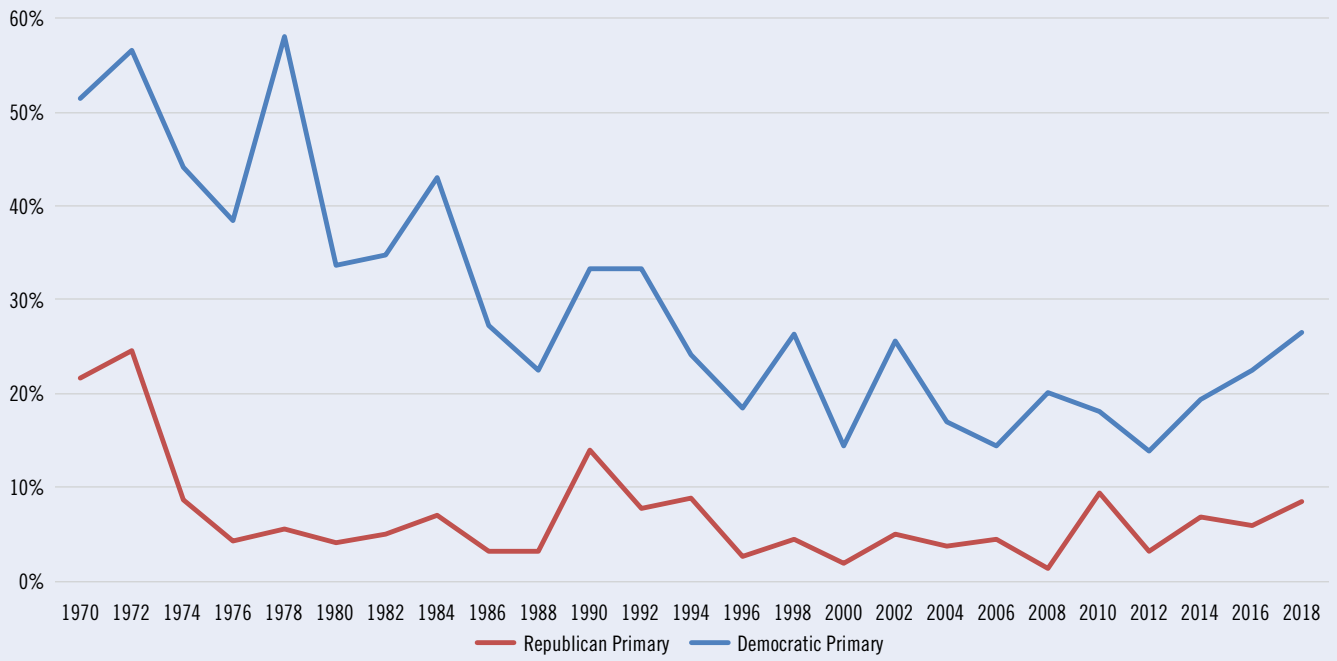
**3. Elections are rarely contested and often dominated by insiders.** For the past several cycles, Massachusetts has consistently ranked last or nearly last on measures of electoral competitiveness for state legislatures. In 2018, only one-third of the seats in the legislature were contested in the general election, and fewer than half of the seats were contested in either the general or the primary. Long-term decline in competitive elections has been particularly notable in the state's Democratic primaries (**Figure ES3**).

Uncompetitive elections raise added concerns when one reason for the lack of competition is undue advantage for established insiders. Nearly one-quarter of state representatives and over one-third of state senators currently holding office first entered the legislature through a special election. These are generally extremely low-turnout contests held on short notice, providing considerable advantage to those with established political connections.

**4. Centralized power is problematic when leaders are unrepresentative and opposition parties and the press lack capacity to provide oversight.** In the legislature, and particularly in the Massachusetts House, power is strongly concentrated in the leadership. Centralization is not necessarily a recipe for poor governance, particularly since the Massachusetts House of Representatives has an especially large membership requiring greater coordination. However, several dynamics raise concern about the centralization of power in the state's legislative branch:

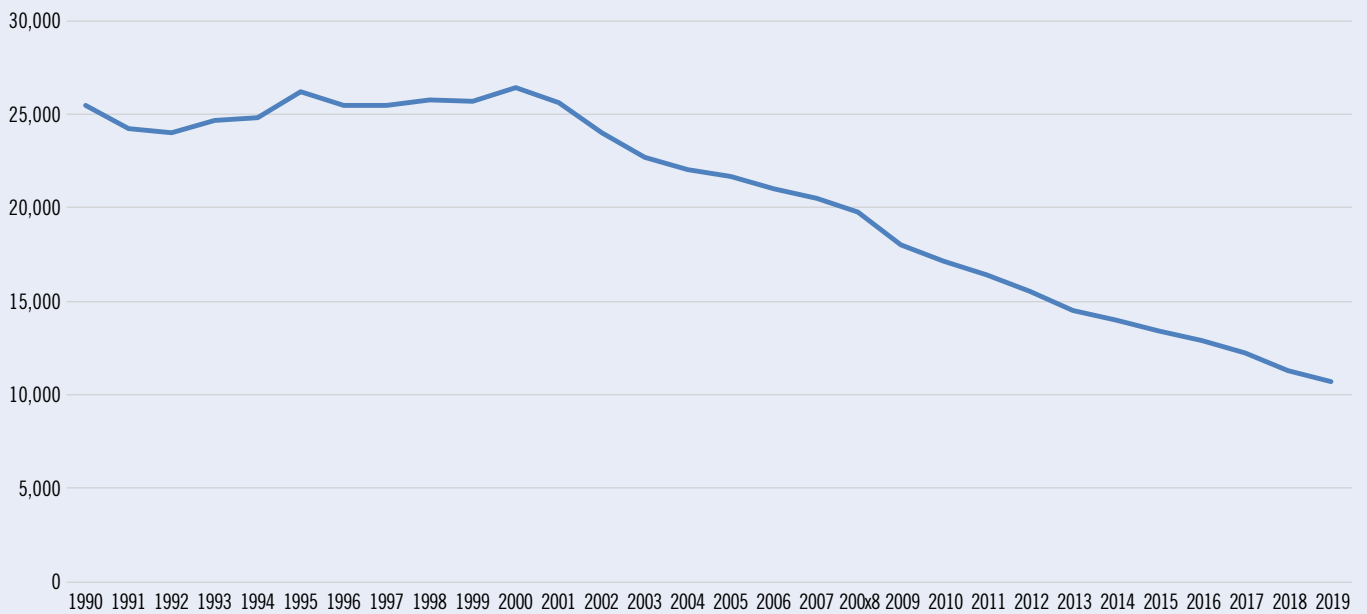
- The leadership team is unrepresentative of the state's diversity, as noted above.
- Rank-and-file legislators are not well equipped to play roles in lawmaking or legislative oversight. With 4.5 staff per legislator, on average, Massachusetts representatives and senators have significantly less professional support than other strong state legislatures. Moreover, nearly half of full-time House employees earn less than \$45,000 annually, and across the two branches, only 4 percent of staff earn over \$100,000 a year. From a human resources standpoint, this puts the legislature in an extremely unlevel position to engage with well-funded lobbies.
- Partisan competition is vital to protecting the public interest in a legislature where power is concentrated. However, campaign finance reforms have weakened the influence of political parties. In 2018, the Massachusetts Democratic and Republican state committees spent just \$3.4 million combined.
- Since 2001, Massachusetts has lost nearly two-thirds of its newspaper staff (**Figure ES4**). As local news coverage declines, civic engagement falls and citizens' ability to check the state legislature's highly concentrated power diminishes.

Figure ES3: Share of Seats in State Legislature Contested in Primary Elections, 1970–2018



Source: Massachusetts Secretary of the Commonwealth, PD43

Figure ES4: Newspaper Employment in Massachusetts, 1990–2019



Source: Bureau of Labor Statistics

While there is no single remedy for these major structural challenges, there are many actions we could take that would make a meaningful difference. This report calls attention to four with particular promise:

**1. Synchronize state and local elections.** Holding local elections in odd years is a failsafe means of dramatically reducing turnout. To attract more voters, other cities and states have moved municipal contests to even years. Massachusetts can and should do the same.

**2. Provide public funds for candidates and parties.** A growing number of cities and states provide public funding to both candidates and parties. Research shows that this increases the racial, economic, and gender diversity of those running for office, as well as participation rates in historically disenfranchised communities.

**3. Increase the capacity of the whole legislature to legislate.** All legislators should have the capacity to consult with citizens and experts, analyze legislative proposals, develop their own proposals, and build coalitions. To accomplish these tasks, rank-and-file legislators require more and better-paid staff. The body can also relieve pressure on legislative offices by creating a 311 service line that provides appropriate direction to callers seeking basic information. Finally, Massachusetts should follow the practice of 46 states and create a research office to provide nonpartisan analysis of pending legislation.

**4. Invest in the press.** Concerted effort is needed to find new business models for state and local news. The legislature should act expediently on pending legislation that would establish a commission to examine policy options to ensure that residents in all of our communities have access to quality state and local news.

**To overcome the numerous and increasingly complex challenges the future promises to hold, we need the experience, expertise, insight, and service of *all* our people. From voters to state legislators and everyone in between, residents of the Commonwealth must be more engaged in state and local governance.**



## Introduction

From climate change to job automation, Massachusetts confronts a range of enormously challenging policy problems. Some of these challenges, such as growing inequality and unbalanced representation, are entrenched and complex with deep historical roots, while others, such as vaping and electronic scooters, reflect an accelerating pace of change. Over the past few decades, Congress has also passed more duties on to states and localities, by reducing federal responsibilities, adding mandates, or both. Regardless of their origins, the sheer number of issues demanding attention from the state legislature, city councils, and town meetings is growing.

Our democratic institutions cannot manage this mounting burden unless we are all attuned to the issues and poised to contribute solutions—whether as informed voters, advocates, civic leaders, or journalists, or as state and local officeholders. Good governance requires the ideas, perspectives, and votes of many people in many venues who reflect the diversity of the state.

There have been worthy efforts to strengthen engagement and protect the integrity of our Commonwealth's democracy in recent years. Some have success, such as the tightening of ethics and lobbying laws in 2009, the new campaign finance disclosure laws in 2014, and the provision of automatic voter registration and civic education in 2018. (Others have been

notable failures, such as the 2003 repeal of the state's Clean Elections Law.) Taken together, however, these reform efforts have not achieved an adequately representative or effective system of government.

