

Voting on a District Basis vs. Voting for the Statewide Plurality
An analysis of joint assembly votes 1974 through 2010

Thomas Weiss, revised January 5, 2015

When a candidate for certain statewide offices fails to achieve a majority of the popular vote, a joint assembly of the General Assembly fills that office by election. Scott Milne, candidate for governor in 2014, pointed out that he had won more districts than had Peter Shumlin. The common lore is that the joint assembly elects the candidate who received the statewide plurality. This paper analyzes that. If the members of the joint assembly had voted for the candidate with the most votes in the most districts, would that have changed the outcome of any election? The short answer is that it would have changed one election, it did change another election, and it made no difference in nine elections. The votes in three of the elections were quite close to what would be expected if the vote had been for the person who had received the most votes in each district rather than who received the statewide plurality.

This paper analyzes all eleven elections by joint assembly since 1974. The year 1974 was selected for two reasons. Firstly, the last election by joint assembly before 1974 was in 1912. Secondly, 1974 had the first elections by joint assembly in which districts were based on population rather than geography.

Analysis of the votes of the joint assemblies shows that the joint assemblies appear to take into account other factors than which candidate received the statewide plurality. If the joint assemblies voted strictly on the basis of each member voting for the candidate with the statewide plurality, then each election would have been 180 to 0 to 0. That never happened. Instead, the candidate receiving the most votes received between 90 and 159 votes, with the average being 144. So the voting in the joint assemblies takes into account other factors than the candidate with the statewide plurality. In addition, in three joint assemblies, the votes are very close to what would be expected if the votes had been cast on how each member's district had voted. This analysis calls that a district basis. (In many districts, the candidate with the most votes received a majority rather than a plurality.)

The results of this analysis are:

- There were two elections where it makes a difference whether the vote is on a statewide plurality basis or a district basis. There were two elections where one candidate had the statewide plurality and the other had the most districts. The joint assembly voted once for the candidate with the statewide plurality (2010 governor) and once for the candidate with the majority of districts (1976 lieutenant governor).
- In the remaining nine elections, the same candidate would have been elected with a vote on the statewide plurality or on the district basis.
- In at least three of the elections, the vote by the joint assembly was very close to how votes would have been cast on a district basis. (2002 lieutenant governor; 1986 governor; and 1976 lieutenant governor)

In six of the general elections (1986, 1998, 2002, and 2010), the available voting results are sufficient to determine the popular vote in each district. In five of those elections, the candidate with the statewide plurality also had pluralities (or majorities) in the most districts. In those five elections, the same person would have been elected whether the members in the joint assembly all voted for the statewide plurality or all voted for how their own district voted. In two of those five elections, the votes by the joint assembly closely match the distribution of how the districts voted. In one of those six elections, the candidate with the statewide plurality did not have pluralities (or majorities) in the most districts. The 2010 general election for governor is the one case where it would have made a difference. In that case, Brian Dubie received pluralities (or majorities) in the most districts while Peter Shumlin received the statewide plurality. The joint assembly elected Shumlin.

In five other general elections (1974 and 1976), the data are not readily available to analyze definitively whether the candidate with the statewide plurality is the same as the candidate with pluralities (or majorities) in the majority of districts. That is because 13 initial districts were further divided into districts in which at least one

town or city had been split among districts. Those districts, all in the house of representatives, have a total of 65 members (more than one third of the total in a joint assembly). The results published by the Office of the Secretary of State for the general elections of 1974 and 1976 do not record the votes for each of those districts. Nor were those splits found at the state archive. A few of those splits were found in newspaper reports of the 1974 and 1976 general elections. However, in those five elections, a range of votes can be determined, sufficient to draw some conclusions.

In the 1976 general election for lieutenant governor, John T. Alden had the statewide plurality. The joint assembly did not elect Alden. Instead, the joint assembly elected T. Garry Buckley. Buckley likely received pluralities (or majorities) in the majority of districts. This likelihood is based on the minimal overlap in the range and on an inspection of the spread of votes within each of the 13 divided precincts. In this election, it is likely that the joint assembly did elect the candidate with the majority of the precincts. The joint assembly did not elect the candidate with the statewide plurality.

