

NO MATTER WHO DRAWS THE LINES: A COMPARATIVE ANALYSIS OF THE UTILITY OF INDEPENDENT REDISTRICTING COMMISSIONS IN FIRST-PAST-THE-POST DEMOCRACIES

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I. INTRODUCTION

On June 29, 2015, in *Arizona State Legislature v. Arizona Independent Redistricting Commission*, the Supreme Court of the United States upheld Proposition 106, a ballot measure transferring the power to draw Arizona's congressional districts from the Arizona Legislature to an independent redistricting commission (IRC).¹ Though they vary widely in the details of both their form and function, at their core IRCs are bodies of people, none of whom are legislators, who are appointed to determine the boundaries of the electoral districts in a given area.² Proposition 106 was adopted directly by the Arizona voters in 2000 in an attempt to “end[] the practice of gerrymandering and improv[e] voter and candidate participation in elections.”³ The Arizona Legislature challenged the initiative by claiming that it violated the mandate of the Elections Clause of the U.S. Constitution that the “Times, Places and Manner” of conducting federal congressional elections be “prescribed in each State *by the Legislature thereof*.”⁴ A majority of the Court held, however, that in the context of the Election Clause the word “legislature” was not so narrow, and could encompass an IRC whose existence had been ordained by a direct referendum in accordance with the laws of that state.⁵

The majority in *Arizona State Legislature* referred to Proposition 106 as “an endeavor by Arizona voters to address the problem of partisan gerrymandering” and opined that the use of IRCs like the Arizona Independent Redistricting Commission “impede[s] legislators from choosing their voters instead of facilitating the voters’ choice of their representatives.”⁶ Analysts have taken a similarly rosy view and praised the Court’s decision, seeing it as a step on the road to the end of political gerrymandering and underrepresentation of minority political parties.⁷

¹ *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm’n*, 135 S. Ct. 2652, 2658–59 (2015).

² Lillian V. Smith, Note, *Recreating the “Ritual Carving”: Why Congress Should Fund Independent Redistricting Commissions and End Partisan Gerrymandering*, 80 BROOK. L. REV. 1641, 1656–58 (2015).

³ *Arizona*, 135 S. Ct. at 2658.

⁴ U.S. CONST. art. I, § 4, cl. 1 (emphasis added).

⁵ *Arizona*, 135 S. Ct. at 2671–72.

⁶ *Id.* at 2658, 2676.

⁷ See, e.g., Thomas E. Mann, *Arizona State Legislature v. Arizona Independent Redistricting Commission et al.*, BROOKINGS INSTITUTION: FIX.GOV (June 29, 2015, 1:45 PM), <http://www.brookings.edu/blogs/fixgov/posts/2015/06/29-arizona-redistricting-commission-mann> (claiming that the *Arizona* decision “strengthens the legitimacy” of our government “by reinforcing the essential link between republican government and popular sovereignty”); Sean J. Young, *The Supreme Court Strikes a Blow Against Partisan Gerrymandering*, ACLU.ORG: SPEAK FREELY (July 1, 2015, 11:00 AM), <https://www.aclu.org/blog/speak-freely/supreme-court-strikes-blow>

Other countries that use IRCs have not had such positive results with them, however. Optimistic U.S. projections often fail to consider data from these foreign systems, where so-called independent districting has been conducted for years in attempts to reduce partisanship and other forms of gerrymandering. When analyzed, this information does not suggest that IRCs have any substantial impact on electoral partisanship or proportionality. Instead, the data seems to support the idea that “on some level all districting is gerrymandering,”⁸ no matter who draws the lines.

This Note takes a comparative approach to assessing the value of IRCs in promoting proportionality and ending partisan bias by looking at four democratic countries that use both IRCs and “first-past-the-post” electoral systems with additional characteristics similar to those of the United States and analyzing their outcomes under several criteria for electoral equality. Because the focus of this work is on apportionment, and because the function and mode of election of the executive vary considerably among different countries, this analysis will exclusively focus on electoral policy with respect to legislative elections. This Note also develops recommendations for U.S. electoral policy with respect to IRCs. Finally, as very little comparative scholarship on redistricting has been done in the international field,⁹ this Note aims to help address that deficiency with a systematic inquiry into and comparison of the mechanisms of district delimitation in four different countries.

This Note argues that IRCs are, at best, irrelevant to the incidence of partisan gerrymandering, and at their worst they may actually hinder the process of reducing partisan malapportionment. Through original electoral analysis, this Note demonstrates that IRCs have been unable to bring rates of partisan disproportionality in seat distribution in the studied countries to low values, and that the rate in the U.S. is significantly lower than that in the studied countries.

against-partisan-gerrymandering (calling the decision a “victory” for both “democracy” and “the voters”).

⁸ Lani Guinier, *Groups, Representation, and Race-Conscious Districting: A Case of the Emperor's Clothes*, 71 TEX. L. REV. 1589, 1615 (1993).

⁹ In the introduction to their book, *Redistricting in Comparative Perspective*, Bernard Grofman and Lisa Handley noted that, prior to their own collection of it, the “basic data on redistricting practices in democracies around the world” had never even been assembled, much less analyzed or commented on. *Introduction: Redistricting in Comparative Perspective*, in REDISTRICTING IN COMPARATIVE PERSPECTIVE 4, 4 (Lisa Handley & Bernie Grofman eds., 2008). Five years later, in 2013, Nicholas O. Stephanopoulos reiterated concern about this “blind spot” in election law in his article, *Our Electoral Exceptionalism*, 80 U. CHI. L. REV. 769, 769 (2013), where he bemoaned the fact that “[s]cholars in the field have devoted almost no attention to how other countries organize their electoral systems.” The author’s own research confirms the persistence of this dearth of scholarship into the present day.

The remainder of this Note consists of three parts. Part II provides background information on the electoral systems of the various countries analyzed, focusing on their systems of redistricting and apportionment. The systems presently used in the United States are discussed first, in Section II.A, with analysis of both the federally established standards and the more idiosyncratic specific systems in place in the various states. Section II.B discusses the methodology used to select the additional countries that appear in the analysis. Finally, Section II.C provides an overview of the four countries to be compared—Bangladesh, Botswana, India, and Pakistan—and explains their respective electoral and districting systems.

Part III assesses the representational outcomes of each of the countries described in the prior part by analyzing their respective abilities to remove partisanship from districting decisions and provide governmental representation to minority voices in meaningful ways. The extent to which each country is able to meet these goals is evaluated both objectively—by using established indices for proportionality of representation, and subjectively by considering relevant contextual information that is unique to each particular country and the way it affects the actual independence of its IRC. Various possible explanations for these results are discussed, along with their apparent probabilities.

Finally, Part IV provides suggestions for the future of U.S. electoral policy based on these results and makes conclusions about the efficacy of IRCs with respect to the dual aims discussed in Part III.

II. BACKGROUND

A. *The Electoral System of the United States*

Unlike many democracies in the world, the United States does not use a “proportional representation” (PR) system for its legislative elections, opting instead for a single-member district system wherein the candidate who receives a plurality of the votes wins the entire district.¹⁰ Referred to as a “winner-takes-all,”¹¹ “plurality-majority,”¹² or “first-past-the-post”¹³ (FPTP) electoral system, this scheme disadvantages parties representing minor interests and people without broad national support and large reserves of

¹⁰ BUREAU OF INT'L INFO. PROGRAMS, U.S. DEP'T OF STATE USA ELECTIONS IN BRIEF 1, 12–13 (George Clack et al. eds., 2007), http://permanent.access.gpo.gov/gpo57607/elections_brief.pdf.

¹¹ *Id.* at 13.

¹² Yen-Tu Su, *Beyond Nightmare and Hope: Engineering Electoral Proportionality in Presidential Democracies*, 30 J. LEGIS. 205, 211 (2004).

¹³ Oliver Hall, *Death by a Thousand Signatures: The Rise of Restrictive Ballot Access Laws and the Decline of Electoral Competition in the United States*, 29 SEATTLE U. L. REV. 407, 423 (2005).

wealth,¹⁴ as they are less likely to secure a plurality of the votes in any given district and will thus receive no representation no matter how sizeable a minority of the total population they might comprise.¹⁵

The FPTP structure of the American electoral system makes redistricting a more controversial and influential process than it is in many other systems because the composition of districts is more outcome-determinative in single-member plurality elections than in those that take place in PR systems.¹⁶ The redistricting process in the United States is also somewhat unique in that it is simultaneously “decentralized, political, and often litigated.”¹⁷ It is decentralized because the bulk of the decisions, even with respect to federal elections, are left up to the states by the Elections Clause of the U.S. Constitution.¹⁸ Certain federal legislation and Supreme Court case law proscribes the boundaries within which those decisions must be made, however, and the often complex interactions between these bodies of law, coupled with the creation of explicit statutory causes of action for certain districting ills, has given rise to a higher-than-average rate of apportionment litigation.¹⁹ Finally, unlike in most modern democracies, the redistricting process in the majority of U.S. states is expressly political, with elected officials themselves controlling the process of determining the composition of their own respective electorates.²⁰

1. Federal Regulation

As discussed above, the Elections Clause of the U.S. Constitution leaves it to the states to determine the “Times, Places, and Manner” of conducting congressional elections as they see fit, and this includes the manner of redistricting their territory.²¹ These powers are not unlimited, however. The Elections Clause also allows Congress to alter most state regulations at

¹⁴ BUREAU OF INT’L INFO. PROGRAMS, U.S. DEP’T OF STATE, *supra* note 10, at 13.

¹⁵ *Id.* at 51.

¹⁶ *See, e.g.,* Su, *supra* note 12, at 215–16 (observing that the homes of people of differing political parties, races, and affiliations with other special interest groups are not geographically distributed with statistical randomness, and it is thus difficult to define districts that divide them fairly); Guinier, *supra* note 8, at 1613 (noting that in single-member plurality systems—where the votes of members of the electorate who do not fall into the plurality are “wasted” rather than represented proportionately, and votes for the plurality choice above and beyond the precise number needed to achieve that plurality are “wasted” by failing to contribute to the election of any candidate—the redistricting process presents multiple avenues for disenfranchisement of particular groups).

¹⁷ Michael P. McDonald, *United States Redistricting: A Comparative Look at the 50 States*, in REDISTRICTING IN COMPARATIVE PERSPECTIVE, *supra* note 9, at 55.

¹⁸ U.S. CONST. art. I, § 4, cl. 1.

¹⁹ McDonald, *supra* note 17.

²⁰ *Id.*

²¹ U.S. CONST. art. I, § 4, cl. 1.

will,²² and though the Supreme Court's general attitude towards state redistricting plans is one of deference, it has altered that approach in cases where it has perceived that a prima facie case has been made for the violation of constitutional norms like racial or population equality.²³

Those two areas of stricter scrutiny, were not chosen randomly. The first is mandated by the Voting Rights Act of 1965, which is violated if members of a given race "have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."²⁴ The second is governed by the Supreme Court's decision in *Wesberry v. Sanders*, which held that single-member districts must each contain roughly the same number of people so that "as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's."²⁵ This rule is popularly known as "one-person, one-vote,"²⁶ and its narrow construction has meant that the equal population requirement for districting is enforced more strictly for U.S. Congressional Districts than it is anywhere else in the world.²⁷

Though the Supreme Court has often enforced these rules in order to provide remedies for racial gerrymandering and vote-dilution for voters from improperly drawn districts, it has not yet been willing to allow a remedy for partisan gerrymandering. In *Vieth v. Jubelirer*, 541 U.S. 267, 267 (2004) the Court heard a case challenging a Pennsylvania districting plan on just those grounds. In this case, the majority found that no relief could be granted to the plaintiff, as the Court could identify no standards to define either the appropriate makeup of a politically "neutral" districting plan or the limits of judicial intervention in this area.²⁸ In his decisive opinion concurring in the judgment only, however, Justice Kennedy left open the possibility that some later Court could agree upon some "limited and precise rationale[s]" that could provide those missing standards and empower the Court to adjudicate cases like this in the future.²⁹

²² *Id.*

²³ *See, e.g.*, *Abrams v. Johnson*, 521 U.S. 74, 91 (1997); *Karcher v. Daggett*, 462 U.S. 725, 740 (1983).

²⁴ Voting Rights Act of 1965, 52 U.S.C.S. § 10301 (LexisNexis 2015).

²⁵ *Wesberry v. Sanders*, 376 U.S. 1, 7–8 (1964).

²⁶ *See, e.g.*, Pamela S. Karlan, *Answering Questions, Questioning Answers, and the Role of Empiricism in the Law of Democracy*, 65 STAN. L. REV. 1269, 1273 (2013).

²⁷ Stephanopoulos, *supra* note 9, at 806.

²⁸ *Vieth v. Jubelirer*, 541 U.S. 267,

²⁹ *Id.* at 305–07 (2004) (Kennedy, J., concurring) (concurring).

2. State Regulation

Though federal law provides some guidelines that must be met by redistricting plans, it leaves the specifics of any such plan to the states. This lack of centralized control means that a variety of approaches to redistricting have been adopted across the country, both at the congressional and the state legislative levels. In broad strokes, these various methods fall into one of two categories: those that use the standard legislative process and those that use appointed commissions of some kind, a small number of which are IRCs.³⁰

At the congressional level, only four states currently use truly independent redistricting commissions to draw their district lines.³¹ Two states use what are termed “politician commissions,” wherein elected officials are allowed to hold seats,³² while six states use mere “advisory commissions” whose recommended districting schemes are not binding on the ultimate decision of the legislature,³³ and two additional states use “backup commissions” who are only called upon if certain conditions, indicating that the legislature has failed to enact a proper redistricting plan, occur.³⁴ For seven more states, the question of redistricting is not a relevant one at the congressional level, as federal apportionment of congressional seats has only granted them each one.³⁵ The remaining twenty-nine states do not use any form of redistricting commission to draw their congressional districts, leaving those decisions entirely within the purview of the legislature.³⁶

When states allow some amount of control over their redistricting plans to be vested in the legislature, it is the state legislature that has that power. This may help to explain why the prevalence of redistricting by commission, rather than exclusively by legislature, is somewhat higher at the state legislative level than it is at the federal congressional level. Though there are moderately more truly independent redistricting commissions for state

³⁰ McDonald, *supra* note 17, at 56.

³¹ Justin Levitt, *Who Draws the Lines?: Institution: Congress*, LOYOLA LAW SCHOOL: ALL ABOUT REDISTRICTING: PROFESSOR JUSTIN LEVITT'S GUIDE TO DRAWING THE ELECTORAL LINES, <http://redistricting.lls.edu/who.php> (last visited Oct. 7, 2015) (showing on a map that Arizona, California, Idaho, and Washington—and only these states—use independent commissions to draw their congressional district lines).

³² *Id.* (Hawaii and New Jersey).

³³ *Id.* (Iowa, Maine, New York, Ohio, Rhode Island, and Virginia).