The time is right to mount a comprehensive campaign to increase civic engagement and achieve balanced representation. Grassroots energy is at a fever pitch. People are increasingly aware that our democracy systematically underrepresents people of color, women, and the disadvantaged, perpetuating racial and ethnic inequality. The independent local news media and the state Republican Party, two critical entities vital to the long-term health of state and local democratic institutions, are in immediate jeopardy.

This report seeks to frame these and other interrelated challenges at a high level, identifying important intersections and stimulating discussion to inform public debate. The first section synthesizes a variety of data to draw attention to four acute structural weaknesses that compound and reinforce one another to undermine state and local governance. The second section outlines the highest-potential policy responses we could identify to address these deficiencies. A lengthy appendix outlines additional strategies that hold promise for achieving stronger state and local governance.

### INEQUALITY AS A CHALLENGE TO DEMOCRATIC GOVERNANCE

Previous MassINC research has documented the rise in income inequality in the Commonwealth. As Massachusetts led the transition to knowledge industries over the past several decades, the state went from having among the most equal income distributions in the nation to one of the most unequal.<sup>1</sup>

In 2015, the top 10 percent of Massachusetts families garnered more than half of the income in the state, up from less than a third of the pie in 1970. By one estimate, the wealthiest one percent of residents have captured more than half (58 percent) of all income growth in Massachusetts since the 2009 recession.<sup>2</sup> Research by the Federal Reserve Bank of Boston reveals astonishingly high racial and ethnic wealth disparities in our region; the median black household's net worth is close to zero, while the median wealth of white households approaches \$250,000.<sup>3</sup>

High levels of income inequality have serious implications for health and well-being, as well as for productivity and long-term economic performance.<sup>4</sup> Social and economic inequality also corrodes the integrity of our civic architecture. High levels of inequality undermine democratic institutions by reducing social trust and political participation.<sup>5</sup> And wealth disparities translate into unrepresentative government, because a family's income (relative to other families) is a powerful predictor of whether people vote and otherwise participate.<sup>6</sup>

## I. Four Structural Weaknesses

This section documents four leading problems that compromise effective, broadly responsive government in the Commonwealth: the rise of an unrepresentative electorate, the unrepresentative nature of our elected leaders, the prevalence of uncontested elections, and a powerful state legislature that centralizes decision-making. Many of these patterns are generally well-established, while others have received less attention. They each reinforce one another, however, in ways that further diminish representative democracy in Massachusetts.

### 1. Frequent elections make the electorate less representative and policy outcomes more vulnerable to special interests

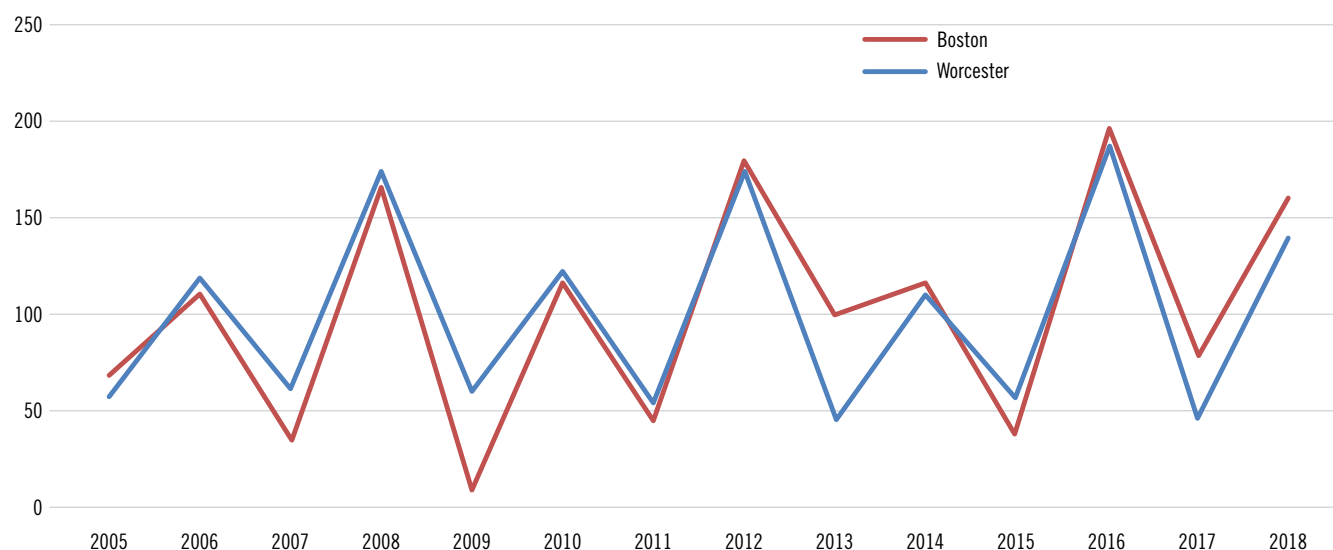
Voter turnout is an important gauge of healthy democratic governance because voting is the citizenry's primary tool for holding public leaders accountable. While many factors can lower turnout, Massachusetts' heavy election calendar is one of the most significant causes, and it is fully within our control.

In November 2018, 56 percent of the state's eligible voters went to the polls to cast ballots. While this was relatively high turnout for a midterm election in Massachusetts, only 19 percent of voters participated in the primaries, which determined the outcome of two-thirds of the state legislative races in the cycle.<sup>7</sup>

The 2018 contests for state and federal office drew a much larger share of eligible voters than the previous year's municipal elections. In November 2017, less than 20 percent of Boston's adult residents voted.<sup>8</sup> Worcester mayor Joseph Petty easily won re-election with more than 70 percent of the ballots cast, but that figure represented only 7 percent of the city's residents.<sup>9</sup> In Boston and Worcester—and generally in municipal elections across the country—turnout follows a zigzag pattern: much higher in years when federal races are on the ballot, and much lower when only local offices are contested (**Figure 1**).

Low participation rates are not confined to big-cities alone. Massachusetts is justly proud of its town meeting form of local government, but turnout is even lower in this arena. In the spring of 2017, town meetings drew only 2 percent of the adult residents who were eligible to participate.<sup>10</sup>

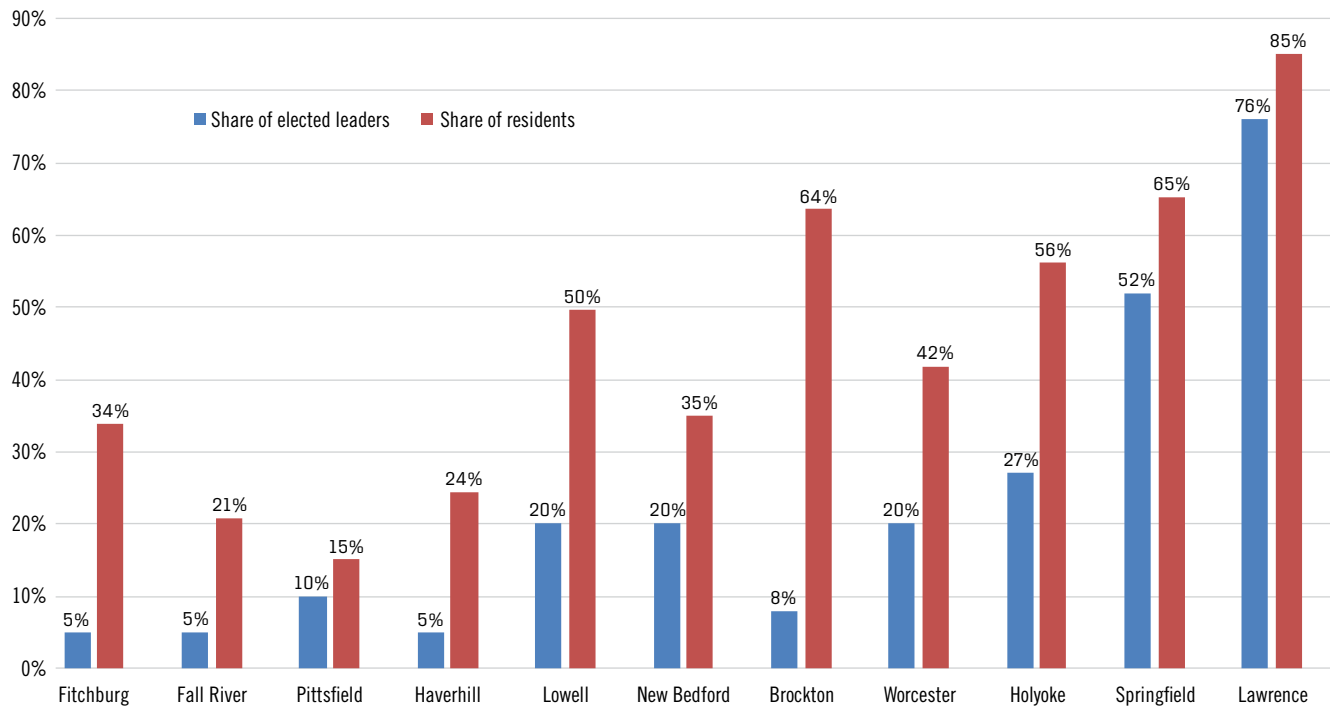
Figure 1: Votes Cast in Citywide Elections (indexed to 2005–2018 city averages)



Note: The above graph depicts year-to-year swings in the number of ballots cast by using the average across all years for each city as a benchmark. At 100, the average number of ballots were cast for the city. In 2016 both lines approach 200. In that year, both in Boston and Worcester, nearly double the average number of ballots were cast.