In the four offices from the 1974 general election decided by joint assembly, the overlap in the range of precincts is large enough to make uncertain any inferences on which candidate received the most districts. In those four offices, based on the ranges, it is likely that the same candidate would be elected whether the votes were for the statewide plurality or on a district basis. More data, as yet unavailable, will be needed to determine this with finality. In any event, in those four offices, the joint assembly voted for the candidates who had the statewide pluralities.

A comparison of the actual vote by the joint assembly to a vote on a district basis is given below for each of the eleven elections.

2010 election for governor.

The general election had seven candidates for governor. The top three were:

	Popular <u>vote</u>	Assembly <u>vote</u>	Vote if by <u>district</u>
Brian Dubie	115,212	28	96.5
Peter Shumlin	119,543	145	83.5
Dennis Steele	1,917	0	0

The half votes are from a tie in the Lamoille 2 district. In this election, the candidate with the statewide plurality is not the candidate who had pluralities (or majorities) in the most districts. The joint assembly elected the candidate with the statewide plurality.

2010 election for lieutenant governor.

The general election had five candidates for lieutenant governor. The top three were:

	Popular <u>vote</u>	Assembly <u>vote</u>	Vote if by <u>district</u>
Peter Garritano	8,627	1	0
Steven Howard	99,843	22	57
Philip Scott	116,198	150	123

Here, the candidate with the statewide plurality also had pluralities (or majorities) in the most districts.

2002 election for governor.

The general election had ten candidates for governor. The top three were:

	Popular <u>vote</u>	Assembly <u>vote</u>	Vote if by <u>district</u>
James Douglas	103,436	159	110
Cornelius Hogan	22,353	0	0
Douglas Racine	97,565	16	70
blank votes		1	

Here, the candidate with the statewide plurality also had pluralities (or majorities) in the most districts.

2002 election for lieutenant governor.

The general election had four candidates for lieutenant governor. The top three were:

	Popular <u>vote</u>	Assembly <u>vote</u>	Vote if by <u>district</u>
Brian Dubie	94,044	134	135
Anthony Pollina	56,564	4	10
Peter Shumlin	73,501	24	35
blank votes		15	

Here, the candidate with the statewide plurality also had pluralities (or majorities) in the most districts. The actual vote here is close to a vote on a district basis.

1998 election for lieutenant governor.

The general election had five candidates for lieutenant governor. The top three were:

	Popular <u>vote</u>	Assembly <u>vote</u>	Vote if by <u>district</u>
Bill Coleman	3,913	0	0
Douglas Racine	105,480	132	104
Barbara Snelling	104,021	40	76

Here, the candidate with the statewide plurality also had pluralities (or majorities) in the most districts.

1986 election for governor.

The general election had four candidates for governor. The top three were:

	Popular <u>vote</u>	Assembly <u>vote</u>	Vote if by <u>district</u>
Madeleine Kunin	92,485	139	137
Bernard Sanders	28,418	1	0
Peter Smith	75,239	39	43

Here, the candidate with the statewide plurality also had pluralities (or majorities) in the most districts. The actual vote here is close to a vote on a district basis.

1976 election for lieutenant governor.

The general election had three candidates for lieutenant governor. They were:

	Popular <u>vote</u>	Assembly <u>vote</u>	Vote if by <u>district</u>
John Alden	82,539	87	50 to 91
T. Garry Buckley	81,466	90	89 to 130
John Franco	6,778	1	0

Alden was the candidate for two parties. His popular vote total is the sum of the votes he received for both parties. Here, the candidate with the statewide plurality likely did not have pluralities (or majorities) in the most districts. The joint assembly did not elect the candidate with the statewide plurality. The joint assembly likely elected the candidate with the most districts. The actual vote here is likely close to a vote on a district basis.