³⁴ *Id.* (Connecticut and Indiana).

³⁵ *Id.* (Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont, and Wyoming).

³⁶ *Id.* (Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Nebraska, Nevada, New Hampshire, New Mexico, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, West Virginia, and Wisconsin).

legislatures than there are for the federal Congress—six, rather than four³⁷—both the numbers of states with politician commissions³⁸ and with backup commissions³⁹ each increase to seven from two if state rather than federal legislative districts are examined. The number of states with advisory commissions holds steady at six with the move from federal to state,⁴⁰ but overall there is an increase in the number of states using redistricting commissions in some capacity,⁴¹ and only twenty-four states leave entirely to the state legislatures the designing of their own districts.⁴²

Differences in the processes of redistricting are not meaningless, but all have seemed to lead to malapportioned results. A study conducted by Michael P. McDonald of George Mason University during the early 2000s suggested that the outcome of a given district's election could be determined from its electoral structure roughly 89% of the time.⁴³ The study found that nearly all U.S. districts at both the congressional and state legislative levels constituted either partisan or incumbent gerrymanders.⁴⁴ Partisan gerrymanders largely appeared where redistricting was conducted either by the legislature—and one party controlled that legislature—or by politician commissions or otherwise partisan commissions.⁴⁵ On the other hand, incumbent gerrymanders, districts that favored the party that was currently in power regardless of its identity, predominated in districts with bipartisan commissions or divided legislatures that controlled the process, where compromise between the parties was often required to pass a plan and generally led to a free-for-all approach allowing each house of the legislature to district for itself and privilege its own incumbency.⁴⁶

Though the difference between bipartisan control and partisan monopoly over the electoral system seem meaningful in the context of redistricting, not all differences seem to affect outcomes. The choice between control by

³⁷ *Id.*

³⁸ *Id.* (Arkansas, Colorado, Hawaii, Missouri, New Jersey, Ohio, and Pennsylvania).

³⁹ *Id.* (Connecticut, Illinois, Maryland, Mississippi, Oklahoma, Oregon, and Texas).

⁴⁰ *Id.* (Iowa, Maine, New York, Rhode Island, Vermont, and Virginia).

⁴¹ The total is up to twenty-six, from fourteen at the congressional level. This increase remains substantial even if we remove the seven states (mentioned *supra* note 35) who only have one Congressional District and thus have no districting plan at the congressional level. Subtracting the three of those states (Alaska, Montana, and Vermont) that use redistricting commissions at the state level still leaves a 64% increase, from fourteen to twenty-three. *See id.*; Levitt, *supra* note 31.

⁴² Levitt, *supra* note 31 (Alabama, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Utah, West Virginia, Wisconsin, and Wyoming).

⁴³ McDonald, *supra* note 9, at 61–65.

⁴⁴ *Id.*

⁴⁵ *Id.* at 66.

⁴⁶ *Id.* at 66–67.

legislature and control by commission, for instance, does not seem to have a notable impact on the predictability of election outcomes as recorded by this study. Of the ten districts with unpredictable results, only four used any sort of commission in their districting process, and all other districts that used commissions fared just as poorly, in terms of competitive elections, as legislated districts.⁴⁷ Despite this observation, the use of redistricting commissions, independent or otherwise, has increased noticeably since this study was completed—rising from twenty to twenty-four at the state legislative level and from ten to fifteen at the congressional.⁴⁸

McDonald's study does not assess the partisan proportionality of the outcomes of the elections. To do so would have required a structured mathematical analysis of the total number of votes cast by each political party and the number of seats that each party obtained for comparison between entities that use IRCs and those that do not.⁴⁹ This Note conducts such an analysis on four FPTP countries with IRCs at the national level.

B. Foreign Electoral Systems

In selecting countries for comparison, this Note has adopted Ran Hirschl's "most similar cases" method,⁵⁰ and every effort has been made to select countries for comparison to the United States "that have similar characteristics" to its electoral system.⁵¹ Unfortunately, due to the relatively idiosyncratic nature and low total number of electoral systems in the world, it was not possible to choose only countries "that are matched on all variables or potential explanations that are not central to the study," varying only in whether or not they use IRCs—as is Hirschl's ideal recommendation for the "most similar cases" method—but many significant similarities have been ensured among all of the target countries, so there will at least be fewer possible explanations for the observed outcomes.⁵²

⁴⁷ *Id.* at 61–67.

⁴⁸ *See id.*; Levitt, *supra* note 31.

⁴⁹ See the various methods of assessing disproportionality in electoral systems that are discussed in part III *infra*.

⁵⁰ See Ran Hirschl, *The Question of Case Selection in Comparative Constitutional Law*, 53 AM. J. COMP. L. 125, 126 (2005). In his article about case-selection, Ran Hirschl suggests that there are five basic methodologies for deciding which particular items to bring into a comparative law analysis: (1) the "most similar cases" method; (2) the "most different cases" method; (3) the "prototypical cases" method; (4) the "most difficult cases" method; and (5) the "outlier cases" method. Though this analysis is geared towards the selection of actual court-cases, its principles apply equally to any study wherein a selection of a small number of items must be selected for comparison from a multitude.

⁵¹ *Id.* at 134.

⁵² *Id.*

With this methodology in mind, countries were chosen for comparison in this Note by eliminating all nations that did not conform to the following parameters: (1) an FPTP electoral system, (2) the use of at least two of the same criteria used in the United States to draw district boundaries,⁵³ (3) the use of an IRC to draw district boundaries, and (4) the reasonable independence of that IRC from both the legislature and the relevant political parties.⁵⁴ No further criteria for selection were needed or desired, as these criteria alone brought the number of available countries down to a mere five. Of those five, four—Bangladesh, Botswana, India, and Pakistan—have been used in this analysis.⁵⁵

1. Bangladesh

The People's Republic of Bangladesh proclaimed independence from Pakistan in 1971⁵⁶ and became a parliamentary democracy under its new constitution in 1972.⁵⁷ The Bangladeshi legislature, the Jatiya Sangsad, is unicameral and has 350 seats, 300 of which are filled by popular election every five years and the remaining fifty of which are reserved for women and filled by the vote of the members of parliament.⁵⁸

Elections are conducted by the Election Commission of Bangladesh (ECB), an organization ordained by the Bangladeshi constitution to preside over all the country's elections.⁵⁹ Comprised of an indeterminate number of commissioners who are appointed by the president of the country and serve five-year terms, the express functions of the ECB are to prepare election

⁵³ See Lisa Handley & Bernard Grofman, *Criteria Considered in the Delimitation Process*, in REDISTRICTING IN COMPARATIVE PERSPECTIVE, *supra* note 9, at 297, 305 app. C (noting that the U.S. redistricting criteria are (1) "population equality," (2) compactness, (3) "respect for local administrative boundaries," and (4) "communities of interest").

⁵⁴ Kenya, Tanzania, and St. Vincent and the Grenadines were all excluded on these grounds alone. See Lisa Handley, *A Comparative Survey of Structures and Criteria*, in REDISTRICTING IN COMPARATIVE PERSPECTIVE, *supra* note 9, at 265, 269 (noting that the IRCs in Kenya and Tanzania are not "quite independent" of the legislatures in those countries, and that the IRC in St. Vincent actually includes political representatives).

⁵⁵ The fifth country, Yemen, has been excluded from this analysis due to the complete collapse of its government in January of 2015. Though this Note only discusses past elections and would not, therefore, have been negatively affected by this change in current events, the academic value of an analysis of Yemen's electoral system would be severely limited by that system's expiration. See, e.g., Shuaib Almosawa & Rod Nordland, *U.S. Fears Chaos as Government of Yemen Falls*, N.Y. TIMES (Jan. 22, 2015), http://www.nytimes.com/2015/01/23/world/middleeast/yemen-houthi-crisis-sana.html?_r=0.

⁵⁶ COUNTRYWATCH, BANGLADESH REVIEW 2015, at 9 (Denise Youngblood Coleman ed., 2015).

⁵⁷ *Id.* at 10.

⁵⁸ The PRS Group, Inc., *Bangladesh Country Conditions*, in POLITICAL RISK YEARBOOK: BANGLADESH COUNTRY REPORT 2015, at 12 (2014).

⁵⁹ BANGL. CONST., Nov. 4, 1972, arts. 118–19.

rolls, hold elections, and delimit the country's constituencies.⁶⁰ The ECB thus serves, among its other functions, as Bangladesh's IRC.

The specifics of how redistricting is conducted in Bangladesh are laid out by statute, but they are neither demanding nor precise. Delimitation is required to occur after each census is completed and before each parliamentary general election, but the ECB may avoid the process on the latter occasion if it specifies in writing beforehand that it wishes to do so.⁶¹ When the process does occur, there are few formal criteria to determine how exactly the lines should be drawn. Districts must each be single-member, but the other two parameters, compactness and "due regard . . . to the distribution of population," each only apply if they comport with the ambiguously stated needs of "administrative convenience."⁶²

It is perhaps especially surprising that the population-based requirements are not more demanding. The Bangladeshi statute requires only that "due regard" be given to population, but does not specify what form this regard should take—equality among constituencies, etc.—and further qualifies this requirement with the note that such regard need only be paid "so far as is practicable."⁶³ This stands in sharp contrast with the redistricting criteria of many nations, which create strict requirements or strong suggestions for equal population.⁶⁴

Once it has made its decisions about the delimitation, the ECB must publish a preliminary report of its boundary designations and entertain public comments on the report for a defined and announced period of its choosing.⁶⁵ The ECB itself then decides whether or not to make changes as a result of this input, and no other form of appeal is authorized.⁶⁶ In this, as in all other matters under its purview, the ECB's powers are plenary within its sphere and unchecked by any authority apart from the Bangladeshi Constitution and relevant statutes.⁶⁷

Political circumstances in Bangladesh have grown very dysfunctional over the past two years. The most recent election, in 2014, was marred by massive unrest, party boycotting, and corruption to such an extent that the general global consensus is that its results are in no way representative of the

⁶⁰ *Id.*

⁶¹ Delimitation of Constituencies Ordinance, BANGL. CODE vol. 19, act 15, § 8 (1976) (amended 1978).

⁶² *Id.* §§ 6(1)–6(2).

⁶³ *Id.* § 6(2).

⁶⁴ See *infra* text accompanying notes 91, 115, 133.

⁶⁵ BANGL. CODE vol. 19, act 15 § 6(3).

⁶⁶ *Id.* § 6(4).

⁶⁷ BANGL. CONST., Nov. 4, 1972, art. 118(4).

wishes of the people.⁶⁸ For the purposes of this study, that election is not, therefore, seen to be a good example by which to measure the system in general. Therefore, despite the fact that the most recent electoral data is used for all the other countries surveyed, the two elections preceding the most recent are used in the case of Bangladesh.

2. Botswana

Since attaining its independence in 1966, Botswana has been a politically stable⁶⁹ multiparty democracy with one of the best records for human rights of any country in the developing world.⁷⁰ It is Africa's longest-running democracy, and it has a stellar rating for "good governance."⁷¹ Voter participation is also very high in Botswana, as it enjoys universal suffrage for all citizens over eighteen⁷² and the turnout rate among registered voters at the 2009 legislative election was over 75%.⁷³

The Botswanan legislature is bicameral and consists of the House of Chiefs—a largely advisory house whose members are all either indirectly elected or appointed by the President—and a National Assembly with sixty-three seats—of which fifty-seven are filled by members elected directly by popular vote, four are filled with appointees selected by the majority party, and two are saved for the President and the Attorney-General.⁷⁴ Despite elections that are widely held to have been conducted "freely and fairly,"⁷⁵ only one of Botswana's several major political parties, the Botswana Democratic Party (BDP), has ever controlled its government, having won every election in the country since its independence.⁷⁶

The political districts in Botswana are drawn by an IRC, as has been required by the country's constitution since its inception.⁷⁷ This group,

⁶⁸ See, e.g., Marie Horf, *Parliamentary Elections in Bangladesh*, U.S. DEPARTMENT OF STATE, <http://www.state.gov/r/pa/prs/ps/2014/01/219331.htm> (last visited Jan. 6, 2014) ("With more than half of the seats uncontested and most of the remainder offering only token opposition, the results of the just-concluded elections do not appear to credibly express the will of the Bangladeshi people."); *Bangladesh*, THE NATIONAL DEMOCRATIC INSTITUTE, <https://www.ndi.org/bangladesh> (last visited Nov. 27, 2015).

⁶⁹ COUNTRYWATCH, *BOTSWANA REVIEW 2015*, at 8 (Denise Youngblood Coleman, ed., 2015).

⁷⁰ *Id.* at 44.

⁷¹ *Id.* at 12. The CountryWatch report notes that Botswana ranked number one in the World Economic Forum's "good governance" index in 2003. The list considered "rule of law, corruption," "enforcement of contracts," and "evaluations from business leaders" to determine its rankings. *Id.* at 10.

⁷² *Id.* at 51.

⁷³ *Id.* at 14.

⁷⁴ *Id.* at 14.

⁷⁵ *Id.* at 8.

⁷⁶ *Id.* at 13.

⁷⁷ BOTS. CONST., Sept. 30, 1966, §§ 64–65.

called a Delimitation Commission, is composed of between one and five members who are hand-selected by Botswana's Judicial Service Commission (JSC),⁷⁸ a standing committee that is also charged with appointing the members of Botswana's Independent Electoral Commission⁷⁹ and most of the judges of both the High Court⁸⁰ and the Court of Appeals.⁸¹ The JSC is a six-member commission composed of the Chief Justice of the High Court, the President of the Court of Appeal, the Attorney-General, the Chairman of the Public Service Commission, a member of the Law Society, and a special appointee from outside the legal profession.⁸² On its face, therefore, the formation of a Delimitation Commission seems to be fully insulated from the influence of the legislature. Closer inspection, however, reveals that this separation is not quite so complete, as four of the six members of the JSC are appointed to their respective positions by the Botswanan President,⁸³ who is himself elected by the National Assembly.⁸⁴

The rules governing the qualifications for appointment to a Delimitation Commission also reflect an apparently sincere attempt to put the district-drawing process out of the political sphere. A Delimitation Commission is not a standing committee; instead, one is convened only as needed to redraw boundaries and is dissolved immediately after it fulfills its function.⁸⁵ Further, the Constitution mandates that this be at least every ten years but no more frequently than every five years.⁸⁶ Each time a commission is established, the JSC is also required to follow very specific guidelines as to whom it chooses to appoint. No one can be chosen to serve on a commission who is a Member of the National Assembly, who is a public officer, or who "is or has been within the preceding five years actively engaged in politics."⁸⁷ The Constitution even goes so far as to define what it means to

⁷⁸ *Id.* § 64(1).

⁷⁹ *Id.* § 65A(1).

⁸⁰ *Id.* § 96(2).

⁸¹ *Id.* § 100(2).

⁸² *Id.* § 103(1).