Source: City of Boston and City of Worcester election data

Figure 2: People of Color as a Share of Gateway City Residents and Elected Leaders, 2019



Source: MassINC estimates (see Appendix B)

Political scientists have long noted that voting becomes less balanced the lower the turnout, with the young and disadvantaged disproportionately missing from the polls. Low-turnout elections are generally dominated by people with long voting records; who have influential peers, educational backgrounds, or jobs that involve navigating politics; and who possess the wherewithal to raise campaign money—and often all these characteristics combined.<sup>11</sup>

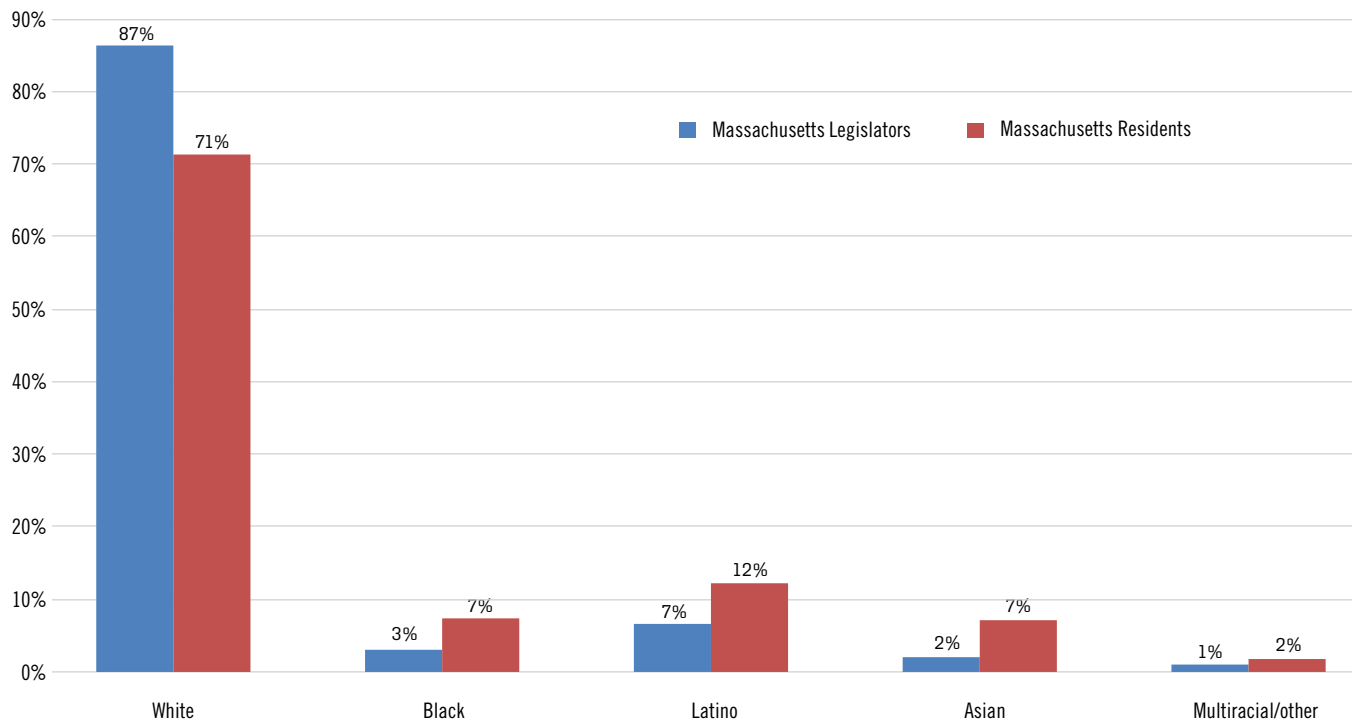
Census data show that even relatively high-turnout general elections do not attract a balanced electorate that reflects the state’s demographics. In the 2018 midterm elections, white non-Hispanic residents—73 percent of the state’s adult population—accounted for 83 percent of voters.<sup>12</sup> Data documenting the skew in Massachusetts local elections is harder to come by, but there are some telling figures. For instance, Tisch College’s Center for Information & Research on Civic Learning and Engagement (CIRCLE) found that turnout among residents aged 18 to 29 in Boston’s 2015 municipal election was under 2 percent, compared to almost 15 percent for Bostonians age 30 or older.

The American system of constitutional government, which makes most offices elective, offers citizens far more oppor-

tunities to vote than other democracies provide. But holding numerous elections and doing so at different, uncoordinated times also advantages those with greater means, who are much more likely to vote regularly for the reasons outlined above. In a state where high levels of inequality and segregation create a variety of structural obstacles to civic participation, this burden on voters’ time presents another barrier to achieving truly representative governance. A large and growing body of evidence suggests that the resulting electoral imbalance skews spending priorities and leads to less optimal policy outcomes for people of color.<sup>13</sup>

To the extent that the demanding election calendar lowers turnout, it also makes policy development more vulnerable to special interests. When contests are decided by relatively few voters, the amount of money and effort special interests must expend to influence elections is far lower. Often, well organized groups, such as public-sector unions, are able to dominate off-year municipal elections. Evidence suggests this disproportionate influence may lead local elected leaders to make decisions that are not in the best interests of their constituents as a whole. The outcome is especially detectable in education, where standardized tests allow researchers to link electoral participation to school performance across jurisdictions.<sup>14</sup>

Figure 3: Share of Massachusetts Residents and Legislators by Race/Ethnicity, 2018



Source: National Conference of State Legislatures and US Census Bureau

Recent advances, including online voter registration and early voting in state elections in 2015, and automatic voter registration in 2018, can increase the convenience of voting. These are appropriate ways to save the public time and to reduce the chances that eligible individuals are blocked from voting due to time constraints and conflicts. However, reforms that have improved registration and voting convenience have not raised turnout to a significant degree. Typically, they increase the number of people who register, but not the number of people who actually vote.<sup>15</sup>

## 2. Our elected officials do not reflect our diversity

From its local officeholders to the leadership of the state legislature, Massachusetts is not producing a body of representative leaders equipped to do the work of the entire people. Unbalanced representation by race and ethnicity is particularly striking, but there are also gaps by gender and party affiliation. Women and Republicans, as well as people of color, are underrepresented in Massachusetts in ways that require careful analysis.

### AT THE LOCAL LEVEL

Unbalanced representation by race and ethnicity is an especially challenging problem for the state's Gateway Cities,

where people of color make up 45 percent of the population. Their elected leadership has been slow to reflect demographic change in these communities. Currently, there are only two mayors of color in the 11 original Gateway Cities. In all 11 Gateway Cities, whites are more prevalent in elected office than in the population, often by a wide margin (Figure 2).

This pattern is not unusual. Our political system has a long tradition of yielding power slowly to newcomers. While stability has some value, stasis can fuel division, significant underinvestment in human capital, and unequal social and economic outcomes.<sup>16</sup>

Research demonstrates that when people of color have leadership roles in local government, their social and economic well-being increases.<sup>17</sup>

Electoral systems that are responsive to demographic change position communities to unlock the opportunity diversity presents. In industry, diverse companies perform better because they have access to a wider pool of talent and more external relationships that bring new knowledge to the table. Diverse companies are also less susceptible to "groupthink," which means they are nimbler and approach problems with greater creativity. In a world where change occurs at an increasingly fast pace, this dynamic provides a major competitive advantage.<sup>18</sup>

There is no guarantee that demographically diverse communities will reap the benefits of diversity. People sometimes exercise less trust and cooperation as diversity rises.<sup>19</sup> But wise leadership and community organizations that engage residents and create new social connections can help establish trust and supportive relationships.<sup>20</sup> Similarly, evidence suggests that in cities with civic and political structures that support inclusion, skillful politicians can build diverse coalitions that meet varying needs within a community.<sup>21</sup>

#### IN THE STATE LEGISLATURE

The most current data from the National Conference of State Legislatures show that whites are overrepresented by about 16 percentage points in the Massachusetts General Court (Figure 3). Asian residents are the most underrepresented group, with three-and-a-half times more residents than their share of state legislators, followed by African-Americans at three times, and Latinos at roughly twice the share of the state's population compared to their membership in the state legislature. To achieve balance, the legislature would need an additional 31 members of color (11 Hispanic, 10 Asian, 8 African-American, and 2 multi-racial).

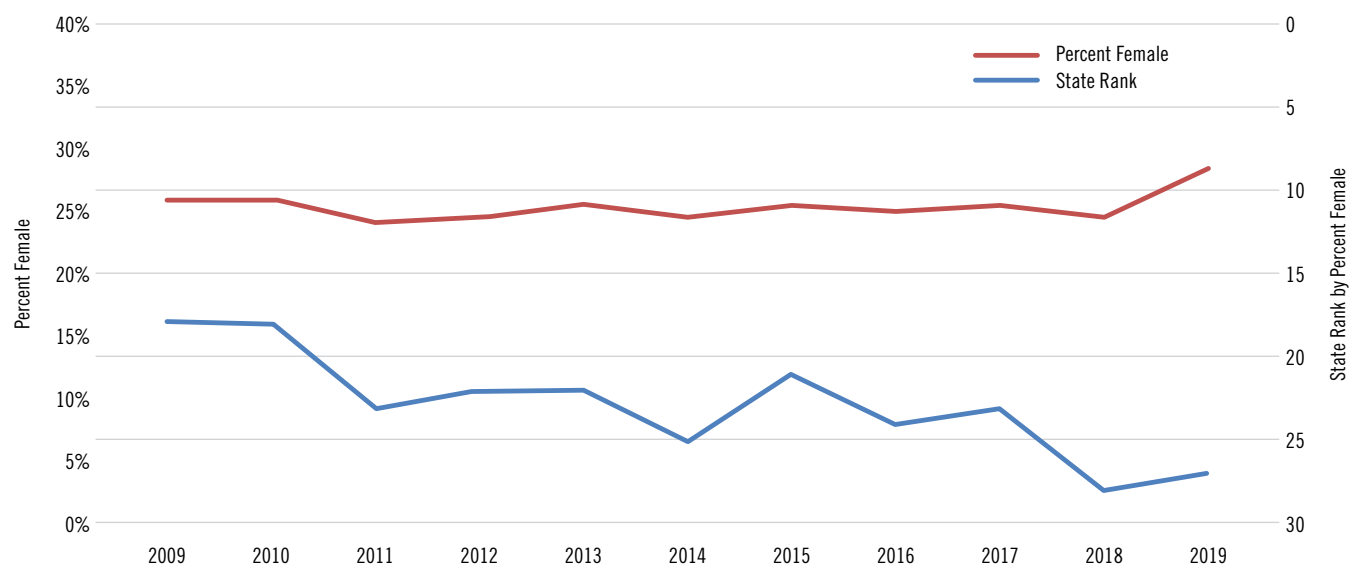
A legislative body that looks like the people is a form of what political scientists call descriptive representation. These scholars have generated evidence that descriptive representation affects policy outcomes, and that legislators of color are more likely to represent the opinions of constituents of color.<sup>22</sup> Descriptive representation also influences the deliv-

ery of constituent services. People of color are more likely to both contact their state legislators and to receive responses from them when they share the same race or ethnicity.<sup>23</sup> This dynamic is particularly notable given evidence that residents from communities of color are more often in need of assistance from their state legislators.<sup>24</sup>

The Massachusetts legislature is also highly unbalanced by gender. Several state legislatures, including those in Louisiana, Mississippi, Tennessee, West Virginia, and Wyoming, are nearing gender parity. In Massachusetts, 52 percent of adult citizens are women, yet women hold less than 29 percent of the seats in the legislature. As UMass Boston political scientist Erin O'Brien notes, the percentage of women in the Massachusetts legislature has ranged between 24 percent and 29 percent since 1995, and the percentage of women of color has hardly moved since 1979.<sup>25</sup> The National Conference of State Legislatures now ranks Massachusetts 27th in gender representation, down from 18th in 2009 (Figure 4).<sup>26</sup> To achieve balance, the Massachusetts legislature would need to add an additional 47 female members.