The reasoning for this likelihood follows. For the districts where the votes are known, Alden received a plurality or (majority) in districts which have a total of 42 members in the joint assembly. Buckley had 85. That leaves 53 members in the 11 districts where the exact division is not known. However, of those districts, Alden received pluralities (or majorities) in seven of them (eight members), raising his total to 50. Buckley received 4 more, giving him a total of 89. That then leaves 41 members whose allocation is unknown. All might have gone to one or to the other or to some division between the two. So that is how the range is determined. An inspection of the returns for those 41 shows that many would likely have gone to Alden with a few (Caledonia 1, 1,475 for Buckley and 1,235 to Alden; and Washington 3, 1,790 to 1,565), going to Buckley.. With just two of those four going to Buckley, he would have the most votes if voted by district. In fact, the Burlington *Free Press* reported on January 7, 1977 that Buckley had won a majority of districts. January 7 is the day after the joint assembly elected Buckley.

1974 election for lieutenant governor.

The general election had three candidates for lieutenant governor. They were:

	Popular <u>vote</u>	Assembly <u>vote</u>	Vote if by <u>district</u>
T. Garry Buckley	60,962	20	56 to 99
Brian Burns	66,942	161	81 to 124
Arthur Deloy	6,484	0	0

Burns was the candidate for two parties. His popular vote total is the sum of the votes he received for both parties. The range for the candidates is likely narrower. Burns was from Burlington and received 7,457 votes combined from the 15-member Chittenden 4 district (Burlington and Winooski), compared to Buckley's 3,697 votes. It is not likely that Buckley received more votes than Burns in any of those districts. That would narrow the range to 56 to 85 for Buckley and 95 to 124 for Burns. Here, the candidate with the statewide plurality likely also had pluralities (or majorities) in the most districts.

1974 election for treasurer.

The general election had three candidates for treasurer. They were:

	Popular <u>vote</u>	Assembly <u>vote</u>	Vote if by <u>district</u>
Frank Davis	61,181	16	55 to 98
Stella Hackel	66,557	164	82 to 125
Ron MacNeil	6,229	0	0

Hackel was the candidate for two parties. Her popular vote total is the sum of the votes she received for both parties. The range for the candidates is likely narrower. Hackel (from Rutland) received 6,781 votes combined from the 15-member Chittenden 4 district (Burlington and Winooski), compared to Davis' (from Burlington) 4,327 votes. With that wide a margin, it is not likely that Davis received more votes than Hackel in any of the Chittenden 4 districts. That would narrow the range to 55 to 84 for Davis and 96 to 125 for Hackel. Here, the candidate with the statewide plurality likely also had pluralities (or majorities) in the most districts.

1974 election for auditor of accounts

The general election had three candidates for auditor of accounts. They were:

	Popular <u>vote</u>	Assembly <u>vote</u>	Vote if by <u>district</u>
Alexander Acebo	62,401	164	84.5 to 130.5
Fred Randlet	58,865	16	49.5 to 95.5
James Roach	7,720	0	0

The half votes are from a tie in the Essex-Orleans-1 district. Randlet was the candidate for two parties. His popular vote total is the sum of the votes he received for both parties. The range for the candidates is likely narrower. Acebo (from Barre) received 1,773 votes combined from the 3-member Washington-3 district (Montpelier), compared to Davis' (from Montpelier) 1,007 votes. With that wide a margin, it is not likely that Davis received the plurality in any of the Washington 3 districts. That would narrow the range to 86.5 to 130.5 for Acebo and 49.5 to 93.5 for Davis. Here, the candidate with the statewide plurality likely also had pluralities (or majorities) in the most districts.

1974 election for attorney general

The general election had three candidates for attorney general. They were:

	Popular <u>vote</u>	Assembly <u>vote</u>	Vote if by <u>district</u>
Kimberley Cheney	63,447	39	73 to 116
M. Jerome Diamond	64,085	141	64 to 107
Nancy Kaufman	8,297	0	0

Diamond was the candidate for two parties. His popular vote total is the sum of the votes he received for both parties. Even though the ranges above give Cheney a slight advantage in the range of vote if by district, Diamond received pluralities (or majorities) in ten of the 12 divided precincts, some of them by a moderately large margin. Even though it is not clear which candidate received pluralities (or majorities) in the most districts, it is likely that the candidate with the statewide plurality also had pluralities (or majorities) in the most districts. The reasoning for that likelihood is as follows, beginning with the vote totals for each initial district.