⁸³ Section 96(1) of the Botswanan Constitution provides that the Chief Justice of the High Court is to be appointed by the President, and § 100(1) says the same of the President of the Court of Appeal. The Chairman of the Public Service Commission, like all of the members of that body, is likewise selected by the President, per § 109(2). Finally, the non-legal appointee to the JSC is explicitly selected by the President as well, under the authority of § 103(1)(f). Of the members of the JSC, therefore, only the Attorney General and the representative from the Law Society are not Presidential appointees.

⁸⁴ BOTS. CONST., *supra* note 77, § 32.

⁸⁵ *Id.* § 65(8).

⁸⁶ *Id.* § 64(1). A Delimitation Commission can be convened even within five years of the most recent one, however, to respond in a timely fashion to either an act of parliament changing the number of seats in the National Assembly or a newly conducted nationwide population census. *Id.* § 64(2).

⁸⁷ *Id.* § 64(4).

be “actively engaged in politics,” providing that this requirement disqualifies any people who have been Members of the National Assembly, candidates for the National Assembly, or officers of organizations that support or have supported a candidate for the National Assembly.⁸⁸ All of these restrictions also apply to the person who is chosen to be the Chairman of each Delimitation Commission, who is additionally required to have, at some point, held a high judicial office.⁸⁹

Once it has been convened, a Delimitation Commission is charged with generating, “as soon as [is] practicable,” a report for the President that indicates whether or not the district lines need to be changed and, if they do, in what way they should be altered.⁹⁰ In considering whether or not the boundaries must be redrawn, the Delimitation Commission will look at six factors: equality of population, “natural community of interest, means of communication, geographical features, density of population, and the boundaries of Tribal Territories and administrative districts.”⁹¹ Equal population is the default consideration, eclipsed only in case of conflict with one of the other five factors.⁹² Additionally, unlike some other countries,⁹³ Botswana requires that the *total* population inhabiting the country be used to determine whether or not an equal division of the population has been placed in each district.⁹⁴

This report is binding; the Delimitation Commission presents it to the President, who then enacts its proposals as presented, without alteration or addition.⁹⁵ This is consistent with the fact that a Delimitation Commission, when it is acting within the scope of its constitutionally ordained powers, is not “subject to the direction or control of any other person or authority.”⁹⁶ In this way, Botswana’s Delimitation Commissions act as truly independent IRCs.

⁸⁸ *Id.* § 64(5).

⁸⁹ *Id.* § 64(3).

⁹⁰ *Id.* § 65(1).

⁹¹ *Id.* § 65(2).

⁹² *Id.*

⁹³ See Lisa Handley & Bernard Grofman, *Criteria Considered in the Delimitation Process*, in REDISTRICTING IN COMPARATIVE PERSPECTIVE, *supra* note 9, at 297, 297–305 app. C (showing that, of the sixty relevant countries surveyed, only thirty-one used their total populations when calculating population equality in districts, other countries used different figures, like number of registered voters or citizens).

⁹⁴ BOTS. CONST., *supra* note 77, § 65(3).

⁹⁵ *Id.* § 65(4).

⁹⁶ *Id.* § 65(7).

3. *India*

In 2009, over 417 million voters cast their ballots in the parliamentary elections in India, and that was only 58% of the total electorate.⁹⁷ Numbers like these make India the largest democracy in the world, with over three-times the voter pool of its nearest competitor, the United States.⁹⁸ Like the United States, India operates under a federal system with an independent judiciary, an executive appointed by electoral college, and a bicameral legislature.⁹⁹ Both the upper chamber of the Indian Parliament, the Rajya Sabha, and the president are elected through the single-transferrable vote system,¹⁰⁰ but the lower chamber, the Lok Sabha, uses a first-past-the-post system.¹⁰¹ This analysis will therefore focus on the workings of the Lok Sabha, as it is the chamber that is most similar to the systems of the other countries studied here.

Formally independent from Great Britain since 1947, India has enjoyed universal adult suffrage ever since the enactment of its constitution in 1950.¹⁰² Among its many provisions, the Constitution of India provides for an Election Commission (EC) that is fully independent of the legislature.¹⁰³ The EC is charged with the “superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections” at both the national and state levels.¹⁰⁴ The members of the EC are appointed by the Indian President and not the legislature,¹⁰⁵ and it was hoped when it was established that the EC would thus “stand[] ‘apart’ from the government and ‘above’ everyday politics,” insulated from the “intense local pressures shaping Indian politics.”¹⁰⁶ To this end, Article 329 of the Constitution also

⁹⁷ David Gilmartin & Robert Moog, *Introduction to “Election Law in India,”* 11 ELECTION L.J. 136, 136 (2012).

⁹⁸ *Id.*

⁹⁹ Amanda Kelley Myers, Comment, *Importing Democracy: Can Lessons Learned from Germany, India, and Australia Help Reform the American Electoral System?*, 37 PEPP. L. REV. 1113, 1144–45 (2010).

¹⁰⁰ An electoral system wherein, instead of making individual selections, voters rank all or some of the candidates on a ballot in order of their preference. Then, if the voters’ first-choice candidates do not win a majority, their votes are applied in support of their second-choice candidates, and so on down to the last candidate they ranked if need be. It is often praised for “wasting” fewer votes than FPTP systems do, but it is criticized for its “arbitrariness” and its tendency to produce strange outcomes—like candidates who become less electorally successful after achieving greater support. Daniel R. Ortiz, Note, *Alternative Voting Systems as Remedies for Unlawful At-Large Systems*, 92 YALE L.J. 144, 150–51 (1982).

¹⁰¹ Myers, *supra* note 99, at 1145.

¹⁰² Gilmartin & Moog, *supra* note 97, at 137.

¹⁰³ INDIA CONST., art. 324.

¹⁰⁴ *Id.* § 1.

¹⁰⁵ *Id.* § 2.

¹⁰⁶ Gilmartin & Moog, *supra* note 97, at 137–38.

provides that decisions made regarding delimitation of districts or allotment of seats thereto cannot be “called into question” by the judiciary.¹⁰⁷

The decision to conduct redistricting at all, however, is made by the Parliament, which is vested with the sole authority to appoint periodic IRCs, called Delimitation Commissions, for that purpose.¹⁰⁸ All four of the Delimitation Commissions that have been appointed thus far have consisted of three members, one of whom has always been the Chief Election Commissioner, *ex officio*,¹⁰⁹ but this is not a requirement, and the EC is not officially responsible for legislative redistricting. The Parliament is granted vague blanket powers with respect to redistricting by Article 327 of the Constitution. “[F]rom time to time,” it is allowed to “by law make provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State” in order to “secur[e] the due constitution of such House or Houses”—a power that expressly can be used to affect the “delimitation of constituencies.”¹¹⁰ All of this means that although India’s redistricting process appears to be fully independent of its political process, it, like the processes of all of the countries here studied, still maintains definite openings for possible partisan influence.¹¹¹

The fact that Article 329 of the Constitution renders delimitation decisions nonjusticiable, also makes this possible influence all the more dangerous by keeping it out of reach of the ordinary checks on political decisions.¹¹² Although redistricting orders cannot be directly attacked in the courts, the law does allow for the judicial enforcement of the bar against “corruption,” as defined by the specific provisions of the Representation of the People Acts,¹¹³ through the filing of post-election petitions, and these can address conduct at any phase of the electoral process.¹¹⁴

Even without flagrant corruption or other illegal acts, however, there are elements of the delimitation system that allow for the possibility of dangerous manipulations of the redistricting process. The criteria that any given Delimitation Commission is bound to use to draw district boundary

¹⁰⁷ INDIA CONST., art. 329, § a.

¹⁰⁸ Gilmartin & Moog, *supra* note 97, at 137–38.

¹⁰⁹ See Delimitation Commission Act (Act No. 81/1952) (India); Delimitation Commission Act (Act No. 61/1962) (India); Delimitation Commission Act (Act No. 76/1972) (India); Delimitation Commission Act (Act No. 33/2002) (India).

¹¹⁰ INDIA CONST., art. 327.

¹¹¹ See Alistair McMillan, *Delimitation in India*, in REDISTRICTING IN COMPARATIVE PERSPECTIVE, *supra* note 9, at 75–76 (noting that the role of the Indian Parliament in the country’s delimitation process left the system “vulnerable to political interference and accusations of partiality”).

¹¹² *Id.* at 82.

¹¹³ Representation of the People Act, Act No. 43/1951, § 123 (India).

¹¹⁴ Gilmartin & Moog, *supra* note 97, at 139.

lines are set out by its corresponding Delimitation Act, as passed by Parliament. Since 1962, every Delimitation Act has mandated the drawing of single-member districts based primarily on the idea of population equality as derived from the census figures.¹¹⁵ This requirement, however, has also been consistently supplemented with others. In addition to being equal in population, constituencies must also be “geographically compact,” and care must be taken to observe the reasonable lines suggested by “physical features, existing boundaries of administrative units, facilities of communication and public convenience.”¹¹⁶ Additionally, each assembly district must fall wholly within a single parliamentary district, and there are detailed special rules for the districts that are to contain one of the seats that are “reserved” for members of otherwise disadvantaged and disenfranchised castes and tribal groups: the “Scheduled Castes” and “Scheduled Tribes.”¹¹⁷ Unfortunately, while there are good reasons for each of these criteria individually, in the aggregate they often contradict each other, which provides ample plausible justifications for districting plans that are actually gerrymanders.¹¹⁸

In attempting to draw districts with equal populations, India ostensibly considers the total inhabiting population of the relevant regions rather than a specific subset thereof.¹¹⁹ To further complicate its electoral system, however, rapid and uneven population growth across India during the mid-twentieth century led the Parliament to freeze all redistricting for the Lok Sabha for thirty years, as they feared a redistribution of power between the states.¹²⁰ Even when redistricting finally resumed, it was decided that current census data would not be used. As a result, the last Delimitation Commission, which convened in 2002, used population figures from the 1971 census to make its determinations.¹²¹ It was also decided at about that time that no delimitation would occur again until the next census after 2026,

¹¹⁵ Delimitation Commission Act, 1962, No. 61, Acts of Parliament (India), § 9(I); Delimitation Commission Act, 1972, No. 76, Acts of Parliament (India), § 9(1); Delimitation Commission Act, 2002, No. 33, Acts of Parliament (India), § 9(1).

¹¹⁶ Delimitation Commission Act, 1962, No. 61, Acts of Parliament (India), § 9(I)(a); Delimitation Commission Act, 1972, No. 76, Acts of Parliament (India), § 9(1)(a); Delimitation Commission Act, 2002, No. 33, Acts of Parliament (India), § 9(1)(a).

¹¹⁷ Delimitation Commission Act, 1962, No. 61, Acts of Parliament (India), § 9(I)(b)–(d); Delimitation Commission Act, 1972, No. 76, Acts of Parliament (India), § 9(1)(a), (b)–(d); Delimitation Commission Act, 2002, No. 33, Acts of Parliament (India), § 9(1)(a), (b)–(d).

¹¹⁸ See McMillan, *supra* note 111, at 79–82 (noting that “with conflicting criteria, just about any outcome can be justified” in redistricting).

¹¹⁹ Handley & Grofman, *supra* note 93.

¹²⁰ *Id.* at 75.

¹²¹ See Delimitation Commission Act, 2002, No. 33, Acts of Parliament (India), § 4(1).

and the Constitution was amended to reflect this.¹²² The stated reason for these changes was that it would not be fair or wise to allow the balance of power to shift in favor of the regions that have not complied with national mandates for deceleration of population growth.¹²³ In his study of delimitation in India, however, Alistair McMillan, found this to be nothing more than a “smokescreen” for purely political motives involving the balance of power between the northern and southern regions.¹²⁴

4. *Pakistan*

In 1947, the Islamic Republic of Pakistan achieved both independence from the United Kingdom and territorial separation from the new nation of India, to establish itself as a mixed presidential-parliamentary democracy.¹²⁵ Its legislature is a bicameral parliament called the Majlis-e-Shura consisting of an indirectly elected Senate and a 342-seat National Assembly, 272 of whose members are elected by popular vote every five years.¹²⁶ Elections to the National Assembly are performed with an FPTP system, and the franchise is extended to all adults.¹²⁷ This study focuses on National Assembly elections, as they bear the most similarity to the selected elections in the other countries discussed.

The country’s elections are presided over by a constitutionally mandated body called the Election Commission of Pakistan (ECP).¹²⁸ This theoretically independent body is composed of commissioners who are required to be former high court judges and who are appointed either directly by the president or by the prime minister and an explicitly multi-partisan parliamentary committee.¹²⁹ Despite these apparent safeguards for the

¹²² INDIA CONST., art. 82, *amended by* The Constitution (Eighty-fourth Amendment) Act, 2001.

¹²³ McMillan, *supra* note 111, at 87.

¹²⁴ *Id.* at 87–88. McMillan expresses a high level of incredulity and disdain for this supposed motive, asserting that it is “clearly indefensible” to “deny a person an equal voice in the democratic process because they happen to be living in a State that has had a high-population growth rate.” He also points out that the connection between the population policy and the allocation of Lok Sabha seats is far too tenuous to be effectual, and that it fails to take into account or provide a remedy for shifts in comparative regional populations that occur as a result of the migration of existing members of the population rather than the births of new ones.

¹²⁵ COUNTRYWATCH, PAKISTAN REVIEW 2015, at 11, 172 (Denise Youngblood Coleman ed., 2015).

¹²⁶ *Id.* at 173.

¹²⁷ Mohammed Waseem, *Elections*, in THE OXFORD COMPANION TO PAKISTANI HISTORY 147, 149 (Ayesha Jalal ed., 2012).

¹²⁸ *Id.* at 146–47.

¹²⁹ PAKISTAN CONST. art. 213, §§ 1–2(B).

political independence of the ECP, it is widely believed to be a corrupt organization, rife with cronyism and possibly guilty of rigging elections.¹³⁰

It is this body that also serves as Pakistan's IRC. After each census, the ECP first allocates the seats in the National Assembly among the six provincial areas of Pakistan.¹³¹ It then conducts the process of delimitation, dividing each province into a number of constituencies equal to the number of seats that have been allocated to it.¹³² In performing its redistricting function, the ECP uses discrete criteria defined by statute. The various constituencies must first and foremost be equal in population, but within that parameter four other factors are also considered: geographical compactness, administrative boundaries, communication and "public convenience," and "other cognate factors to ensure homogeneity."¹³³

The ECP's delimitation powers are plenary. It officially publishes its decisions without need for approval from any governing body, and although it is required to "hear" complaints from any eligible voters who take issue with its preliminary redistricting scheme, the commission is under no obligation to act on these citizen complaints, and appeal to a third-party for intercession on these matters is not available.¹³⁴

III. ANALYZING THE PROPORTIONALITY OF ELECTORAL OUTCOMES

Though FPTP democracies are, by definition, not proportional representation (PR) systems, they are still concerned with representation that is proportional.¹³⁵ Some systems, like the one in the United States,¹³⁶

¹³⁰ See Waseem, *Election Commission*, *supra* note 127, at 147 (noting that the ECP is "one of the most contentious institutions in Pakistan" and that it is believed that "power-wielders generally induct their favorites" onto the commission "with a view to rig and steal the elections").