Scholars find that women's underrepresentation results in women's issues receiving less attention. Perhaps more surprising, fewer women in legislative roles may also exacerbate the challenges people of color face in trying to win support for their policy interests, since studies suggest that white women are significantly more likely than white men to support policy positions advanced by people of color.<sup>27</sup>

Figure 4: Share of Seats in Massachusetts Legislature Held by Female Members and State Rank by Female Representation



Source: National Conference of State Legislatures

Figure 5: Party Identification in Recent Surveys of Massachusetts Voters

Party ID without leaners	Date in Field					Average
	August 2018	December 2018	February 2019	June 2019	August 2019	
Democrat	33%	35%	36%	33%	35%	34%
Republican	15%	14%	14%	14%	15%	14%
Independent / Other	48%	48%	47%	51%	47%	48%
Don't Know / Refused	3%	4%	3%	3%	3%	3%

Party ID with leaners						
Democrat	50%	50%	51%	51%	52%	51%
Republican	27%	27%	27%	30%	26%	27%
Independent / Other	20%	20%	20%	16%	20%	19%
Don't Know / Refused	3%	3%	3%	3%	2%	3%

Share of identified partisans without leaners						
Democrat	69%	72%	72%	70%	70%	70%
Republican	31%	28%	28%	30%	30%	30%

Share of identified partisans with leaners						
Democrat	65%	65%	66%	63%	66%	65%
Republican	35%	35%	34%	37%	34%	35%

Source: MassINC Polling Group

Lastly, the state legislature is unbalanced by party. Democrats hold 80 percent of the seats, yet they account for just one-third of registered voters and only about half of voters when including independents who lean Democratic. Viewed the other way, Republicans account for 20 percent of the members but roughly 27 percent of voters are registered as Republicans or lean toward the Republican Party (**Figure 5**). To reflect the partisan values of the voters, the legislature would need an additional 16 Republican members.

Among other benefits, healthy party competition provides vital protection for a broad range of interests in a system of majority rule. If the parties do not face competitive pressure to build majority coalitions, they are unlikely to provide robust responses to the needs of smaller groups.<sup>28</sup>

Unbalanced representation in the legislature is especially problematic because power in Massachusetts is highly concentrated in the State House as opposed to local governments. Massachusetts has virtually no county government, and local

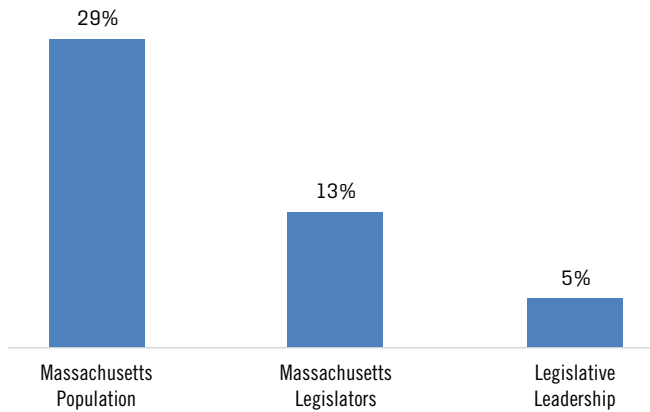
control is further constrained by one of the most restrictive home rule environments in the nation. That is, state law severely curtails local taxing and borrowing powers, and inhibits local decision-making with regard to housing and land use decisions.<sup>29</sup>

#### IN STATE LEGISLATIVE LEADERSHIP

Representation within the legislature's leadership structure is far more unbalanced than within the makeup of the body overall. The House leadership team is 100 percent white: 16 of 16. The Senate majority's leadership team is 100 percent white: also 16 of 16. (The assistant minority leader of the Senate is an Asian-American man). White men chair 10 out of 11 House standing committees (one is chaired by a Latino male). All 11 Senate standing committee chairs are white; just two of the 11 are female. Ninety-five percent (55 of 58) of the joint committee chairs are white; 64 percent (37 of 58) are male, 34 percent are female (21 of 58). African-American members do not hold leadership posts or committee chairs in either branch.

To summarize, of the 76 members who hold leadership posts or committee chairs, just four are people of color, two Democrats and two Republicans (**Figure 6**). And while female members make up 29 percent of the body, they account for just 24 percent of members with leadership posts or committee chairs.

**Figure 6: People of Color as a Share of the Total Population, State Legislators, and Legislative Leadership in Massachusetts**



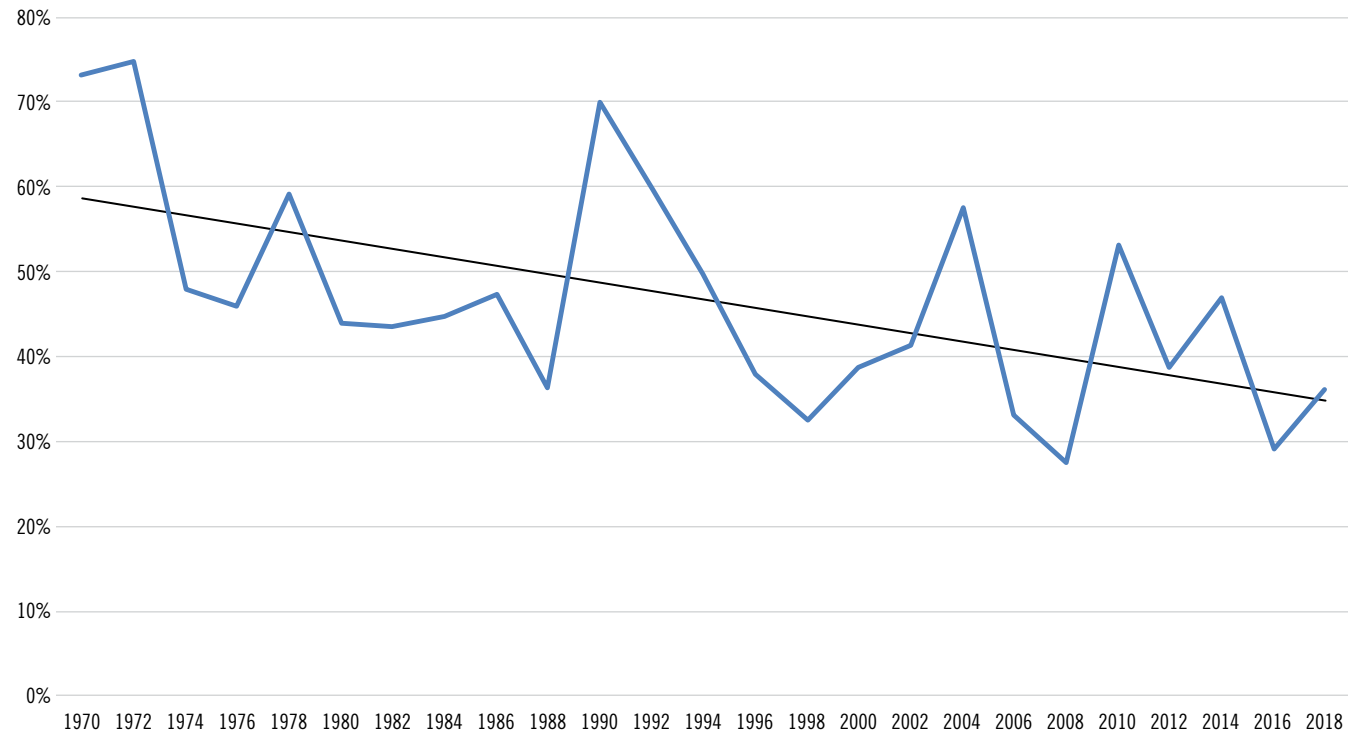
Source: Authors' analysis of data from National Conference of State Legislatures and US Census Bureau

### 3. Elections are rarely contested and often dominated by insiders

For the past several election cycles, Massachusetts has consistently ranked last or nearly last on measures of electoral competitiveness among state legislatures.<sup>30</sup> Data show that the Commonwealth has drifted away from competitive elections over four decades. While there is significant variation across cycles, it is clear from the trend line that fewer and fewer candidates face opponents in general elections for the state legislature (**Figure 7**). In 2018, a year many hailed as one of greater popular engagement in electoral politics, only one-third of the state's legislative seats in the legislature were contested in the general election, and fewer than half of the seats were contested in either the general or the primary.

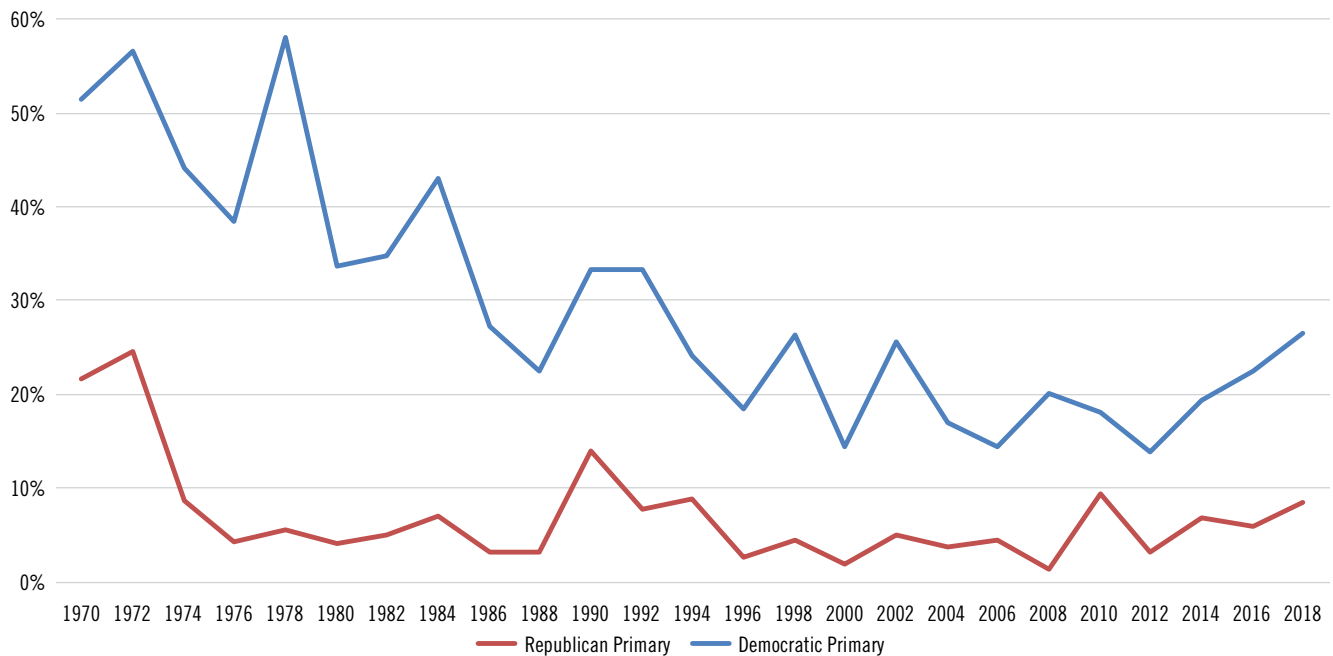
In the 1970s, about half of all Democratic primary elections were competitive, a sharp contrast with more recent times when only about a quarter of Democratic primaries have been contested. While 2018 did bring about a pronounced increase from the 2012 low, when just 14 percent of races were competitive, the Democratic primaries still fell well below past levels. With less than 10 percent of races contested, Republican primaries have been uncompetitive going all the back to the 1970s (**Figure 8**).