<u>Initial District (sub-district)</u>	<u>seats</u>	<u>Cheney</u>	<u>Diamond</u>
Bennington 4 (4-1, 4-2, 4-3, and 4-4)	6	1,722	2,145
Caledonia 1 (1A and 1-B)	3	955	1,281
Chittenden 1 (1-1 and 1-2)	4	1,540	2,126
Chittenden 2 (2-1 and 2-2)	4	2,026	1,599
Chittenden 4 (4-1 through 4-9)	15	4,451	6,480
Chittenden 5 (5-1 and 5-2)	3	1,617	1,707
Franklin 4 (4-1 and 4-2)	2	617	818
Franklin 5 (5-1 and 5-2)	3	1,067	1,389
Orange-Washington 1 (1-1 through 1-5)	6	2,540	3,316

Rutland 6 (6-4 and 6-5)	3	1,193	1,191
Washington 3 (3-1, 3-2, and 3-3)	3	1,795	1,079
Windsor 5 (5-1, 5-2, and 5-3)	4	1,215	1,416
Sum	56		

There are 56 votes in the joint assembly from these 12 initial districts. Thirteen of them are assigned to the candidate with more votes in each district. (Chittenden 2-1 and 2-2 each have two members. All other initial districts have at least one sub-district of 1 member. The votes for Rutland 6-1, 6-2, and 6-3 were determined from a newspaper report.) That leaves 43 votes whose distribution is uncertain due to the lack of a breakout of votes by sub-district. Looking at the list above, it seems likely that Diamond would receive most or all of the votes in Bennington 4, Caledonia 1, Chittenden 1, Chittenden 4, Franklin 5, and Orange-Washington 1. That would give Diamond 31 more votes if by district. Cheney likely would receive all or most of the votes in Chittenden 2 and Washington 3, giving him 5 more votes. Diamond's range would then be 92 to 104 while Cheney's would be only 76 to 88. On this basis, it is likely that Diamond, who had the statewide plurality, also had a plurality (or majority) in the most districts.

General note on general election results

There are discrepancies in the published election results, often within the same document. A common discrepancy is that the sum of votes by town within a county does not equal the number of votes given in the summary by counties. A few of the discrepancies occur between different documents published by the office of the secretary of state. Where discrepancies occurred, they did not affect the results of this analysis. That is, the discrepancy was smaller than the amount needed to change the result within a district, or to change the overall result.

General note for the general elections of 1974 and 1976

There were a number of initial districts (all of them house districts) with more than two members in the reapportionment of 1974. The Legislative Apportionment Board worked with the boards of civil authority in those initial districts to further divide them so that all districts had no more than two members. In addition, one two-member district (Franklin 4) divided into two one-member districts. There were thirteen of those initial districts that chose to split towns into more than one final district. Those districts contained 25 towns or cities, that further divided into 46 districts. Those 46 districts elected 65 members. The only available official data on those 25 or towns or cities is how the town as a whole voted for the five offices considered here from these two years. However, a search of newspaper reports covering the general election results found votes by ward in St. Albans City (1976), Rutland City (1974 and 1976) and for Brattleboro's four precincts (1974 except auditor and 1976). For the 1976 general election, that reduced the range to 53 instead of 65.

For those 46 districts, it is only possible to estimate a range of how the vote was divided. For example, Montpelier was divided into three districts, with one member each. The available information on votes provides only the one value for all of Montpelier. So the person who received the most popular votes from Montpelier then would have the most popular votes in at least one representative district and as many as three. The other two candidates would have then have received the most popular votes in zero, one, or two of the representative districts. The range for each of the 13 initial districts with at least one town or city further divided into districts was determined in a similar manner: at least one and up to the total for the candidate receiving the plurality. The ranges for each of those initial districts were then combined to provide the ranges shown for each office. (Anthony Pollina, in the 2002 election for lieutenant governor, was the only third-place candidate who received a plurality (or majority) in any district.)