¹³¹ The Delimitation of Constituencies Act, No. 34 of 1974, PAK. CODE § 7(2), *amended by* The Delimitation of Constituencies (Amendment) Act, No. 3 of 1989.

¹³² *Id.* § 8.

¹³³ *Id.* § 9.

¹³⁴ *Id.* § 10.

¹³⁵ Unlike FPTP systems, where single-member districts fill their seats by assigning them to the single candidates that capture a plurality of the votes cast, PR systems directly convert each party's share of the votes into corresponding numbers of seats in multimember districts. INTERNATIONAL INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE (IDEA), *ELECTORAL SYSTEM DESIGN: THE NEW INTERNATIONAL IDEA HANDBOOK 57* (Andrew Reynolds et al. eds., 2008). This is different from the plain-language meaning of "proportional representation," which will be discussed in this section—*infra* p. 155 and note 138—as a measure of the degree to which, in any given electoral system, the actual outcome of seat distribution is proportional to the distribution of votes.

¹³⁶ See Michael Gallagher, *Proportionality, Disproportionality and Electoral Systems*, 10 *ELECTORAL STUD.* 33, 36 (1991) (noting that the U.S. Constitution's mandate that members of the House of Representatives be apportioned among the states in accordance with their respective populations inherently requires the United States to grapple with notions of

explicitly mandate proportionality in some limited way. Even where this is missing, however, there is something inherent in the very idea of representative democracy that still implies a need for these principles.

This is made evident by the predominate attitudes towards gerrymandering, the process by which the authority in charge of redistricting “creates a systematic advantage” for a particular group by the way it distributes voters and a corresponding “systematic disadvantage” for another group or groups.¹³⁷ The definition of gerrymandering, however, is relative. “Advantage” and “disadvantage” both imply movement away from some ideal districting scheme wherein the groups in question are represented in some way that is considered better or more accurate.

This ideal is proportional representation, even in FPTP systems, where its full attainment is likely impossible by design. John Adams famously opined that a country’s congress:

should be in miniature an exact portrait of the people at large. It should think, feel, reason, and act like them . . . [I]t should be an equal representation, or, in other words, equal interests among the people should have equal interests in it. Great care should be taken to effect this, and to prevent unfair, partial, and corrupt elections.¹³⁸

For Adams, not only is “equal representation” desirable in a representative legislature, it is also opposed to “unfair, partial, and corrupt elections,” as their unfairness, partiality, and corruption must necessarily result in some sort of *unequal* representation; a representation that is out of proportion in some way to the demographics of the “people at large,” preventing it from acting as the sort of microcosm that he describes.¹³⁹ The actual design of the U.S. electoral system does not prioritize this proportionality over certain other factors,¹⁴⁰ and thus it maintains an FPTP, and not a PR, system.

proportionality); *Vieth v. Jubelirer*, 541 U.S. 267, 267–77 (2004) (discussing frequent efforts by Congress to regulate the state redistricting process in order to prevent gerrymandering).

¹³⁷ Justin Buchler, *The Inevitability of Gerrymandering: Winners and Losers Under Alternative Approaches to Redistricting*, 5 DUKE J. CONST. L. & PUB. POL’Y 17, 20 (2010).

¹³⁸ JOHN ADAMS, THOUGHTS ON GOVERNMENT: APPLICABLE TO THE PRESENT STATE OF THE AMERICAN COLONIES, reprinted in THE REVOLUTIONARY WRITINGS OF JOHN ADAMS 287, 288–89 (C. Bradley Thompson ed., 2000).

¹³⁹ *Id.*

¹⁴⁰ See IDEA, *supra* note 135, at 36–37 (listing nine possible advantages of FPTP systems: promoting (1) the dominance of two main parties, (2) a single-party government, (3) coherent opposition to that government within the legislature, (4) parties with broad bases, (5) a geographical link between constituents and representatives, (6) voting on the basis of individuals rather than parties, (7) the election of popular independent candidates; (8)

However, like all systems, within its other parameters it seeks to be as proportional as possible—at least in theory.

But proportional to what? In what ways is it important for the legislature to be an “exact portrait” in miniature of the electorate? It could be argued that many demographic qualities are politically important enough that they should be reflected in the composition of the legislature, including race, ethnicity, gender, and perhaps even age. One of the most commonly discussed qualities in this context, however, is party affiliation, likely because it is a quality that is entirely ideological and it is easy to measure. It is *partisan* gerrymandering that IRCs like the one approved by the United States Supreme Court in *Arizona State Legislature* are designed to combat.¹⁴¹ One valuable barometer for assessing the efficacy of IRCs, then, would seem to be partisan proportional representation.

In the following subsections, this Note will use indices of partisan proportionality to measure the comparative success of IRCs in the four FPTP systems discussed above as well as the system in the United States. To perform this analysis, data from ten different elections was studied, two in each country: the general elections to the Jatiya Sangsad of Bangladesh in 2001 and 2008¹⁴²; the National Assembly of Botswana in 2009 and 2014; the Lok Sabha of India in 2009 and 2014; the Pakistani National Assembly in 2008 and 2013; and the House of Representatives of the United States in 2012 and 2014.¹⁴³

A. *The Loosemore and Hanby Index*

All indices that seek to quantify the partisan proportionality of a given electoral system do so by comparing the percentage of the votes that were cast for a particular party—its vote share—to the percentage of the elected seats the party won—its seat share.¹⁴⁴ In any system, there will always be at least some disparity between these two numbers for at least some of the parties involved, even if only because of problems of division.¹⁴⁵ The goal in

excluding extremist parties from the legislature; and (9) being “simple and easy to understand”).

¹⁴¹ *Ariz. State Legis. v. Ariz. Indep. Redistricting Comm’n*, 135 S. Ct. 2652, 2677 (2015).

¹⁴² Unlike with the other countries discussed, the most recent election data for Bangladesh was not used. For an explanation of the reasoning for this discussion, see *supra* note 68 and accompanying text.

¹⁴³ For the data that was used to conduct this analysis, along with its relevant sources, see *infra* APPENDICES A–E.

¹⁴⁴ PIETRO GRILLI DI CORTONA ET AL., *EVALUATION AND OPTIMIZATION OF ELECTORAL SYSTEMS* 44 (1999).

¹⁴⁵ *See id.* (noting that “some distortion between the quota of votes and seats will always exist, mainly because the number of seats that can be assigned to each party must be an integer,” which often make complete proportionality mathematically impossible).

taking such a measurement, then, is not to determine if a given country has met some particular universal benchmark, but rather to facilitate the comparison of electoral systems in different countries.

The most common, and perhaps the most simple index for proportionality is the one developed by Loosemore and Hanby in 1971 (LH).¹⁴⁶ This formula adds together the absolute values of the differences between the vote share and the seat share of each party that received at least one vote in the election and then divides the resulting number in half.¹⁴⁷ The end product is a number between zero and 100 that indicates the amount of *disproportionality* in the system, with more proportional systems producing values closer to zero.¹⁴⁸

As is shown in Table 1, for the elections studied here, the system that produced the lowest values with LH was the United States. Both its 2012 and 2014 values are substantially below the values for all of the elections measured in all of the other countries. Its nearest competitor in proportionality, the 2008 election in Pakistan, is still around four points higher than either U.S. value, and nearly all the other elections produce values at least twenty points higher in disproportionality.

Table 1 – The Loosemore & Hanby Index

ELECTION	Bangladesh	Botswana	India	Pakistan	United States
<i>Most Recent</i>	(2008) 30.3169 ¹⁴⁹	(2014) 18.4580	(2014) 34.2319	(2013) 33.5982	(2014) 05.7311
<i>2nd Most Recent</i>	(2001) 24.8239	(2009) 23.9293	(2009) 19.8763	(2008) 09.7589	(2012) 05.8204

If IRCs were truly effective at reducing partisan gerrymandering, we might expect to see rates of disproportionality in the countries that employ them that are significantly lower than the rates in countries like the United States, which largely do not. This, however, is the exact opposite of what the LH data in this study shows. The United States has by far the lowest LH index of the countries studied, seeming to suggest that IRCs do not have the prophylactic effect on partisan gerrymandering that has been hoped.

¹⁴⁶ Gallagher, *supra* note 136, at 38.

¹⁴⁷ DI CORTONA ET AL., *supra* note 144, at 45. In mathematical notation, the formula is expressed as $LH = \frac{\sum_{i=1}^n |\omega_i - \sigma_i|}{2}$, where n is the number of parties, ω_i is the vote share of each party, σ_i is the seat share of each party, and LH is the resulting indexical value.

¹⁴⁸ *Id.*

¹⁴⁹ This is not the most recent Bangladeshi legislative election. See *supra* note 68 and accompanying text.

Though LH is one of the most commonly used proportionality indices, however, it is not without its flaws. Several scholars have noted that the nature of its calculation unfairly penalizes systems that use many small parties as compared to a few large ones.¹⁵⁰ This helps to explain the extremely large values returned by some of the elections in India and Pakistan, each of which had over 100 parties on their ballots. Several other indices have been compiled to address this and other shortcomings of LH, and the two most commonly used of these are explored in the sections that follow.

B. Gallagher's Least Squares Index

In his 1991 analysis of methods of measuring disproportionality in electoral systems, Michael Gallagher advocated using a "least squares" index (LS).¹⁵¹ Unlike LH, this measure is affected more by large discrepancies in the ratio of vote-share to seat-share than it is by many small ones, thereby eliminating the bias towards systems with fewer political parties on the ballot.¹⁵² To calculate this value, the difference between the vote-share and seat-share of each party is squared, these numbers are summed, and the square-root of half of this number is then taken.¹⁵³ Again, the value this formula produces is a number between 0 and 100, where higher values indicate a higher level of disproportionality.¹⁵⁴

As is shown in Table 2, applying LS to the elections in this study produces values that are overall lower than those produced by LH (especially in India) and also reduces the relative distances between the values. Despite this change, however, the elections in the United States still produce the lowest values, by a significant margin. These results seem to suggest that the lack of positive correlation between the usage of IRCs and the lower rates of disproportionality that were demonstrated by the LH index cannot be explained away just by differences in number of political parties.

¹⁵⁰ See, e.g., Gallagher, *supra* note 136, at 40.

¹⁵¹ *Id.* at 49.

¹⁵² *Id.* at 40.

¹⁵³ *Id.* In mathematical notation, this formula is expressed as $LS = \sqrt{\frac{\sum_{i=1}^n (\omega_i - \sigma_i)^2}{2}}$, where n is the number of parties, ω_i is the vote share of each party, σ_i is the seat share of each party, and LS is the resulting indexical value.

¹⁵⁴ *Id.*

Table 2 – Gallagher’s Least Squares Index

ELECTION	Bangladesh	Botswana	India	Pakistan	United States
Most Recent	(2008) 25.2512 ¹⁵⁵	(2014) 17.0141	(2014) 17.7594	(2013) 22.9524	(2014) 04.4618
2nd Most	(2001) 21.3691	(2009) 20.1603	(2009) 08.2044	(2008) 06.5681	(2012) 04.5736
Recent					

C. *Effective Number of Parties and the Lijphart Index*

Another index that seeks to counteract the effect of differing numbers of parties on the disproportionality measure is the one devised by Lijphart in 1990 (LJ).¹⁵⁶ In order to tackle this issue head-on, LJ uses a calculated figure called the “effective number of parties” (N_{α}).¹⁵⁷ This figure represents the functional number of parties that actually affect and have power in a given electoral system, as distinct from the raw number of parties that appear on a country’s ballots.¹⁵⁸ As with disproportionality, there are several different formulae that are used to determine N_{α} . For the purposes of this Note, the approach developed by Golosov in 2010 will be used because it produces a value that is most in-line with “intuitive expectation[s]”—is an important consideration as it aligns the data with the actual subjective experiences of the voter base.¹⁵⁹ A formula for N_{α} that yielded a value much greater than two for the U.S. electoral system, for example, would be at odds with the American voter experience, where third parties almost never win national elections, and are often not even represented on the ballots in most states.¹⁶⁰

Golosov’s formula takes the number of votes cast for each individual party that received at least one vote and subtracts it from a number equal to the square of the number of votes cast for the party that received the most votes (the winner) divided by the number of votes cast for that particular party again. This number is then added to the overall number of votes cast in the entire election, to produce a number by which the overall number of

¹⁵⁵ This is not the most recent Bangladeshi legislative election. See *supra* note 68 and accompanying text.

¹⁵⁶ DI CORTONA ET AL., *supra* note 144, at 45.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.* at 35–36.

¹⁵⁹ Grigorii V. Golosov, *The Effective Number of Parties: A New Approach*, 16 PARTY POL. 171, 176 (2010). For an overview of other available indices for N_{α} . See, e.g., DI CORTONA ET AL., *supra* note 144, at 35–41.

¹⁶⁰ BUREAU OF INT’L INFO. PROGRAMS, *supra* note 10.

votes cast is then divided. This produces a value for each participating party, and these numbers are summed to produce the value of the index.¹⁶¹

The Lijphart Index differs from the Loosemore & Hanby Index only in that it divides the sum of the absolute differences between vote-shares and seat-shares by the figure derived above, N_α , instead of by the static integer two.¹⁶² The result is a value, still between 0 and 100 and still showing higher disproportionality at higher levels, but that is directly responsive to the effective number of parties in the system.

Table 3¹⁶³ shows that LJ produces values for this analysis' data set that are in a still more narrow distribution. India, Pakistan, and Bangladesh all see further decreases from LS values, while numbers for the United States and Botswana are higher than for LS but still lower than LH. Most notably, the election that produces the lowest disproportionality score is no longer in the United States as Pakistan's 2008 election surpasses both of those in the United States by a narrow margin. India's 2009 election, while not less disproportional than the U.S. elections, is also very close to these values. Both India and Pakistan's low values are somewhat overshadowed by the much higher values they received for their more recent elections, however. As a result of this, the United States still has the lowest incidence of disproportionality by a margin of nearly three points when the results of each country's two elections are averaged.¹⁶⁴

¹⁶¹ Golosov, *supra* note 159, at 180–83. In mathematical notation, this formula is expressed as $N_\alpha = \sum_{i=1}^n \frac{\sum_1^n s_i}{\left(\sum_1^n s_i + \left(\frac{s_1^2}{s_i}\right) - s_i\right)}$, where n is the number of parties, $\sum_1^n s_i$ is the total number of votes cast, s_i is the number of votes cast for each party, s_1 is the number of votes cast for the party that received the most votes, and N_α is the resulting indexical value.