**Figure 7: Percent of Seats in State Legislature Contested in General Elections, 1970–2018**



Source: Massachusetts Secretary of the Commonwealth, PD43

Figure 8: Share of Seats in State Legislature Contested in Primary Elections, 1970–2018



Source: Massachusetts Secretary of the Commonwealth, PD43

Although the political science literature on the relationship between competitive elections and governance is not definitive, evidence suggests that *consistent* lack of competition is harmful. Citizens in states without party competition report feeling that government is less responsive to their needs.<sup>31</sup> And the absence of competition can contribute to voter disengagement; studies show that voters who live in uncompetitive districts are less likely to vote and less likely to know where their elected representatives stand on issues.<sup>32</sup> There is even emerging evidence that residents of districts that go for extended periods without competitive races incur measurable economic losses.<sup>33</sup>

Competition is no panacea. A low-turnout competitive election that provides little information to voters is also problematic. However, uncompetitive elections raise additional concerns when one reason for the lack of competition is an undue, built-in advantage for established insiders. One example is giving up a seat before the term is complete, creating an opening for a successor to gain office through a special election. These contests generally have extremely low turnout and highly unbalanced electorates, and the short time to prepare gives major advantage to those with pre-established political relationships. In Massachusetts, nearly one-quarter of state representatives and over one-third of state senators currently holding office first entered the legislature through a special election.

This practice extends beyond the legislature. Last year, a particularly brazen example of partisan self-dealing ensued when the Berkshire County DA openly admitted he was stepping down in order to appoint a hand-picked successor, capturing national attention.<sup>34</sup> This high-profile singular transfer of power and others like it clearly have the potential to undermine confidence in fair electoral processes and to suppress interest in running for office.

#### 4. Centralized power is problematic when leaders are unrepresentative and opposition parties and the press lack capacity to provide oversight

In the legislature, and particularly in the Massachusetts House, power is strongly concentrated in the leadership. Centralization is not necessarily a recipe for poor governance. The Massachusetts House of Representatives ranks behind only New Hampshire, Pennsylvania, Georgia, and Missouri in size, and a large body needs coordination.<sup>35</sup> In fact, there is a strong correlation between the size of legislatures and the power of their leadership.<sup>36</sup>

However, centralized power in Massachusetts is a concern given other structural forces at play. First, it is harmful when the leadership team is unrepresentative of the state's diversity. The state legislature's unusually high degree of control over



local governments, which often must address the needs of diverse populations, compounds the effect of this unbalanced distribution of power.

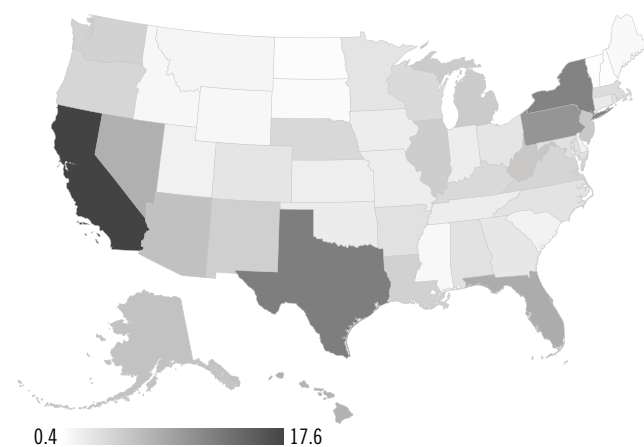
Second, concentrating power in a few hands becomes even more problematic when rank-and-file state representatives, state and local party committees, and the press all lack the capacity to play their parts in democratic governance: developing fully-fledged legislative proposals, analyzing alternative proposals, collecting input from a wide range of stakeholders, building coalitions, and providing public oversight and transparency. Their limited capacity for these tasks, described below, could expand without curtailing the legitimate powers of the legislative leadership.

### STATE LEGISLATORS

Massachusetts representatives and senators have small staffs, and there is no nonpartisan agency—analogue to California’s Legislative Analyst’s Office (LAO)—to provide objective analytical support.

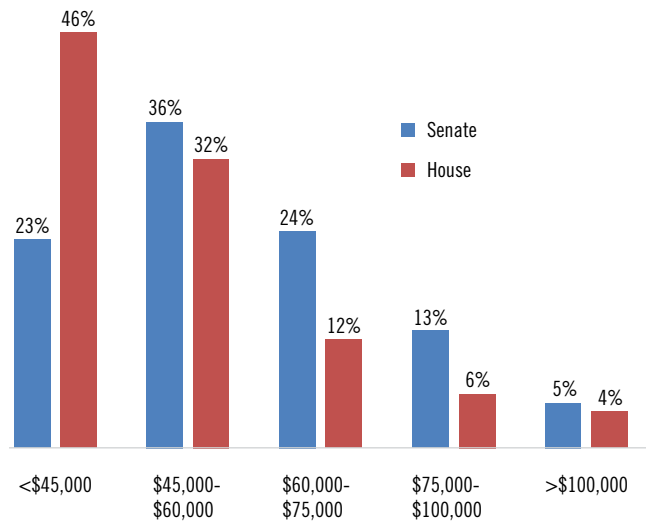
With 4.5 staff members per legislator, on average, Massachusetts ranks above the median for all states (21st out of 51). However, the states below Massachusetts on this metric are mostly small and much more conservative, so they have less-extensive state governments requiring less legislative oversight. All of the large states have significantly more staff members per legislator than Massachusetts does. On average, peer legislatures have about twice as much staff per member in Florida, Hawaii, Pennsylvania, and Nevada; three times more in Texas; and four times more in California (**Figure 9**).

Figure 9: National Conference of State Legislatures



Source:

Figure 10: Share of Staff in Massachusetts Legislature by Annual Pay, 2019



Source: Comptroller of the Commonwealth, CTHRU

Further, staff are unevenly distributed in the Massachusetts legislature. While the distribution of staff is not publicly disclosed, a typical rank-and-file House member employs just one assistant. Given constituent service demands, legislators with minimal staff support are left with very little time for research, consulting the public, building coalitions, or drafting policy proposals and analyzing alternatives. This is especially true for those representing communities of color, where constituent demands are often higher and whose offices do not have the additional staff that come with holding leadership positions, as noted previously.

Like the Massachusetts legislature, many other legislatures have inadequate staff, concentrate their staffing in leaders’ offices, or both. As a result, lobbyists fill the vacuum and gain influence. A common national pattern is that well-funded external lobbies provide the ideas and information that rank-and-file legislators cannot obtain, but they do so in support of their lobbying agendas.<sup>37</sup>

Lastly, low pay for legislative staffers adds to this concern (**Figure 10**). Nearly half of full-time House employees and nearly a quarter of Senate staffers earn less than \$45,000 annually. Across the two legislative branches, only 4 to 5 percent of staff earn over \$100,000 a year. To put these figures in perspective, consider the Department of Environmental Protection, which has a similar-size payroll. Less than 1 percent of DEP employees earn under \$45,000 a year, while 56 percent take home more than \$100,000 a year.

## PARTY ORGANIZATIONS

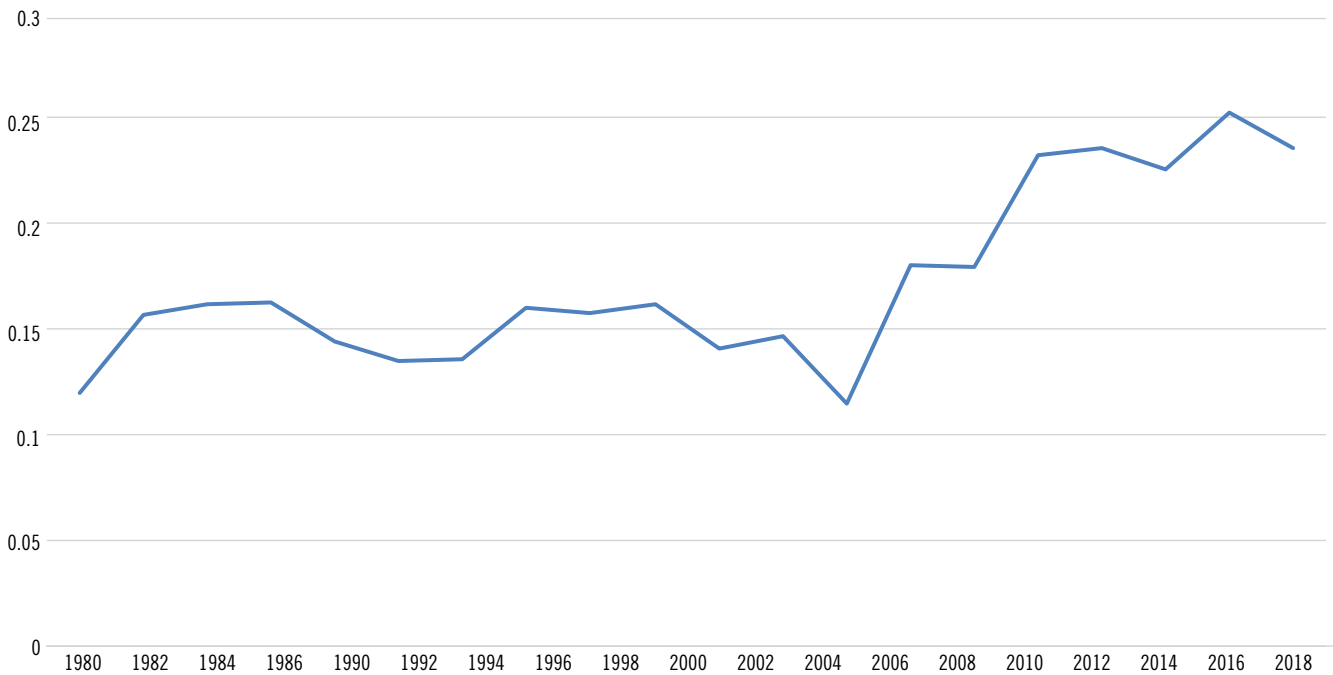
In the 21st century, party *loyalties* run deep.<sup>38</sup> Democrats hold increasingly hostile views of Republicans, and vice versa.<sup>39</sup> People even change their positions on core issues depending on where their favored party stands. In Massachusetts, voters are increasingly segregating themselves into communities along party lines. The Dissimilarity Index, the most common statistical measure of segregation, indicates that the share of Massachusetts Republican voters who would need to move to another community to achieve numerical parity with Democrats is rising at an accelerating rate (**Figure 11**).