Sources:

Major sources of information were the internet site of the Secretary of State, the state archive in Middlesex, and the State Library.

Election by Joint Assembly (This provides information on the procedure and history of elections by joint assembly.)

<https://www.sec.state.vt.us/archives-records/state-archives/government-history/continuing-issues/majority-election-in-vermont/officers-elected-by-joint-assembly.aspx>

Officers Elected by Joint Assembly (This provides a table of which elections were decided by joint assembly and links to those results.)

<https://www.sec.state.vt.us/archives-records/state-archives/government-history/continuing-issues/majority-election-in-vermont/officers-elected-by-joint-assembly.aspx>

Summary of Results for Offices Elected by Joint Assembly (These are the information from the links to the results.)

<https://www.sec.state.vt.us/media/57269/2010.pdf>

<https://www.sec.state.vt.us/media/57272/2002.pdf>

<https://www.sec.state.vt.us/media/57275/1998.pdf>

<https://www.sec.state.vt.us/media/57278/1986.pdf>

<https://www.sec.state.vt.us/media/57281/1976.pdf>

<https://www.sec.state.vt.us/media/57284/1974.pdf>

Election Results (Files for StateRep and StateSenate give which town or city (or part) is in each legislative district.)

www.sec.state.vt.us/media/213461/2010GEGovernor.xls

www.sec.state.vt.us/media/213464/2010GELtGovernor.xls

www.sec.state.vt.us/media/213479/2010GEStateRep.xls

www.sec.state.vt.us/media/213482/2010GEStateSenate.xls

www.sec.state.vt.us/media/212787/2002GEGov.xls

www.sec.state.vt.us/media/212790/2002GELtGov.xls

www.sec.state.vt.us/media/219977/2002GEStateRep.doc

www.sec.state.vt.us/media/212799/2002GEStateSenate.xls

www.sec.state.vt.us/media/212609/1998GELtGovernor.xls

www.sec.state.vt.us/media/212621/1998GEStateRep.xls

www.sec.state.vt.us/media/212624/1998GEStateSenate.xls

www.sec.state.vt.us/media/212153/1986GEGov.xls

www.sec.state.vt.us/media/212171/1986GEStateRep.xls

www.sec.state.vt.us/media/212176/1986GEStateSenate.xls

www.sec.state.vt.us/media/211697/1976GELtGovRecount.xls

www.sec.state.vt.us/media/211635/1974GELtGov.xls

www.sec.state.vt.us/media/211647/1974GEStateTreas.xls

www.sec.state.vt.us/media/211629/1974GEAuditor.xls

www.sec.state.vt.us/media/211626/1974GEAttGenRecount.xls

"Legislative Directory and State Manual", prepared by the Office of the Secretary of State. Volumes consulted were 1975-1976; 1977-1978; 1987-1988; 1999-2000

Vermont State Archive and Records Administration:

Microfilm reels

- A215 - reels 84 and 85 for the breakout of votes in the 1986 general election
- A215 - reels F0068, F0069, and F0070 for information on the 1974 and 1976 general elections and joint assemblies in 1975 and 1977.

Primary and General Elections, published by the Secretary of State for the general elections of 1974, 1976, 1986, 1998, and 2002.

The Brattleboro Reformer provided vote counts for Brattleboro's four sub-districts for the 1974 election for three of the four offices. None of the other newspapers checked: Times-Argus, Rutland Herald, Burlington Free Press, Bennington Banner, or St. Albans Messenger provided vote counts for sub-districts for the 1974 election.

The Burlington Free Press provided no information on sub-district votes for the 1976 election.

Districts in 1974 and 1976

Acts and Resolves Passed by the General Assembly of the State of Vermont, Fifty-Second Biennial Session, Adjourned Session 1973, for Act 210 of 1973 (Adjourned)

Vermont State Archive and Records Administration:

File box A210-0002 for information on the apportionment of 1974 (further division of initial districts).