¹⁶² DI CORTONA ET AL., *supra* note 144, at 45. In mathematical notation, this formula is expressed as $LJ = \frac{\sum_{i=1}^n |\omega_i - \sigma_i|}{N_\alpha}$, where n is the number of parties, ω_i is the vote share of each party, σ_i is the seat share of each party, N_α is the effective number of parties, and LJ is the resulting indexical value.

¹⁶³ See *infra* p. 161.

¹⁶⁴ Averaged values: Bangladesh = 21.2008, Botswana = 19.1414, India = 8.5973, Pakistan = 9.5770, and U.S. = 5.5827.

Table 3 – The Lijphart Index and N_{α}

ELECTION	Bangladesh	Botswana	India	Pakistan	United States
<i>Most Recent</i>	(2008) ¹⁶⁵	(2014)	(2014)	(2013)	(2014)
<i>N_α</i>	2.4324	2.3735	6.0340	4.5901	2.0263
<i>LJ</i>	<u>24.9272</u>	<u>15.5535</u>	<u>11.3465</u>	<u>14.6394</u>	<u>5.6567</u>
<i>2nd Most Recent</i>	(2001)	(2009)	(2009)	(2008)	(2012)
<i>N_α</i>	2.8412	2.1056	6.7976	4.3233	2.1131
<i>LJ</i>	<u>17.4744</u>	<u>22.7293</u>	<u>5.8480</u>	<u>4.5146</u>	<u>5.5087</u>

This data shows that even when the smaller number of effective political parties in the United States is adjusted for in the calculations, U.S. federal congressional elections enjoy lower rates of partisan disproportionality than do elections in all of the studied countries with similar electoral features. As these other countries make widespread use of IRCs, while the U.S. uses almost no IRCs for federal legislative districting, this suggests that IRCs may not actually be effective at creating districting plans that allow their electorates to be proportionately represented.

IV. CONCLUSION

There are, of course, many different possible explanations for the differences in proportional representation, and it is not possible on the information from this data alone to announce with confidence even that there is definitively less partisan gerrymandering in the United States than in the other four countries. Michael Gallagher identifies only five possible reasons for disproportionality in a system, however, and none of them but malapportionment applies in the contexts discussed herein.¹⁶⁶ This data

¹⁶⁵ This is not the most recent Bangladeshi legislative election. See *supra* note 68 and accompanying text.

¹⁶⁶ The possible reasons are: (1) the use of a bad formula in a PR system, (2) irregularities caused by strange distributions of votes between parties, (3) district magnitude, (4) the use of minimum thresholds for the recognition of parties, and (5) malapportionment, or gerrymandering. Reasons one and three cannot apply to any of the systems discussed in this Note, as none of them are PR systems and all of them use single-member districts. The possibility of item two is corrected for by the use of the Lijphart Index and its accounting for

seems to suggest strongly, then, that there is less partisan gerrymandering in the United States than there is in the four FPTP countries discussed here that use IRCs. And while it certainly cannot be said from only this information that IRCs are the cause of this difference, it is equally certain that their disproportionality remains significantly higher than that of the U.S. despite their use of IRCs.

Despite the optimistic projections following the U.S. Supreme Court's decision in *Arizona State Legislature v. Arizona Independent Redistricting Commission*, the data studied in this Note suggests that IRCs will not necessarily provide a complete solution to partisan gerrymandering. Countries using IRCs with electoral systems similar to our own still experience high rates of partisan disproportionality in their representation, and in at least some cases, those rates are actually substantially higher than those that exist in the United States. Thus, while this data cannot be properly read to suggest that IRCs inherently exacerbate partisan gerrymandering, if lawmakers continue to institute them in order to address a problem that they do not in fact seem to solve, they could still do more harm than good.

Rather than implementing policies that only seem as though they would be helpful, it would be more beneficial to conduct further comparative studies on what *has* worked to reduce partisan gerrymandering and disproportionality in other, similar countries. Such research could help U.S. policymakers to develop strategies for hosting elections with outcomes that are more proportionate to the constituent population of each area, no matter who draws the lines.

the effective number of parties. Four also does not apply, as thresholds were not used in any of this analysis's calculations. This only leaves malapportionment. Gallagher, *supra* note 136, at 43.

V. APPENDICES

A. Bangladesh¹⁶⁷

2001 ¹⁶⁸			2008 ¹⁶⁹		
PARTY	VOTES	SEATS	PARTY	VOTES	SEATS
Bangladesh Awami League	33,388,250	227	Bangladesh Nationalist Party	23,074,714	193
Bangladesh Nationalist Party	22,581,025	31	Bangladesh Awami League	22,303,276	62
Jatiya Party	4,985,411	27	Jatiya Party	4,023,962	14
Bangladesh Jamaytee Islami	3,289,352	2	Bangladesh Jamaytee Islami	2,385,361	17
Independent	2,173,220	5	Independent	2,262,305	6
Islami Andolan Bangladesh	651,051	0	Bangladesh Jatiya Party	521,472	4
Jatiya Samajtantric Dal	543,875	4	Islami Oikya Jote	312,868	2
Bangladesh Workers Party	262,093	2	Krishak Sramik Janata League	261,344	1
Liberal Democrats Party	191,994	1	Jatiya Party - JP	243,617	1
Bangladesh Jatiya Party	174,217	1	Jatiya Samajtantric Dal	119,072	0
Jamiyate Ulamaye Islam Bangladesh	173,633	0	Bangladesh Communist Party	56,991	0
Bikalpodhara Bangladesh	146,751	0	Bangladesh Workers Party	40,484	0
Jaker Party	135,429	0	Bangladesh Islamic Front	30,406	0
Islami Oikya Jote	108,415	0	Bangladesh Samajtantric Dal	21,349	0
Jatiyo Ganotantric Party	107,796	0	Jamiyate Ulamaye islam Bangladesh	19,256	0
Krishak Sramik Janata League	106,117	0	Bangladesh Khalafat Andolon	13,287	0
Gano Forum	72,877	0	Gano Forum	8,494	0
Bangladesh Communist Party	42,115	0	Islami Shasantantra Andolon	5,944	0

¹⁶⁷ Data reflects votes cast in the General Elections for candidates for the Jatiya Sangsad.

¹⁶⁸ Ken Kollman et al., *Constituency-Level Elections Archive*, CENTER FOR POLITICAL STUDIES, UNIVERSITY OF MICHIGAN, <http://www.electiondataarchive.org/countries.html> (last visited Nov. 15, 2015).

¹⁶⁹ *Id.*

Bangladesh Samajtantric Dal	38,952	0	Bangladesh National Awami Party	4,322	0
Bangladesh Islamic Front	31,450	0	Bangladesh Progressive Party	3,674	0
NAP	28,530	0	Liberal Democrats Party	3,618	0
Bangladesh Khalafat Majlish	27,916	0	Gonotantri Party	3,190	0
Bangladesh Kalyan Party	21,676	0	Bangladesh Samajtantrik Dal (Mahbub)	2,308	0
Bangladesh Tarikat Federation	19,750	0	Bangladesh Janata Party	1,703	0
Bangladesh Khalafat Andolon	16,907	0	Jaker Party	1,181	0
Progatishil Ganotantrik Dal	13,958	0	Bangladesh Peoples Congress	1,095	0
NPP	10,343	0	Communist Party	1,042	0
Gano Front	3,990	0	Bangladesh Krisak Sramik	994	0
Oikyabadha Nagorik Andolan	3,543	0	Bangladesh Samyabadi Dal	972	0
Gonotantri Party	2,549	0	Bangladesh Hindu League	922	0
Bangladesh Biplobe Workers Party	2,021	0	Bangladesh Gono Azadi	780	0
Islamic Front Bangladesh	1,347	0	Jatiyo Janata Party (Adv Nurul Islam Khan)	657	0
Bangladesh Muslim League	1,217	0	Bangladesh Muslim League	582	0
Freedom Party	566	0	National Patriotic Party	551	0
Bangladesh Samyabadi Dal	297	0	Liberal Party Bangladesh	528	0
Grand Total	69,358,633	300	Bangladesh Peoples Party	502	0
			Bangladesh Jatiya Tanti Dal	441	0
			Bhasani Front	431	0
			Samridha Bangladesh Andolon	429	0
			Sramik Krishak Samajbadi Dal	391	0
			Desh Prem Party	366	0
			Democratic Republic Party	364	0
			Bangladesh Krishak Sramik Awami League	313	0

Bangladesh Manabadhaikir Dal	237	0
Bangladesh Krishak Sramik Janata Party	197	0
Quran Darshan Sangstha Bangladesh	161	0
Jatiya Janata Party (Sheik Asad)	148	0
Pragatishil Gonotantrik Shakti (Pragash)	136	0
Sama Samaj Gonotantri Party	131	0
Quran And Sunnah	77	0
Bangladesh Vashani Adarsha Bastabayan Parishad	58	0
Bangladesh Sarbahara Party	44	0
Jatiya Janata Party (Hafizur)	30	0
Grand Total	55,736,777	300

*B. Botswana*¹⁷⁰

2009 ¹⁷¹			2014 ¹⁷²		
PARTY	VOTES	SEATS	PARTY	VOTES	SEATS
Botswana Democratic Party	290,099	44	Botswana Democratic Party	320,647	37
Botswana National Front	119,509	6	Umbrella for Democratic Change	207,113	17
Botswana Congress Party	104,302	5	Botswana Congress Party	140,998	3
Botswana Alliance Movement	12,387	1	Independent	19,787	0
Independent	10,464	1	Botswana National Front	1,697	0
Botswana Peoples Party	7,554	0	Grand Total	690,242	57
Mels Movement Botswana	292	0			
Botswana Tlhoko Tiro Organization	40	0			
Grand Total	544,647	57			

¹⁷⁰ Data reflects votes cast in the General Elections for candidates for the National Assembly.

¹⁷¹ Kollman et al., *supra* note 168.

¹⁷² *Botswana*, ELECTIONPASSPORT.COM, <http://www.electionpassport.com/> (last visited Nov. 14, 2015).

C. India¹⁷³

2009 ¹⁷⁴			2014		
PARTY	VOTES	SEATS	PARTY	VOTES ¹⁷⁵	SEATS ¹⁷⁶
Indian National Congress	119,111,019	206	Bharatiya Janata Party	171,657,549	282
Bharatiya Janata Party	78,435,381	116	Indian National Congress	106,938,242	44
Bahujan Samaj Party	25,728,920	21	Bahujan Samaj Party	22,946,182	0
Communist Party of India (Marxist)	22,219,111	16	All India Trinamool Congress	21,259,681	34
Independent	21,647,686	9	Samajwadi Party	18,672,916	5
Samajwadi Party	14,284,638	23	All India Anna Dravida Munnetra Kazhagam	18,115,825	37
All India Trinamool Congress	13,356,510	19	Communist Party of India (Marxist)	17,986,773	9
Telugu Desam	10,481,659	6	Independent	16,743,719	3
Nationalist Congress Party	8,521,502	9	Telugu Desam	14,094,545	16
Dravida Mummetra Kazhagam	7,625,397	18	Yuvajana Sramika Rythu Congress Party	13,991,280	9
All India Anna Dravida Munnetra Kazhagam	6,953,591	9	Aam Aadmi Party	11,325,635	4
Biju Janata Dal	6,612,552	14	Shivsena	10,262,982	18
Praja Rajyam Party	6,590,046	0	Dravida Munnetra Kazhagam	9,636,430	0
Shiv Sena	6,454,950	11	Biju Janata Dal	9,491,497	20
Janata Dal (United)	6,331,201	20	Nationalist Congress Party	8,635,554	6
Communist Party of India	5,951,888	4	Rashtriya Janata Dal	7,442,313	4
Rashtriya Janata Dal	5,280,084	4	Telangana Rashtra Samithi	6,736,490	11
Shiromani Akali Dal	4,004,789	4	None of the Above	6,000,197	0
Janata Dal (Samajwadi)	3,434,082	3	Janata Dal (United)	5,992,196	2
Desiya Murpokku Dravida Kazhagam	3,126,117	0	Communist Party of India	4,327,298	1

¹⁷³ Data reflects votes cast in the General Elections for candidates for the Lok Sabha.

¹⁷⁴ Kollman et al., *supra* note 168.

¹⁷⁵ Election Commission of India, *Results: General Election 2014*, ECI.NIC.IN, http://eci.nic.in/eci_main1/GE2014/ge.html (last visited Nov. 16, 2015).

¹⁷⁶ *India: Election for Lok Sabha 2014*, ELECTIONGUIDE.ORG, <http://www.electionguide.org/elections/id/2784/> (last visited Nov. 16, 2015).

Telangana Rashtra Samithi	2,582,326	2	Janata Dal (Secular)	3,731,481	2
All India United Democratic Front	2,184,553	1	Shiromani Akali Dal	3,636,148	4
Pattali Makkal Katchi	1,944,619	0	Indian National Lok Dal	2,799,899	2
Lok Jan Shakti Party	1,891,963	0	All India United Democratic Front	2,333,040	3
Rashtriya Lok Dal	1,821,054	5	Lok Jan Shakti Party	2,295,929	6
Asom Gana Parishad	1,773,103	1	Desiya Murpokku Dravida Kazhagam	2,079,392	0
Jharkhand Mukti Morcha	1,665,173	2	Pattali Makkal Katchi	1,827,566	1
Revolutionary Socialist Party	1,573,650	2	Revolutionary Socialist Party	1,666,380	1
Maharashtra Navnirman Sena	1,503,863	0	Jharkhand Mukti Morcha	1,637,990	2
All India Forward Bloc	1,345,803	2	Jharkhand Vikas Morcha (Prajanatrik)	1,579,772	0
Indian National Lok Dal	1,286,573	0	Marumalarchi Dravida Munnetra Kazhagam	1,417,535	0
Marumalarchi Dravida Munnetra Kazhagam	1,112,908	1	All India Forward Bloc	1,211,418	0
Communist Party of India (Marxist-Leninist) (Liberation)	1,044,510	0	Swabhimani Paksha	1,105,073	1
Jharkhand Vikas Morcha (Prajanatrik)	963,274	1	Indian Union Muslim League	1,100,096	2
Muslim League	877,494	2	Rashtriya Lok Samta Party	1,078,473	3
Nagaland Peoples Front	832,224	1	Communist Party of India (Marxist-Leninist) (Liberation)	1,007,274	0
Haryana Janhit Congress (BL)	816,395	1	Naga Peoples Front	994,505	1
Viduthalai Chiruthaigal Katchi	735,847	1	Apna Dal	821,820	2
Bodaland Peoples Front	656,430	1	Bahujan Mukti Party	785,358	0
Kongu Nadu Munnetra Kazhagam	579,703	0	Jammu & Kashmir Peoples Democratic Party	732,644	3
Lok Satta Party	557,376	0	Maharashtra Navnirman sena	708,118	0
Peace Party	537,638	0	Haryana Janhit Congress (BL)	703,698	0
Jammu & Kashmir Peoples Democratic Party	522,760	0	Rashtriya Lok Dal	696,919	0
Jammu & Kashmir National Conference	498,374	3	All India Majlis-E-Ittehadul Muslimeen	685,729	1
Apna Dal	495,032	0	Viduthalai Chiruthaigal Katchi	606,110	0