As *institutions*, however, the parties are extremely weak. This problem raises concern for many political scientists. Well-intended campaign finance reform efforts have inadvertently undermined party infrastructure. As a result, state and local party committees no longer have capacity to organize significant internal debates about policy and priorities. They lack professional employees and dedicated volunteers, and operate few programs to attract young people or develop future leaders. State and local committees are especially anemic because they no longer have significant resources to donate to campaigns.

In 2018, the Massachusetts Democratic and Republican state committees spent just \$3.4 million combined (\$1 million and \$2.4 million, respectively). At the local level, Democratic committees spent about \$500,000, compared to Republican local committees' \$380,000. Moreover, local base-building activity was far less prevalent in urban areas. Fall River Democrats spent just \$91, and Republicans made no expenditures in the city. In Springfield, the various Democratic ward committees spent less than \$1,500 in 2018, while the Republicans spent nothing. By contrast, in Hingham local Republican committees spent \$4,400, and the Democrats \$3,924, and in Concord the numbers were \$3,141 and \$2,106, respectively.<sup>40</sup>

Without stronger parties, Massachusetts will not revive a high-functioning multi-party system. Partisan competition is vital to protecting the public interest in a legislature where power is concentrated. And once again, it is important to note that party competition is crucial to protecting the interests of numerical minorities in a system of majority rule.<sup>41</sup>

Figure 11: Dissimilarity Index of Republican and Democratic Votes by Municipality



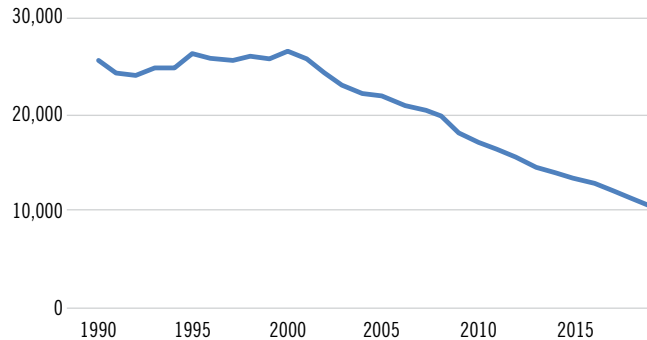
Note: The most common statistical measure of segregation, the Dissimilarity Index indicates the share of Republican voters that would need to move to another community in order to achieve equal numbers of Republicans and Democrats in each municipality.

Source: Massachusetts Secretary of the Commonwealth, PD43

## THE PRESS

Since 2001, Massachusetts has lost nearly two-thirds of its newspaper staff (**Figure 12**). Subscriptions and advertising revenue pay for professional reporting, and both have declined sharply since the dawn of the 21<sup>st</sup> century. In Massachusetts, just about half as many people purchase a print or online daily newspaper today compared to 2004.<sup>42</sup>

**Figure 12: Newspaper Employment in Massachusetts, 1990 – 2019**



Source: US Bureau of Labor Statistics

While this is a national trend and a major concern for democracy at all levels, it is a particularly acute problem for state and local government. Newspapers engage readers with communities and help nurture shared civic identity.<sup>43</sup> As local news coverage declines, citizen engagement in neighborhood groups and civic associations falls.<sup>44</sup> Regardless of their general level of political awareness, residents are less likely to know their state legislators and to vote when local news coverage drops.<sup>45</sup>

Most Massachusetts communities are still served by a local weekly paper (and in many cases a regional daily), but these institutions are merging and dramatically shedding staff.<sup>46</sup> Recently, GateHouse Media, which also controls seven of the state's largest regional daily newspapers, consolidated 50 of its weekly Massachusetts newspapers into 18.<sup>47</sup> Evidence suggests consolidation of local media leads to more coverage of partisan national politics at the direct expense of local news.<sup>48</sup>

Citizens are poorly served by these long-dwindling numbers and business concentration trends. With the opposition party ill-positioned to debate policy and raise valid concerns, the diminished power of the news media to provide checks on the state legislature's highly concentrated power is especially dangerous.

## RECENT CIVIC REFORMS IN MASSACHUSETTS

### 1998 CLEAN ELECTIONS LAW

Approved by voters in a 1998 referendum (58 percent in favor vs. 30 percent opposed), the Clean Elections Law offered taxpayer money to candidates who agreed to spending and fund-raising limits.

### 2003 REPEAL

The legislature uses the state budget as a vehicle to repeal the Clean Elections Law approved by voters.

### 2009 AN ACT TO IMPROVE THE LAWS RELATING TO CAMPAIGN FINANCE, ETHICS, AND LOBBYING

This law bans lobbyists from giving gifts to public officials, outlaws public officials from taking "substantial gifts," significantly increases many of the penalties for ethics violations, provides stricter definitions of lobbying that give less leeway to lobbyists, and strengthens campaign finance reform.

### 2010 OPEN MEETING LAW

This law requires that most meetings must be held in public and that appropriate notice must be provided before the proceedings. In existence since 1958, the Open Meeting Law was significantly strengthened in 2010. Among other new features, it made the enforcement of the law the responsibility of the Attorney General's office.

### 2014 AN ACT RELEVANT TO CAMPAIGN FINANCE DISCLOSURE AND TRANSPARENCY

This act is one of the best of its type in the country, generally regarded by legal experts as a leading model of disclosure law. It requires that political advertisements must list their top five contributors in print and TV ads (over \$5,000), that SuperPACs must disclose donors within seven days of running paid ads, and that email and internet advertisements must be disclosed. In addition, enforcement agencies have clear authority to regulate outside funds.

### 2014 AN ACT RELATIVE TO ELECTION LAWS

This act includes measures to implement online voter registration and preregistration; an online portal reflecting voter status, polling place, and elected officials; and platforms providing information about early voting for state elections, post-election audits, and election task forces.

### 2015 AN ACT TO IMPROVE PUBLIC RECORDS

This act requires the payment of attorney fees when information is unlawfully denied, promotes the availability of electronic records, minimizes fees, and streamlines the process for public records requests.

### 2018 AN ACT TO PROMOTE AND ENHANCE CIVIC ENGAGEMENT

Among other provisions, this act requires public high school students to conduct civic education projects.

## II. Four Policy Priorities

No silver bullet can address the major structural challenges and governance inequities detailed above. Tackling these problems will require a comprehensive, multidimensional response. In this section, we emphasize four reforms that are especially promising and timely. Appendix A rolls out some additional policy ideas that should also be brought into public debate. The goal of all these proposals is to increase participation and representation, and to expand democratic capacity both within and beyond government. While some of these ideas may be politically challenging, others already have real momentum. Overall, their implementation should be fairly straightforward, requiring only political will and democratic conviction. If local and state-level civic leaders work collaboratively to advance these changes, much could be accomplished in the near term.

### 1. Synchronize state and local elections

Holding local elections in odd years when state and federal offices are not in play is a failsafe means of dramatically *reducing* turnout. To boost turnout, several cities and states throughout the country have moved municipal contests to even years.<sup>49</sup> In 2015, California passed legislation requiring municipalities with consistently low turnout to move their elections to statewide primary or general election days. Estimates suggest the change increased voter turnout by five percentage points in the cities affected.<sup>50</sup> Other studies show that moving local elections to even years has generated substantially higher participation increases in cities where mayoral elections and city council races have extremely low turnout.<sup>51</sup>

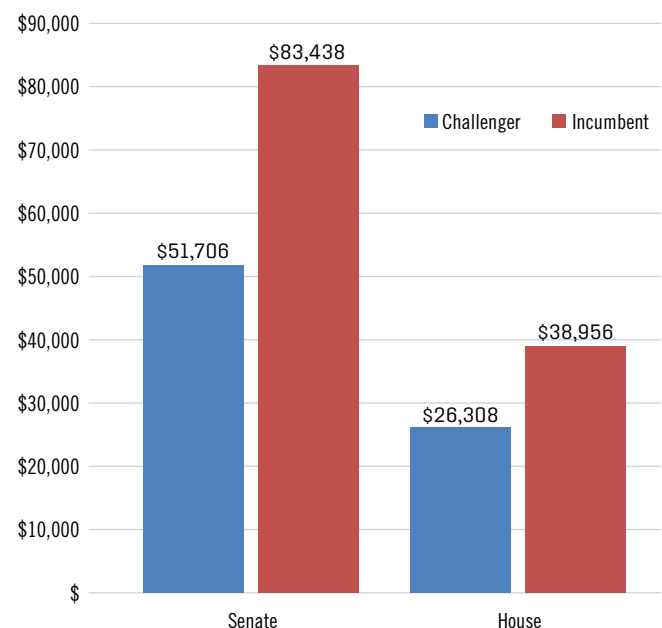
Placing municipal contests on the ballot during even years does raise valid concerns. Federal races risk crowding out voter attention to local policy issues, especially with declining media focus on state and local politics. Ballot length is also a concern. Especially if ranked-choice voting (see Appendix A) were also implemented, ballots could grow quite long. Providing public funding for campaigns and strengthening state and local journalism (described below) can help mitigate these challenges. Consolidating state and local elections would also produce significant administrative savings that could be redirected to these higher-value strategies.