Bharipa Bahujan Mahasangh	492,470	0	Asom Gana Parishad	577,730	0
Swabhimani Paksha	481,025	1	National Peoples Party	576,444	1
Kerala Congress (M)	404,962	1	Socialist Unity Centre of India (Communist)	520,959	0
Republican Party of India (A)	379,746	0	Peace Party	518,726	0
Kerala Congress	333,688	0	Peasants and Workers Party of India	497,721	0
Suheldev Bhartiya Samaj Party	319,307	0	AJSU Party	488,719	0
All India Majlis-Eittehadul Muslimeen	308,061	1	Rashtriya Samaj Paksha	458,580	0
Republican Party of India	294,650	0	Kerala Congress (M)	424,194	1
Pyramid Party of India	287,576	0	Jammu & Kashmir National Conference	396,713	0
Loktantrik Samata Dal	270,040	0	Social Democratic Party of India	396,522	0
Mahagujarat Janta Party	245,174	0	Bharipa Bahujan Mahasangh	360,854	0
People's Democratic Alliance	224,719	0	Qaumi Ekta Dal	354,578	0
Bahujan Vikas Aaghadi	223,234	1	Bodoland Peoples Front	330,106	0
Gondvana Gantantra Party	220,741	0	Socialist Janata (Democratic)	307,597	0
Rashtriya Samaj Paksha	215,042	0	Gondvana Gantantra Party	301,366	0
All Jharkhand Students Union Party	200,523	0	Bahujan Vikas Aaghadi	293,681	0
Swatantra Bharat Paksha	188,608	0	Puthiya Tamilagam	262,812	0
Indian Justice Party	177,759	0	All India N.R. Congress	255,826	1
Sikkim Democratic Front	159,351	1	Manithaneya Makkal Katchi	236,679	0
Rashtriya Samanta Dal	153,455	0	Welfare Party of India	228,642	0
Rashtriya Swabhimaan Party	152,633	0	Jai Bharat Samanta Party	215,607	0
Rashtrawadi Sena	144,735	0	Jai Samaikyandhra Party	204,235	0
Rashtriya Dehat Morcha Party	139,404	0	Jharkhand Party	203,869	0
Samruddha Odisha	131,379	0	Republican Party of India (A)	199,848	0
Jan Parishad	129,595	0	Pyramid Party of India	185,449	0
Jammu & Kashmir People's Conference	125,900	0	Ambedkarite Party of India	185,095	0
United Democratic Party	124,402	0	Lok Satta Party	169,648	0

Autonomous State Demand Committee	123,287	0	Sikkim Democratic Front	163,698	1
Puthiya Tamilagam	120,797	0	Aama Odisha Party	155,900	0
Lok Bhalai Party	118,470	0	National Unionist Zamindara Party	124,990	0
Jharkhand Party (Naren)	104,600	0	Sikkim Krantikari Morcha	121,956	0
Jharkhand Disom Party	102,698	0	Suheldev Bhartiya Samaj Party	118,947	0
Mahabharat Peples Party	101,787	0	Communist Party of India (Marxist-Leninist) Red Star	114,323	0
Hill State People's Democratic Party	97,613	0	Marxist Coordination	110,185	0
Marxist Coordination	91,489	0	Jharkhand Disom Party	109,843	0
J & K National Panthers Party	87,502	0	United Democratic Party	106,817	0
Gondwana mukti Sena	85,355	0	Rashtriya Parivartan Dal	95,644	0
Prabuddha Republican Party	76,518	0	Republican Party of India	94,802	0
National Lokhind Party	72,620	0	Bharatiya Ekta Dal	90,315	0
Rashtriya Krantikari Samajwadi Party	71,857	0	Bhartiya Shakti Chetna Party	79,359	0
Kranti Kari Jai Hind Sena	70,715	0	Amra Bangalee	74,628	0
Manithaneyya Makkal Katchi	68,346	0	Jammu & Kashmir People Conference	71,154	0
Jammu & Kashmir People Conference	65,403	0	Republican Paksha (Khoripa)	70,924	0
Mahan Dal	65,398	0	Bahujan Sangharshh Dal	59,813	0
Krantisena Maharashtra	65,151	0	Samajwadi Janata Party (Rashtriya)	59,756	0
Jago Party	64,482	0	Akhil Bharatiya Muslim League (Secular)	59,735	0
Ambedkar National Congress	60,896	0	Jai Maha Bharath Party	58,014	0
Sarvodaya Karnataka Paksha	60,333	0	Jammu & Kashmir National Panthers Party	57,103	0
Jharkhand Jan Morcha	58,025	0	Rashtriya Ulama Council	56,324	0
Pragtisheel Manav Samaj Party	57,649	0	Janta Dal Rashtravadi	53,864	0
Rashtriya Kranti Party	55,805	0	Tamil Nadu Makkal Congress	49,038	0
Loksangram	53,637	0	Lok Dal	48,198	0
Kalinga Sena	53,033	0	Janvadi Party(Socialist)	47,690	0
Trilinga Praja Pragati Party	48,136	0	People's Party of Arunachal	47,018	0

Bira Oriya Party	47,720	0	Hindustan Janta Party	46,761	0
Akhil Bharat Hindu Mahasabha	47,456	0	Rashtriya Krantikari Samajwadi Party	46,756	0
Arunachal Congress	46,539	0	Bharat Vikas Morcha	45,667	0
Jharkhand Vikas Dal	45,246	0	Odisha Jan Morcha	44,397	0
Amara Bengali	45,102	0	Revolutionary Socialist Party of Kerala (Bolshevik)	43,051	0
Rashtra Sewa Dal	43,184	0	Chhattisgarh Swabhiman Manch	41,911	0
Shiromani Akali Dal (Simranjit Singh Mann)	43,137	0	Socialist Party (India)	41,516	0
Kosal Kranti Dal	42,744	0	Pragatisheel Manav Samaj Party	39,038	0
Ambedkar Samaj Party	42,586	0	Rajnaitik Vikalp Party	38,992	0
Bahujan Republican Ekta Manch	42,386	0	Bharatiya Yuva Shakti	38,633	0
Loktantrik Samajwadi Party	40,803	0	Rashtriya Deshaj Party	38,322	0
A-Chik National Congress (Democratic)	40,204	0	Naitik Party	36,181	0
Bharatiya Bahujan Party	39,797	0	Shiromani Akali Dal (Amritsar)	35,516	0
Mana Party	39,257	0	Karunaadu Party	33,172	0
Uttarakhand Kranti Dal	38,633	0	Rashtriya Janadhikar Suraksha Party	32,514	0
Navbharat Nirman Party	37,219	0	Rashtriya Samanta Dal	30,880	0
Rajasthan Vikash Party	36,584	0	Samyak Parivartan Party	30,805	0
Rashtravadi Janata Party	34,670	0	Akhil Bharat Hindu Mahasabha	29,483	0
Bharatiya Jantantrik Janta Dal	34,528	0	Paschimanchal Vikas Party	28,775	0
Bahujan Sangharsh Party (Kanshiram)	33,010	0	Prem Janata Dal	28,681	0
Jharkhand Janadhikar Manch	32,219	0	Jago Party	27,624	0
Eklavya Samaj Party	31,983	0	Jai Prakash Janata Dal	27,619	0
Samata Party	31,324	0	Ambedkar Samaj Party	27,589	0
Democratic Secular Party	30,532	0	Jai Hind Samaj Party	27,122	0
People's Guardian	30,340	0	Vanchitsamaj Insaaf Party	23,991	0
Samajwadi Janata Party (Rashtriya)	30,091	0	Gareeb Aadmi Party	23,505	0
Lokpriya Samaj Party	29,459	0	Republican Party of India (Khobragade)	23,110	0

Rastreeya Praja	29,151	0	Mahan Dal	22,774	0
Nelopa (United)	27,388	0	Party for Democratic Socialism	22,267	0
Shoshit Samaj Dal	26,807	0	Mahajana Socialist Party	22,023	0
Akhil Bartiya Manav Seva Dal	26,268	0	Samata Party	21,635	0
Bharatiya Republican Paksha	25,940	0	Bajjikanchal Vikas Party	21,524	0
Rashtravadi Communist Party	25,842	0	Indigenoun People's Front of Tripura	21,326	0
Lok Dal	24,588	0	Prajatantrik Samadhan Party	21,284	0
Jan Surajya Shakti	23,925	0	Kalinga Sena	21,143	0
Samajwadi Jan Parishad	23,539	0	Samata Kranti Dal	20,910	0
Akhil Bharatiya Congress Dal (Ambedkar)	22,861	0	Akhil Bharatiya Jan Sangh	20,902	0
Rashtravadi Aarthik Swatantrata Dal	22,453	0	Bharatiya National Janta Dal	20,209	0
Akhila India Jananayaka Makkal Katchi	21,609	0	Ambedkar National Congress	19,863	0
Akila India Vallalar Peravai	20,982	0	Prabuddha Republican Party	19,470	0
People's Democratic Forum	20,699	0	Most Backward Classes of India	19,417	0
Akhil Bharatiya Jan Sangh	20,599	0	Sarvajan Kalyan Loktantrik Party	19,253	0
Moulik Adhikar Party	20,534	0	Rashtriya Janasachetan Party (R.J.P.)	18,206	0
Bahujan Shakty	18,844	0	Manavtawadi Samaj Party	17,890	0
Indian Peace Party	18,726	0	Desiya Forward Bloc	17,474	0
Chhattisgarh Vikas Party	18,394	0	Socialistic Democratic Party	17,435	0
Great India Party	18,161	0	Indian Savarn Samaj Party	16,903	0
Vanchit Jamat Party	17,868	0	Jharkhand Party (Naren)	16,670	0
Prajatantrik Samadhan Party	17,570	0	Akhil Bhartiya Jharkhand Party	16,616	0
United Goans Democratic Party	16,727	0	Samata Samadhan Party	16,501	0
Makkal Manadu Katchi	16,699	0	Ambedkarist Republican Party	16,461	0
Bharatiya Sadbhawna Samaj Party	15,948	0	Shoshit Samaj Dal	16,446	0
Marxist Communist Party of India (S.S. Srivastava)	15,922	0	Rashtriya Independent Morcha	16,299	0

Rashtriya Krantikari Janata Party	15,847	0	Bharatiya Momin Front	16,182	0
Bharatiya Sarvodaya Kranti Party	15,734	0	Nav Bharat Democratic Party	16,153	0
Bharatheeya Sadharma Samsthapana Party	15,718	0	Sankhyanupati Bhagidari Party	16,078	0
Bahujan Uday Manch	15,272	0	Naya Daur Party	15,965	0
Puthiya Needhi Katchi	15,074	0	Bharatiya Sant Mat Party	15,940	0
Bharat Punarnirman Dal	14,974	0	Moulik Adhikar Party	15,742	0
Smast Bhartiya Party	14,435	0	Sarva Janata Party	15,474	0
Akhil Bharatiya Ashok Sena	13,828	0	Ati Picchara party	15,370	0
Bharatiya Momin Front	13,737	0	Proutist Sarva Samaj	15,368	0
Bhartiya Jagran Party	13,506	0	Jai Hind Party	14,754	0
Jana Hitkari Party	13,313	0	Bharatiya Jan Kranti Dal (Democratic)	14,685	0
Rashtriya Jan-Jagram Morcha	13,194	0	Indian Christian Secular Party	14,353	0
Ulzaipali Makkal Katchy	13,193	0	Swaraj (J)	14,152	0
Republican Party of India Ektawadi	12,767	0	Indian Unity Centre	13,527	0
Rashtriya Janwadi Party (Krantikari)	12,732	0	Lok Bharati	13,399	0
Jawan kisan Morcha	12,716	0	Maharashtra Parivartan Sena (T)	13,339	0
United Women Front	12,338	0	Lokpriya Samaj Party	13,304	0
Chhattisgarhi Samaj Party	11,972	0	Rashtriya Ahinsa Manch	13,185	0
Loktanrik Sarkar Party	11,893	0	Marxist Communist Party of India (United)	13,028	0
Republican Paksha (Khoripa)	11,724	0	Rashtriya Apna Dal	12,366	0
Peoples Republican Party	11,341	0	Jharkhand Anushilan Party	12,240	0
Bharatiya Samta Samaj Party	11,151	0	Andhra Rastra Praja Samithi	12,043	0
Bajjikanchal Vikas Party	11,097	0	Adarsh Rashtriya Vikas Party	12,037	0
Bahujan Samaj Party(Ambedkar-Phule)	10,698	0	Indian National League	11,924	0
Kosi Vikas Party	10,447	0	Aadivasi Sena Party	11,362	0
All India Minorities Front	10,211	0	Swarajya Party Of India	11,361	0
Aadivasi Sena Party	9,936	0	Majlis Bachao Tahreek	11,347	0

Jammu & Kashmir Awami National Conference	9,900	0	Minorities Democratic Party	11,225	0
Bharatiya Minorities Suraksha Mahasangh	9,871	0	Akhil Bhartiya Mithila Party	11,221	0
Socialist Party (Lohia)	9,712	0	National Loktantrik Party	11,174	0
Bharatiya Praja Paksha	9,457	0	Bahujan Samaj Party (Ambedkar)	11,104	0
Lok Bharati	9,407	0	Jharkhand Vikas Dal	10,870	0
Lok Vikas Party	9,198	0	Regional Democratic Secular Congress	10,800	0
Rajyadhikara Party	9,005	0	Rashtriya Janwadi Party (Krantikari)	10,797	0
All India Dalit Welfare Congress	8,961	0	Jamat-E-Seratul Mustakim	10,564	0
Meghalaya Democratic Party	8,946	0	Megh Desham Party	10,490	0
Manav Mukti Morcha	8,839	0	Sarva Samaj Kalyan Party	10,239	0
Backward Classes Democratic Party, J&K	8,129	0	Bharat Bhrashtachar Mitao Party	10,160	0
Bharatiya Eklavya Party	8,105	0	Rashtriya Gondvana Party	10,142	0
Akhil Bhartiya Rajarya Sabha	8,065	0	Loktantrik Janata Party (Secular)	10,026	0
Rashtriya Raksha Dal	7,915	0	Samajwadi Jan Parishad	10,008	0
Jan Morcha	7,826	0	All India Minorities Front	9,938	0
Democratic Bharatiya Samaj Party	7,817	0	Samruddha Odisha	9,794	0
Revolutionary Communist Party of India (Rasik Bhatt)	7,788	0	Samtawadi Republican Party	9,561	0
Bharatiya Gaon taj Dal	7,764	0	Bharatiya Dr. B.R.Ambedkar Janta Party	9,481	0
Bundelkhand Akikrit Party	7,593	0	Aam Janata Party	9,372	0
Ajeva Bharat Party	7,567	0	Apna Dal United Party	9,265	0
Indian Union Muslim League	7,553	0	Ulzaipali Makkal Katchy	9,194	0
Purvanchal Rajya Banao Dal	7,497	0	Tripura Pragatishil Gramin Congress	8,952	0
Ambedkar Pragatisheel Republican Dal	7,482	0	Hindusthan Nirman Dal	8,889	0
The Humanist Party of India	7,296	0	Hindusthan Praja Paksha	8,853	0
Rashtriya Machhua Samaj Party	7,290	0	Bhartiya Ekta Manch Party	8,729	0
Bharatiya Natiional Janta Dal	7,194	0	Rashtravadi Janata Party	8,713	0

Hindustan Janata Party	7,054	0	Aadijan Mukti Sena	8,544	0
B. C. United Front	6,910	0	Makkal Manadu Katchi	8,468	0
Bharatiya Jantantrik Parishad	6,872	0	Kosal Kranti Dal	8,448	0
Ambedkarist Republican Party	6,672	0	Bharatiya Republican Paksha	8,226	0
Maharashtrawadi Gomantak	6,638	0	Rajasthan Vikas Party	8,152	0
Proutist Sarva Samaj Party	6,316	0	Shramajeevi Party	8,003	0
Bharatiya Subhash Sena	6,250	0	Hindustan Vikas Dal	7,921	0
Akhil Bharatiya Desh Bhakt Morcha	6,220	0	Kisan Majdoor Berojgar Sangh	7,839	0
Party for Democratic Socialism	6,141	0	Dalita Bahujana Party	7,746	0
People's Party of Arunachal	5,996	0	Rashtriya Congress(J) Party	7,650	0
Rashtriya Janhit Party	5,841	0	All India Peoples' Front (Radical)	7,630	0
Vikas Party	5,840	0	Krantikari Vikas Dal	7,541	0
Professionals Party of India	5,819	0	Bharatiya Kisan Parivartan Party	7,342	0
Republican Party of India (Democratic)	5,809	0	People's Guardian	7,222	0
Duggar Pradesh Party	5,660	0	Bharatiya Bahujan Congress	7,197	0
Bharat Vikas Morcha	5,645	0	Rashtriya Jan-Jagram Morcha	7,147	0
Republican Party of India (Khobragade)	5,566	0	Sanatan Sanskriti Raksha Dal	7,115	0
Bharatiya Samaj Dal	5,565	0	B. C. United Front	7,036	0
Samajtantric Party of India	5,537	0	Rashtra Sewa Dal	6,994	0
Rashtrawadi Labour Party	5,460	0	Sanyukt Samajwadi Dal	6,788	0
National Loktantrik Party	5,371	0	Bihar Janta Party	6,765	0
Bharatiya Peoples Party	5,226	0	Hindustan Krantikari Dal	6,703	0
Bharatiya Lok Kalyan Dal	5,197	0	Sarvajan Samaj Party (D)	6,681	0
Sunder Samaj Party	5,120	0	Jan Shakti Ekta Party	6,636	0
Lal Morcha	5,087	0	Samaikya Telugu Rajyam	6,517	0
Bharatiya Sampuran Krantikari Party	5,068	0	Socialist Republican Party	6,512	0
Jai Bharat Samanta Party	4,967	0	Proutist Bloc, India	6,509	0
Samajik Jantantrik Party	4,816	0	United Communist Party of India	6,472	0
Praja Bharath Party	4,810	0	Indian Labour Party (Ambedkar Phule)	6,390	0

Bharathdiya Sahayog Congress	4,758	0	Republican Backward Congress	6,265	0
Sikkim Himali Rajya Parishdad	4,639	0	Rashtriya Naujawan Dal	6,192	0
Uttar Pradesh Republican Party	4,604	0	Al-Hind Party	5,977	0
Rashtriya Mazdoor Ekta Party	4,588	0	Aarakshan Virodhi Party	5,861	0
Muslim Majlis Uttar Pradesh	4,444	0	Bhartiya Sarvjan Party	5,845	0
Inqalab Vikas Dal	4,439	0	The Lok Party of India	5,804	0
Awami Party	4,386	0	Rashtriya Bahujan Congress Party	5,799	0
Bharatiya Jan Berojgar Chhatra Dal	4,307	0	Bharatiya Gaon Taj Dal	5,761	0
Bharat Uday Mission	4,210	0	Apna Desh Party	5,579	0
Rashtriya Agraniye Dal	4,072	0	Deshbhakt Nirman Party	5,485	0
Krantikari Samyavadi Party	4,035	0	Bahujan Sangharsh Party (Kanshiram)	5,416	0
Rashtriya Praja Congress (Secular)	3,980	0	Moderate Party	5,406	0
Republican Presidium Party of India	3,894	0	Bundelkhand Congress	5,371	0
Lok Jan Vikas Morcha	3,658	0	Bharatiya Inqalab Party	5,362	0
People's Democratic Front	3,502	0	Eklavya Samaj Party	5,341	0
Bharatiya Loktantrik Party (Gandhi-Lohiawadi)	3,359	0	Democratic Bharatiya Samaj Party	5,240	0
Bharatiya Pichhra Da	3,292	0	Agar Jan Party	5,228	0
Rashtriya Naujawan Dal	3,155	0	Indian Krantikari Lehar	5,084	0
Rashtra Bhakt Dal	3,138	0	New India Party	5,082	0
Yuva Vikas Party	3,129	0	Moolniwasi Samaj Party	4,986	0
Jan Chetna Party	2,987	0	Bhartiya Satya Sangharsh Party	4,956	0
Sikkim Jan-Ekta Party	2,849	0	Samajwadi Samaj Party	4,947	0
Bharatiya Samaj Kalyan Party Bharat	2,822	0	Samaikyandhra Parirakshana Samithi	4,870	0
Bhartiya Pragatisheel Congress	2,798	0	Poorvanchal Rashtriya Congress	4,852	0
Jharkhand Dal	2,787	0	Kalyankari Jantantrik Party	4,839	0
National Development Party	2,787	0	Jan-Nyay Dal	4,719	0
Momin Conference	2,765	0	Bhartiya Jantantrik Janata Dal	4,664	0
All India Forward Bloc (Subhasist)	2,758	0	Bharatiya Bahujan Party	4,653	0

Rashtriya Sahara Party	2,754	0	Rashtriya Jankranti Morcha	4,647	0
Indian People's Forward Block	2,686	0	Yuva Sarkar	4,578	0
Alpjan Samaj Party	2,678	0	Rashtriya Congress (Babu Jagjivanram)	4,527	0
Ambedkarbadi Party	2,664	0	Rayalaseema Parirakshana Samithi	4,521	0
United National Loktantrik Party	2,658	0	Jan Sevak Party	4,489	0
Akhil Bharatiya Hind Kranti Party	2,633	0	Shakti Sena (Bharat Desh)	4,465	0
Orissa Mukti Morcha	2,591	0	Braj Vikas Party	4,411	0
Youth and Students Party	2,582	0	Manav Mukti Morcha	4,409	0
Laghujan Samaj Vikas Party	2,507	0	Lok Parivartan Party(DC)	4,396	0
Jharkhand People's Party	2,498	0	All J & K Kisan Majdoor Party	4,392	0
Democratic Congress Party	2,497	0	Akhil Bharatiya Shivsena Rashtrawadi	4,380	0
Savarn Samaj Party	2,486	0	Awami Aamjan Party	4,378	0
Jansatta Party	2,468	0	Rashtriya Ambedkar Dal	4,327	0
Jai Chhattisgarh Party	2,397	0	Bharatiya Peoples Party	4,291	0
Rastriya Samajwadi Party (Secular)	2,305	0	Jai Vijaya Bharathi Party	4,270	0
Moderate Party	2,285	0	Chhattisgarhiya Party	4,265	0
Sikkim Gorkha Prajatantric Party	2,284	0	Bhartiya Krishak Dal	4,250	0
National Yoduth Party	2,275	0	Rastriya Insaaf Party	4,219	0
Sardar Vallabhbhai Patel Party	2,275	0	Rashtriya Sarvajan Party	4,215	0
Kannada Chalevali Vatal Paksha	2,269	0	Bhartiya Vanchitsamaj Party	4,144	0
Rashtriya Bahujan Congress Party	2,244	0	Dharam Nirpeksh Dal	4,130	0
bhartidya Deshbhakt Party	2,217	0	Rashtriya Janpriya Party	4,117	0
Rashtriya Jan Sahay Dal	2,202	0	Rashtriya Kranti Party	4,112	0
Desia Pathukappu Kazhagam	2,154	0	Rajyadhikara Party	4,112	0
Youth for Equality	2,099	0	Parcham Party of India	4,082	0
Rajya Nojawan Shakti Party	2,041	0	Pragatisheel Samaj Party	4,052	0
Rashtriya Lokwadi Party	2,021	0	Swatantra Samaj Party	4,016	0
Rashtriya Janutthan Party	2,005	0	Vichara Jagruthi Congress Paksha	3,972	0

Rashtriya Lokhit Party	1,866	0	Janta Raj Party	3,846	0
Indian Christian Secular Party	1,853	0	Nirjatita Samaj Biplabi Party	3,829	0
Mahila Adhikar Party	1,816	0	Bharatiya Kisan Sena Loktantrik	3,826	0
Rashtriya Gondvana Party	1,802	0	New All India Congress Party	3,778	0
Rashtriya Mangalam Party	1,780	0	Awami Vikas Party	3,750	0
Indian Bahujan Smajwadi Party	1,780	0	Lok Shakti	3,722	0
Buddhiviveki Vikas Party	1,774	0	National Development Party	3,618	0
Advait Ishwasyam Congress	1,718	0	Jharkhand Mukti Morcha (Ulgulan)	3,512	0
United Communist Party of India	1,713	0	Indian Peoples Green Party	3,488	0
Shivrajya Party	1,704	0	Asankhya Samaj Party	3,482	0
Karnataka Thamizhar Munnetra Kazhagam	1,686	0	Bharatiya Minorities Suraksha Mahasangh	3,441	0
Akhil Bhartiya Manavata Paksha	1,619	0	Rashtriya Aam Party	3,408	0
National Democratic People's Front	1,557	0	Bharat Ki Lok Jimmedar Party	3,392	0
Bharatiya Backward Party	1,552	0	Bharti Jan Suraksha Party	3,336	0
Rashtriya Surya Prakash Party	1,532	0	Rashtriya Sant Sandesh Party	3,283	0
Janata Party	1,514	0	National Tiger Party	3,251	0
Bharatiya Nagrik Party	1,464	0	Bharatiya Rashtriya Bahujan Samaj Vikas Party	3,238	0
Bahujan Vikas Party	1,435	0	Pragatisheel Magahi Samaj	3,076	0
Bharatiya Rashtriya Party	1,407	0	National Lokmat Party	3,072	0
Rashtriya Janadhikar Party	1,394	0	Ezhuchi Tamilargal Munnetra Kazhagam	3,023	0
Kamaraj Desiya Congress	1,341	0	Ex-Sainik Kissan Party	2,988	0
Majdoor Kisan Union Party	1,341	0	Shoshit Sandesh Party	2,982	0
Christian Democratic Front	1,300	0	Maharashtra Vikas Aghadi	2,979	0
Bharatiya Jan Shakti	1,296	0	Rashtriya Viklang Party	2,958	0
Rayalaseema Rashtra Samithi	1,284	0	Nagrik Ekta Party	2,917	0
Bharatiya Jai Bheem Party	1,253	0	Republican Bahujan Sena	2,910	0
Bhartiya Chaitanya Party	1,246	0	Gorkha Rashtriya Congress	2,906	0

Bharatiya Jan kranti Dal (Democratic)	1,245	0	Jan Morcha	2,901	0
Punjab Labour Party	1,243	0	Vishva Hindustani Sangathan	2,880	0
Swarajya Party of India	1,230	0	Rashtriya mahan Gantantra Party	2,872	0
All India Bahujan Samman Party	1,217	0	Loktantrik Samajwadi Party	2,820	0
Bundelkhand Mukti Morcha	1,211	0	Rani Chennamma Party	2,803	0
Akhil Bharatiya Mahasand Sarvahara Krantikari Party	1,197	0	Hindustan Kranti Dal	2,762	0
Anaithindia Dravidar Samudaya Munnetra Kazhagam	1,189	0	Andhra Pradesh Rashtra Samaikya Samithi Party	2,752	0
Save Goa Front	1,117	0	Jawan Kisan Morcha	2,711	0
Namadhu Makkal Katchi	1,114	0	Prism	2,694	0
Akhil Bharatiya Shivsena Rashtrawadi	1,108	0	Rashtriya Janshakti Party(Eklavya)	2,654	0
Maidani Kranti Dal	1,106	0	Great India Party	2,594	0
Jai Jawan Jai Kisan Mazdoor Congress	1,100	0	Bhartiya Pragatisheel Congress	2,571	0
All India Bharti Jug Party	1,085	0	Inqalab Vikas Dal	2,570	0
Bhartiya Congress (M)	1,069	0	Telangana Loksatta Party	2,568	0
Matra Bhakta Party	1,006	0	Jan Raajya Party	2,543	0
Pachai Kudi Makkal Katchi	981	0	Bharat Nav Nirman Party	2,533	0
Akhil Rashtrawadi Party	969	0	Akhil Bharatiya Samajwadi Congress	2,530	0
Vishva Hindustani Sangathan	935	0	Namadhu Makkal Katchi	2,511	0
Mool Bharati (s) Party	910	0	Mahamukti Dal	2,482	0
National Secular Party	902	0	Mahila Swabhiman Party	2,425	0
Bharatiya Rashtriya Morcha	867	0	Bharatiya Sarvodaya Kranti Party	2,409	0
Vishwa Vikas Sangh	837	0	Rashtriya Vikas Party	2,396	0
Jai Bharat Party	836	0	Anaithindia Dravidar Samudaya Munnetra Kazhagam	2,372	0
Bharat ki lok Jimmedar Party	790	0	Sarvshreshth Dal	2,329	0
Akhil Bhartiya Sindhu Samajwadi Party	786	0	Telangana Communist Party of India	2,311	0