### 2. Provide public funds for candidates and parties

Public funding systems reduce dependence on large private donors, allowing challengers to compete on a more level playing field and increasing electoral competitiveness.<sup>52</sup>

While Massachusetts' strict campaign finance laws have kept the money flowing directly into campaigns from rising, state legislative contests are still quite expensive to wage. In 2018, House candidates spent on average over \$30,000. For Senate contests, the figure was more than double, topping \$70,000. The current system also places challengers at a significant disadvantage. In House races, on average, incumbents spent nearly 50 percent more than challengers; the differential between incumbents and challengers exceeded 60 percent in Senate races (**Figure 13**).

Figure 13: Average Spending in Massachusetts Legislative Races, Challengers vs. Incumbents, 2018



Source: Massachusetts Office of Campaign and Political Finance

Public funding also expands the amount of communication voters receive from politicians. In contrast, spending limits tend to reduce the amount of information reaching voters before an election.

Research from the Brennan Center for Justice shows that public funding produces these benefits in part by increasing the racial, economic, and gender diversity of those running for office. Similarly, public funding expands the diversity of those who engage in electoral politics and increases participation in historically disenfranchised communities.<sup>53</sup>

Public financing systems can be built to give candidates strong incentives to raise money from small donors by matching private funds up to a limit. Social media technology facilitates grassroots efforts to engage citizens in this manner, making it more attractive for candidates to opt-in to public financing programs where they exist.<sup>54</sup> These technologies do introduce new risks, however, especially if they open up local contests to a flood of spending from highly partisan out-of-state donors and/or make it easier for those with more access to wealth in their social networks to generate proceeds for their campaigns, further unleveling the playing field.

Using public funding to strengthen the parties is one strategy for remedying these concerns. With more significant resources to deploy, parties could invest staff and volunteer time in efforts to develop new candidates and voters, especially those with views most likely to draw interest from a majority of voters in a district. Many states have mechanisms to provide funds to parties. For instance, Florida directs 85 percent of candidate filing fees back to the candidate's party.<sup>55</sup>

Massachusetts has a challenging history with public funding for elections. The most recent legislation to provide public funds was repealed. Rising awareness of the value of social media and of the need to strengthen parties should provide new openings for revisiting this issue.

### 3. Increase the capacity of the *whole* legislature to legislate

This paper has argued that many more Massachusetts legislators and their staff should have greater capacity for full involvement in legislative work. Because such capacity is excessively concentrated in the legislative leadership, especially in the House, too few people contribute their perspectives, experiences, and talents, and too much power is wielded by a small number of leaders who—to make things worse—are demographically unrepresentative of the state. Strengthening the capacity of all legislators to do the essential background work required of sound, truly representative legislation would make these positions more attractive and thus improve

recruitment. Three related proposals—all involving increases in staffing—would help.

#### A. INCREASE THE NUMBER OF LEGISLATIVE STAFF AND PROVIDE BETTER SALARIES AND HUMAN RESOURCES SUPPORT

Legislators depend on professional staff to help them weigh the complex policy challenges they confront, to engage ordinary citizens, and to build coalitions in support of legislation. Compared to other state legislatures, and even other public agencies within the Commonwealth, the number of legislative staff and their pay scales are clearly not commensurate with the important work undertaken by the legislature. Since legislative staff are also very unevenly distributed, it is most important to increase the number of staff allocated to rank-and-file House members.

Although the House has an Office of Human Resources, a 2018 report found that it “lacks the requisite capacity and background in equal employment opportunity and investigations and certain fundamentals of personnel practices, to sustain the increasingly complex human resources function required by an organization as large and unique as the House.”<sup>56</sup> At the federal level, a bipartisan select committee recently recommended the creation of a Human Resources “hub” and a permanent Office of Diversity and Inclusion for congressional staff.<sup>57</sup> Similar offices would improve the professional work environment for Massachusetts legislative staff and thereby help attract and retain a diverse and highly-qualified workforce. A fully empowered human resources division could also produce reports on staffing trends and assignment patterns, providing additional transparency to this significant investment.

#### B. CREATE A STATE 311 LINE TO RELIEVE PRESSURE ON LEGISLATIVE OFFICES

Like cities, the state legislature would benefit from a 311 service line providing appropriate direction to callers seeking basic information. This number would be staffed by nonpartisan state employees trained to understand state laws and services. They would offer translation and accessibility services, and possess a range of specialized skills. Residents could call 311 to get efficient, professional help.

This screening service would significantly reduce the burden on legislative staff, allowing them to focus more time on legislative research and coalition-building, and remove the temptation legislators might have to handle routine calls themselves.

### C. CREATE AN INDEPENDENT LEGISLATIVE RESEARCH OFFICE

Most state legislatures draw on analyses from nonpartisan budget offices. At minimum, these agencies provide objective assessments of proposed legislation's revenue implications. Many offer broader, more complex analysis. Massachusetts is one of just four states that lack this capacity entirely.<sup>58</sup> Without such services, legislators do not have the objective analysis needed to weigh complex proposals costing billions of dollars in public expenditure. From reviewing healthcare and public pension spending to debating renewable energy and transportation policy, Massachusetts legislators regularly make decisions with long-lasting implications without adequate information. Again, this problem is particularly acute for rank-and-file members, and it contributes to the centralization of power in the leadership.

Over the years, MassINC and many others have issued calls to establish an independent research office. This critical measure remains central to a comprehensive strategy to strengthen democratic governance in the Commonwealth. Massachusetts should create capacity either in a new agency, modeled on California's Legislative Analyst's Office, or within the Comptroller's Office. Nonpartisan analysts with specializations ranging from law and budget analysis to economic modeling should provide research upon request. The independent agency should be in a position to prioritize their research efforts based on relevance, rather than by legislator rank, and all resulting reports should be made public.

#### 4. Invest in the press

Democracy requires sound information, which costs money to generate. The collapse of the business model for traditional newspapers has gutted much of the financial support for jour-

nalism. Some foundations have funded public-interest reporting to stem the tide. These resources have been especially helpful in sustaining costly investigative reporting. However, more mundane state and local coverage has not fared well under this model, since local and regional foundations are clearly not positioned to fill the void in a sustainable manner.<sup>59</sup>

More concerted effort must be made to find new business models for state and local news. The state could give media companies incentives to offer local coverage or subsidize journalism more directly. While offering public funding for journalism raises serious concerns about press freedom, public broadcasting demonstrates how independent reporting can thrive with public support.

Public broadcasting began with a national network of college and university stations, most of them based at state universities, which then received support from the federal Educational Television Facilities Act of 1962. Today, 36 states directly fund public broadcasting—but not Massachusetts.<sup>60</sup> Concerned by the loss of local newspapers, many states are searching for ways to emulate this model for print media. In 2018, New Jersey became the first to act with the creation of a public fund to support quality journalism, media startups, and other creative initiatives to better inform citizens.

Massachusetts is fortunate to have many organizations and scholars at the leading edge of efforts to ensure that residents in all of our communities receive quality state and local news. Pending legislation would establish a commission to examine the state of the media in Massachusetts communities and to propose policy for strengthening the watchdog role played by local news coverage. A strong and well-staffed commission could analyze the complex and rapidly changing new-gathering landscape, and surface strategies for tackling this tenacious challenge.

**Holding local elections in odd years when state and federal offices are not in play is a failsafe means of dramatically *reducing* turnout.**

## Appendix A: Additional Ideas For Strengthening Equitable State Governance

This paper has presented four proposals that have particularly high potential for righting the structural imbalances that pervade the Commonwealth's system of representation. Yet we recognize that improving the state's entire system of governance requires attention to many other related issues. Dedicated civic reformers have invested significant and welcome effort in advancing proposals that are also worthy of support. Those ideas are described below.

### Civic Education

Civic education increases knowledge of government, politics, and policy issues; boosts civic skills and interest in civic engagement; decreases opportunity gaps between affluent and financially stressed students; and expands voter turnout.<sup>61</sup> Massachusetts was unusual in having no state requirement for civics coursework until last November, when Governor Charlie Baker signed An Act to Promote and Enhance Civic Engagement. Among other provisions, the new law requires all public high school students to conduct a hands-on civics project.

The law also creates a fund to support student projects, professional development for civics teachers, and related activities. This new fund can receive both state dollars and private grants. The FY 2020 state budget allocates \$1.5 million to the account—a notable beginning, but only a small proportion of the resources necessary to implement robust civic education programs across the state.

There is ongoing debate over whether to test students' civic knowledge. Arguments in favor hold that disciplines requiring standardized testing receive focused attention from students and schools, and attract resources such as highly qualified teachers and greater instructional time. On the other hand, conventional tests would likely push civics teachers to focus on facts at the expense of civic skills, such as deliberation, public speaking, and critical evaluation of news sources.<sup>62</sup>

That said, standardized testing in civics is now almost inevitable. Since "History, Social Science, and Civics Education" is now included in the state's curriculum framework, most observers expect these subjects to be tested in the MCAS. Already, the Department of Elementary and Secondary Education has formed a committee to develop "performance-based assessment tasks" for the newly mandatory civics course in eighth grade.<sup>63</sup> Within this context, we recommend developing assessments that truly test for civic acumen, rather than using the simple, rote-memory, multiple-choice tests that are common in other states.

Given the program's project-based learning requirement and the participatory outcomes we hope civic education will produce, the state should develop an alternative assessment that allows the Department of Elementary and Secondary Education to evaluate the quality of the civic learning experiences provided by schools and districts. Rather than testing students for acquisition of concrete factual information, the state should give them performance tasks (i.e., presentations, portfolios, and project work) to demonstrate that they can interact well with one another and address complex civic challenges effectively.

Developing these new assessments will require significant investment, but it is a worthy public expenditure. The state must be in a position to deliver accountability also that reflects the true nature of civic learning, given the critical importance of civic knowledge and skills to both individual students and the health of our democratic institutions.

### Allowing Youth to Vote in Municipal Elections

Over the past few years, communities across the country have moved to lower the voting age in municipal elections to 16.<sup>64</sup> Several cities and towns in Massachusetts have voted to do the same. However, the state legislature must act in order for these local changes to take effect.<sup>65</sup>

Evidence suggests that lowering the voting age will improve long-term voter turnout, especially if teenagers also receive civic education in schools. Today, we expect many young people to vote for the first time when they are no longer living with older adults who can remind them to participate, help them with the mechanics of voting, and discuss issues with them. The current arrangement is a recipe for low turnout, and the effects are lasting because voting is a habitual behavior. Experimental evidence shows that people who are encouraged to vote in an election, and do so, are more likely to continue voting in future elections.<sup>66</sup>

Voting for the first time while in high school would allow students to learn the mechanics of registration and voting (which many find intimidating) and to experience nonpartisan discussions of important issues before their first election.

Moreover, evidence suggests that teens are ready to vote. Not only are many working, they also score similarly on surveys of political knowledge, tolerance, political efficacy, perceived civic skills, and community service as 21-year-olds. Adolescents' brains do differ in ways that affect their decision-making, but voting is not like steering a car. The kinds of premeditated, abstract decisions that people make at the ballot box are well-developed at this stage.<sup>67</sup>

At a time when turnout in local elections is highly skewed by age, as well as by race and ethnicity, allowing younger, more diverse youth to vote would lead to a more representative electorate, while forming new regular voters to counter declining participation trends.

## Ranked-Choice Voting

Signatures are being collected for a ballot initiative to use ranked-choice voting (RCV) in all state elections. In RCV, voters can mark their support for candidates in order of preference instead of choosing just one. The resulting information can be applied in several ways. In Instant Runoff Voting (IRV), the rankings are used to select one winner, such as the mayor or the representative of a given district. If no candidate wins a majority of the first-rank votes, the lowest-ranked candidate is removed, and their second-choice votes are re-allocated until someone wins more than 50 percent support. Some US cities, including San Francisco and Memphis, use this approach. In Single Transferable Voting (STV), the rankings are used to select a whole body of representatives. STV was fairly common in US cities between 1914 and 1948, but it is now used in only a handful of municipalities.

The strongest argument for these two variants of ranked-choice voting is that they reduce the chance that unpopular candidates can win by splitting opposition votes among several contenders. When RCV works in this manner, it increases electoral legitimacy.

RCV also discourages negative campaigning, since candidates who attack their rivals risk losing potential second-choice votes. Negative campaigning does not necessarily reduce turnout, but it may well discourage candidates with high potential for public service from entering politics.<sup>68</sup>

There is also evidence that RCV improves demographic representation. In a recent analysis of election results in Oakland, Minneapolis, and Cambridge, plus a model that simulated ranked-choice voting in Chicago, researchers found that it boosted representation of people of color, particularly when the STV design was used in multi-member districts.<sup>69</sup> In such a system, a city is divided into relatively large districts that each send multiple representatives to the council, and the voters in each district use STV to select their slates. A similar approach can also be used in selecting state legislators.

This new study is an important contribution to the literature, but since there is limited modern experience with RCV voting in the US, evidence that it will increase the representation of people of color is preliminary. There are plausible hypothetical circumstances in which white candidates might fare better under RCV than under conventional systems. Because this method of voting is more time consuming, it would also make it more challenging to combine local elections with state and federal races, which we have advocated as a way to boost turnout.<sup>70</sup>

On balance, though, the evidence favors supporting a ballot initiative to convert all state elections to RCV. In the event that the initiative does not succeed, we advocate targeted experiments with RCV. Here, home-rule petitions should be granted when municipalities have gone through democratic processes to choose RCV as a favored reform. Statewide primary campaigns are also good candidates for RCV because they often draw multiple candidates. Under these circumstances, candidates representing small wings of a party can win, and voters are not confronted with the dilemma of choosing candidates who most closely mirror their own preferences or those who are most likely to win. RCV reduces or removes that dilemma by allowing voters to rank multiple candidates.

## Election Day Registration

In 2018, Massachusetts adopted Automatic Voter Registration (AVR). When citizens interact with a state agency, such as the Registry of Motor Vehicles, they are now automatically registered (unless they decline), and their information is updated in the rolls. Since AVR is a recent reform in other states, existing empirical evidence does not yet show whether AVR will have a major positive effect on turnout here. Reforms designed to facilitate registration typically increase the number of people who register, but not the number of people who ultimately vote.<sup>71</sup> This is also true of early voting, which may lead to lower turnout in some instances.<sup>72</sup> Still, AVR at least has the benefit of improving convenience for voters.



One significant issue with AVR is that some people who are eligible to vote are not automatically registered in time to participate in a given election. Massachusetts should therefore establish Election Day Registration (EDR) to meet the needs of people who appear at the voting location and find they were not automatically registered. Twenty-one states plus the District of Columbia currently allow EDR. In New England, Connecticut adopted EDR in 2012, and Vermont followed in 2015; voters in Maine and New Hampshire have been able to register and vote at the same time since 1973 and 1996, respectively. Pending legislation, including a bill filed by Secretary of State Bill Galvin, would add Massachusetts to the growing list of states that allow people to register to vote on Election Day.

### Citizens Initiative Review for Ballot Questions

Voters in Massachusetts are able to make policy through several types of ballot initiatives and referenda.<sup>73</sup> These forms of direct democracy can increase voter mobilization and, by extension, boost turnout, particularly in midterm elections.<sup>74</sup> However, parties and interest groups can employ them to drive partisan turnout with divisive wedge issues.<sup>75</sup> Ballot questions are also increasingly subject to private spending,

since spending in ballot campaigns is not capped. Over the past two cycles in Massachusetts, proponents and opponents together spent more than \$100 million seeking to influence the outcomes of ballot initiatives, often with one side outspending the other by extremely large margins.<sup>76</sup>

Concern about ballot initiatives arises when voters have difficulty gathering reliable information to weigh a measure's implications. A Citizens Initiative Review (CIR) offers an effective response to this problem. In this process, a randomly selected panel of citizens hears testimony, deliberates, and produces a statement evaluating a pending ballot initiative. In Oregon, where this reform originated, the state sends the panel's statement to all registered voters. These highly regarded documents improve voters' understanding of the issue at hand.<sup>77</sup> A CIR is also an indirect campaign finance reform measure, since the free and unbiased information it provides reduces the impact of privately funded ballot campaigns.

In 2016 and 2018, Tufts University's Tisch College of Civic Life, Healthy Democracy, and the office of State Representative Jonathan Hecht collaboratively piloted a CIR in Massachusetts.<sup>78</sup> The state can build upon this experience by institutionalizing a process that provides the Commonwealth's voters with objective information on pending ballot initiatives.

**Civic education increases knowledge of government, politics, and policy issues; boosts civic skills and interest in civic engagement; decreases opportunity gaps between affluent and financially stressed students; and expands voter turnout.**

## HOW ABOUT THE GERRYMANDERING PROBLEM?

Nationally, gerrymandering is a major problem, responsible for reducing turnout, legitimacy, and accountability. A North Carolina state court recently ruled that the maps for North Carolina's legislative districts "do not permit voters to freely choose their representative, but rather representatives are choosing voters based upon sophisticated partisan sorting."<sup>79</sup> Many states have adopted or are considering forming nonpartisan districting commissions, which can increase competitiveness, representativeness, and perceived legitimacy.

In Massachusetts, a strong case can be made that a nonpartisan commission would improve the legitimacy of an electoral process that is not widely trusted. Lack of faith in the process may alone justify adoption of such a commission. However, it is not clear that commission recommendations would much alter actual *partisan* election results. Republicans are outnumbered in the electorate and remain rather evenly distributed across the state despite the recent increase in partisan segregation. Mathematician Moon Duchin has shown that in recent elections, it would have been mathematically impossible to draw a contiguous congressional district in Massachusetts with a Republican majority, even though Republicans exceeded 30 percent of the electorate statewide. That is, the party may realistically draw 30 percent or 40 percent of the vote but win no seats due to the spatial distribution of their support. Put another way, in the elections reviewed, alleged gerrymandering had nothing to do with Republican electoral performance.

To investigate the impact of districting on the Massachusetts legislature, Duchin conducted an original analysis for this report. A faculty member in the Tufts Mathematics Department and the Tisch College of Civic Life, and director of the Metric Geometry and Gerrymandering Group, Duchin is a nationally recognized, nonpartisan expert on gerrymandering.

Duchin and her team generated tens of thousands of random maps for the State Senate through a process that created representative samples of all possible maps in which the districts are contiguous, compact, and roughly equal in population. They then examined how many senators of each party would be elected if each of these maps were in place. One challenge lay in predicting how people would vote if they were assigned to new districts instead of existing districts, most of which have incumbent senators. One could imagine that Republican candidates would gain as small a share as Donald Trump won in Massachusetts in 2016 (35 percent) or as large a share as Scott Brown won in 2010 (52 percent). Duchin's team looked at each map with the Republican share of the vote from each federal election since 2002, producing a large set of possible results.

In today's State Senate, six of forty senators are Republican, and one is an independent. Under most of the scenarios Duchin's method generated, Republicans would fare *worse* than they do today. For example, if the partisan breakdown was like that of the 2016 election, then randomly generated maps would yield a maximum of four districts with Republican majorities, when six Republican senators actually serve today.

To be sure, if Republican State Senate candidates won a majority of the statewide vote, as Scott Brown did in the 2010 US Senate contest, then their share of Senate seats would rise dramatically under most plans. The average number of Republican seats in Duchin's maps would be roughly 26 under that scenario. Then again, if Republicans attracted Scott Brown's pattern of votes with the current map in place, they would capture 27 seats.

In short, there may be reasons of general principle to assign districting to a nonpartisan commission instead of allowing a partisan legislature to draw its own maps. But this is not a path to more competition in Massachusetts at the present time.

## Appendix B: Data on Race/Ethnicity of Elected Leaders: A Methodological Note

Identifying the race and ethnicity of elected leaders in state and local government is challenging. This report largely draws on self-reported data collected by the government data service KnowWho. The National Conference of State Legislatures summarizes these figures for the Massachusetts legislature as a whole.

To gauge the racial and ethnic makeup of the leaders and committee chairs in each branch, as well as Gateway City elected leaders (mayors, school committee members, city councilors, and state senators and representatives), MassINC developed a methodology that included a search for racial and ethnic

identity in biographical references. When this information was unavailable, we asked a team of three researchers to independently make a determination from publicly available photographs.

A review of the literature on this topic suggests this approach is imprecise and that ascribing race and ethnicity to individuals raises ethical challenges. However, the method provides estimates with general directional value and the data are not reported for individuals, which mitigates the most serious ethical concerns.

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The Massachusetts Institute for a New Commonwealth (MassINC) is a rigorously nonpartisan think tank and civic organization. It focuses on putting the American Dream within the reach of everyone in Massachusetts using three distinct tools: research, journalism, and civic engagement. MassINC's work is characterized by accurate data, careful analysis, and unbiased conclusions.