Bharat Dal	700	0	Akhil Bhartiya Vikas Congress Party	2,255	0
Federal Congress of India	684	0	Jantantra Party	2,249	0
All India Raksha Party	678	0	Rashtriya Rashtrawadi Party	2,225	0
Adarshwadi Dal	614	0	National Janhit Congress (AB)	2,196	0
Janata Uday Party	595	0	Rashtrawadi Samaj Party	2,181	0
Shakti Sena (Bharat Desh)	589	0	Dharmarajya Paksha	2,175	0
Rashtriya Vikas Party	584	0	Indian Peace Party	2,155	0
Peoples Party of India (Secular)	578	0	Bhartiya Republican Party (Insan)	2,138	0
Akhil Bhartiya Loktantra Party	578	0	Atulya Bharat Party	2,135	0
Jebamani Janata	573	0	Mahanwadi Party	2,101	0
Niswarth Sewa Party	573	0	Rashtriya Karmyog Party	2,096	0
Hind Vikas Party	532	0	Uttarakhand Parivartan Party	2,045	0
Desh Bhakt Party	531	0	Akhil Rashtrawadi Party	2,029	0
Bharatiya Sarvkalayan Kranti Dal	496	0	Rashtriya Praja Congress (Secular)	2,025	0
Democratic Party of India	494	0	Manipur Democratic Peoples's Front	2,005	0
Rajasthan Dev Sena Dal	484	0	Bharat Nirman Party	2,000	0
Rashtriya Yuva Sangh	482	0	Bhartiya Jan Yug Party	2,000	0
Rashtrawadi Samaj Party	450	0	Socialist Party (Lohia)	1,997	0
Loktanrik Janata Party (Secular)	351	0	Labour Party of India (V.V. Prasad)	1,993	0
Bharatiya Grameen Dal	346	0	Indian Bahujan Sandesh Party (Kanshiram)	1,952	0
Akhil Bhartiya Kisan Mazdoor Morcha	305	0	Dr. Ambedkar Samajvadi Democratic Party	1,949	0
Jaganmay Nari Sangathan	226	0	Adarsh Manavtawadi Party	1,919	0
Grand Total	417,159,281	543	Bhartiya Navjawan Sena (Paksha)	1,862	0
			Rashtriya Bahujan Hitay Party	1,842	0
			Narayani Sena	1,725	0
			Bahujan Suraksha Dal	1,723	0

Brihattar Bharat Prajatantra Sewa Party	1,679	0
Bhartiya Party	1,635	0
Rashtriya Uttarakhand Party	1,629	0
Awami Samta Party	1,617	0
Bharatiya Rashtriya Mazdoor Dal	1,607	0
All India Azaad Congress Party	1,593	0
Rashtriya Manav Samman Party	1,572	0
Rashtriya Janshanti Party	1,571	0
All Jammu and Kashmir Republican Party	1,568	0
Rashtriya Janta Party	1,526	0
Rashtriya Bandhutwa Party	1,521	0
Jebamani Janata	1,517	0
Loktantrik Rashrtavadi Party	1,491	0
Nehru Janhit Congress	1,463	0
Akhil Bharatiya Congress Dal (Ambedkar)	1,461	0
Navodyam Party	1,455	0
Bhartiya Naujawan Inklav Party	1,440	0
Rashtriya Vikas Manch Party	1,434	0
Bhartiya Samajik Kranti Dal	1,423	0
Bhrashtachar Mukti Morcha	1,413	0
Bharatiya Navyuvak Party	1,408	0
Punjab Labour Party	1,386	0
Kamarajar Deseeya Congress	1,345	0
Democratic Prajakranthi Party Secularist	1,342	0
Bharatiya Jawala Shakti Paksha	1,337	0
Jan Raksha Party	1,318	0
Democratic Secular Party	1,262	0

Rashtriya Komi Ekta Party	1,254	0
National Organisation Congress	1,202	0
Rashtrawadi Parivartan Party (L.B.)	1,195	0
All India Mazdoor Party (Rangreta)	1,182	0
National Youth Party	1,176	0
Bahujan Kranti Party (Marxwad-Ambedkarwad)	1,174	0
Bhartiya Vikas Party	1,152	0
Rashtriya Janmorcha	1,145	0
Bhartiya Janta Dal (Integrated)	1,118	0
Rashtriya Garib Dal	1,111	0
Indian Justice Party	1,103	0
Bharatiya Samaj Dal	1,096	0
Voters' Party	1,089	0
Akhil Bharatiya Manavata Paksha	1,077	0
The Religion of Man Revolving Political Party of India	1,071	0
Indian Bahujan Samajwadi Party	1,059	0
Rashtriya Shoshit Samaj Party	1,054	0
Akhil Bhartiya Aamjan Party	1,040	0
Manavadhikar Janshakti Party	997	0
Himachal Swabhiman Party	997	0
Majlis Markaz-e-Siyasee Party	959	0
Dalit Vikas Party (Bharat)	950	0
Janral Samaj Party	944	0
Shivrajya Party	944	0
Union Party of India	944	0
Aazadi Ka Antim Aandolan Dal	937	0

Rashtriya Morcha Party	927	0
Bhartiya Shramik Dal Socialist	924	0
Republican Party of India Ektavadi	910	0
Hindustan Swaraj Congress Party	888	0
Bharatiya Mool Niwasi Samaj Party	877	0
Democratic Congress Party	833	0
Bhartiya Chaitanya Party	802	0
National Party	791	0
Goa Su-Raj Party	783	0
Samta Vikas Party	763	0
Kannada Chalavali Vatal Paksha	707	0
Prajantra Aadhar Party	698	0
Akhil Bharatiya Hind Kranti Party	685	0
Akhil Bharatiya Rajarya Sabha	683	0
Social Action Party	682	0
Rashtriya Sawarn Dal	665	0
Akhand Bharat Samaj Party	651	0
Indian Oceanic Party	649	0
Rashtriya Ekta Party	601	0
B.C.Bharata Desam Party	597	0
Hindustan Ekta Party	566	0
Adarsh Samaj Party	557	0
Indian Gandhian Party	546	0
All India Ravidas Samata Party	543	0
Uttar Pradesh Republican Party	542	0
Goemcarancho Otre Astro	530	0
Bharatiya Nav Kranti Party	502	0
Nava Bharat National Party	485	0
Thrinamool Tamil Nadu Congress	474	0

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Navbharat Nirman Party	441	0
Parivartan Samaj Party	433	0
Rashtriya Janadhikar Party	415	0
Indians Victory Party	398	0
Sardar Vallabhbhai Patel Party	394	0
Ambedkar People's Movement	374	0
Majdoor Kisan Union Party	362	0
Jan Samanta Party	357	0
Vanchit Jamat Party	350	0
People's Party of India(secular)	331	0
Bhartiya Jan Manch	325	0
Akhil Bharatiya Ashok Sena	296	0
Vishva SHakti Party	263	0
Rashtriya Jatigat Aarakshan Virodhi Party	259	0
Rashtriya Jankranti Party	217	0
Bharat Vishal Party	161	0
Grand Total	553,801,801	543

*D. Pakistan*¹⁷⁷

2008 ¹⁷⁸			2013 ¹⁷⁹		
PARTY	VOTES	SEATS	PARTY	VOTES	SEATS
Pakistan Peoples Party	10,664,125	93	Pakistan Muslim League (N)	14,874,104	167
Pakistan Muslim League	7,493,711	40	Pakistan Tehreek-e-Insaf (Movement for Justice)	7,679,954	35
Pakistan Muslim League (N)	6,870,951	67	Pakistan Peoples Party Parliamentarians	6,911,218	29
Independent	3,678,315	30	Independent	5,880,658	0
Muttahida Qaumi Movement Pakistan	2,568,819	19	Muttahida Qaumi Movement	2,456,153	23
Muttahida Majlis-e-Amal Pakistan (MMA)	817,403	5	Jamiat Ulama-e-Islam (F)	1,461,371	14
Pakistan Muslim League (F)	684,686	4	Pakistan Muslim League	1,409,905	3
Awami National Party	669,299	10	Pakistan Muslim League (F)	1,072,846	0
National Peoples Party	148,892	1	Jamaat-e-Islami Pakistan	963,909	0
Pakistan Peoples Party (Sherpao)	146,535	1	Awami National Party	453,057	1
Pakistan Democratic Party	84,025	0	Muttahida Deeni Mahaz	360,297	0
Balochistan National Party (Awami)	72,956	1	Pukhtoonkhwa Milli Awami Party	214,631	0
Sindh United Party	33,641	0	National Peoples Party	197,829	0
People's Party Parliamentarians	31,997		Pakistan Muslim League (Z)	128,510	0
National Party	27,148	0	Bahawalpur National Awami Party	113,365	0
Pakistan Awami Party	19,248	0	Jamiat Ulama-e-Islam Nazryati Pakistan	103,098	0
Pakistani Peoples Party	18,456	0	Awami Muslim League Pakistan	93,046	0
Pakistan Peoples Party (Shaheed Bhutto)	14,292	0	Sindh United Party	82,634	0
Jamiat Ulama-e-Islam (S)	6,171	0	Tehreek-e-Tahaffuze Pakistan	76,358	0
Pakistan Citizen Movement	5,441	0	Pakistan Muslim League (J)	71,773	0
Pakistan Bachao Party	5,147	0	Awami Jamhuri Ittehad Pakistan	71,175	0
Jamiat Ahle-Hadith Pakistan (Elahi Zaheer)	4,008	0	Jamiat Ulama-e-Pakistan (Noorani)	67,966	0

¹⁷⁷ Data reflects votes cast in the General Elections for candidates for the Pakistani National Assembly.

¹⁷⁸ Kollman et al., *supra* note 168.

¹⁷⁹ *Pakistan: Election for National Assembly 2013*, ELECTIONGUIDE.ORG, <http://www.electionguide.org/elections/id/545/> (last visited Nov. 16, 2015).

Hazara Democratic Party	3,174	0	Balochistan National Party	63,979	0
Awami Himayat Tehreek pakistan	2,929	0	National Party	61,148	0
Pasban	2,355	0	All Pakistan Muslim League	54,231	0
Azad Pakistan Party	2,281	0	Pakistan National Muslim League	52,398	0
Punjab National Party	2,263	0	Pakistan Peoples Party (Shaheed Bhutto)	50,046	0
Jamhoori Wattan Party	2,173	0	Qaumi Watan Party (Sherpao)	46,574	0
Sunni Tehreek	1,589	0	Tehreek-e-Suba Hazara	43,265	0
Pakistan Muhafiz Party	1,480	0	Majlis-e-Wahdat-e-Muslimeen Pakistan	41,520	0
Pakistan Tehrek-e-Inqalab	1,293	0	Sunni Ittehad Council	37,732	0
Pak Muslim Alliance	874	0	Pakistan Sunni Tehreek	25,485	0
Pakistan Aman Party	284	0	Sindh Taraqi Passand Party (STP)	23,397	0
Pakistan Ittehad Tehreek	235	0	Qoumi Wattan Party	19,253	0
Pakistan Gharib Party	215	0	Awami Warkers Party	18,650	0
Markazi Jamiat Ulema-e-Pakistan (FK)	197	0	Balochistan National Party (Awami)	12,866	0
Pakistan Qaumi Party	136	0	Hazara Democratic Party	11,052	0
Pakistan Qaumi League	72	0	Mohajir Qaumi Movement Pakistan	10,575	0
Pakistan Freedom Party	68	0	Jamote Qaumi Movement	10,468	0
Mohajir Kashmir Movement	10	0	Pakistan Saraiki Party	5,236	0
Jamiat Ulama-e-Pakistan (Niazi)	4	0	Pakistan Kissan Ittehad	4,367	0
Grand Total	34,086,898	271	Pakistan Falah Party	4,207	0
			Awami Justice Party Pakistan	3,803	0
			Pakistan Justice Party	3,230	0
			Islami Tehreek Pakistan	2,694	0
			Christian Progressive Movement	2,523	0
			Mohib-e-Wattan Nowjawan Inqilabion Ki Anjuman	2,503	0
			Mutahidda Qabil Party	2,399	0
			Qaumi Tahaffaz Party of Pakistan	2,202	0
			Mustaqbil Pakistan	2,052	0
			Sairkistan Qaumi Ittehad	1,890	0
			Seraiki Sooba Movement Pakistan	1,797	0
			Awami Workers Party	1,657	0

Jamhoori Wattan Party	1,632	0
Karwan-i-Millat Pakistan	1,412	0
Jannat Pakistan Party	1,269	0
Tehreek Tabdili Nizam Pakistan	1,164	0
Pakistan Muslim League (Sher-Bangal) A.K.	1,063	0
Pakistan Insani Haqook Party	989	0
Pakistan Patriotic Movement	948	0
Pakistan Muslim League (Safdar)	890	0
Markazi Jamiat Mushaikh Pakistan	833	0
Pakistan Conservative Party	794	0
Tehreek-e-Istehkaam Pakistan	651	0
Islamice Republican Party	631	0
Pakistan Tehrek-e-Inqalab	593	0
Tehreek-e-Ittehad Ummat Pakistan	583	0
Pak Justice Party	537	0
Pakistan Freedom Party	502	0
Roshan Pakistan Muhaibban Wattan Party	493	0
Pakistan Muslim League "H" Haqiqi	472	0
Mutahida Baloch Movement	471	0
Menecracy Action Party of Pakistan	447	0
Awami Himayet Tehreek Pakistan	330	0
Islami Inqalab Party	274	0
Pakistan Human Rights Party	266	0
Jamiat Ulama-e-Islam (S)	258	0
Pakistan Gharib Party	256	0
Sindh Dost Ittehad (SDI) Party	250	0
Istehkaam-e-Pakistan Movement	240	0
Pak Wattan Party	220	0
Istiqal Party	218	0
Hazara Awami Ittehad Pakistan	214	0
Pakistan National Democratic Party	191	0

Communist Party of Pakistan	191	0
Ghareeb Awam Party	174	0
Pakistan Muslim League-Muttahida	172	0
Pakistan Muslim League Council	152	0
Afgan Qomi Movement (Pakistan)	152	0
Pakistan Brohi Party	149	0
Pakistan Muhajir League	134	0
Pakistan Muhafiz Watan Party	126	0
Azad Pakistan Party	116	0
Pakistan Muslim League (Zehri Group)	101	0
Tehrik-e-Masawaat	99	0
All Pakistan Bayrozzgar Party	89	0
Pakistan Aman Party	71	0
Mutthida Majlis-e-Amal Pakistan	69	0
Pakistan Motherland Party	68	0
Pakistan Muslim League Humkhiyal (Like Minded)	64	0
Pakistan Qaumi Party	55	0
Pakistan Islami Justice Party	54	0
Tehreek-e-Wafaq Pakistan	48	0
Salam Pakistan Party	34	0
Aap Janab Sarkar Party	30	0
Jamiat Ulma-e-Pakistan (Niazi)	27	0
Pakistan Muhammadi Party	24	0
Aalay Kulam Ullah Farman Rasool(saw)	15	0
All Pakistan Youth Working Party	14	0
Punjab National Party	13	0
Pakistan Awami Quwat Party	9	0
Pakistan Awami Inqalab	7	0
Grand Total	45,388,404	272

*E. The United States*¹⁸⁰

2012 ¹⁸¹			2014 ¹⁸²		
PARTY	VOTES	SEATS	PARTY	VOTES	SEATS
Democrat	59,967,096	202	Republican	40,311,871	247
Republican	58,523,501	233	Democrat	35,825,999	188
Libertarian	1,346,183	0	Libertarian	873,039	0
Independent	585,379	0	Independent	700,996	0
No Party Affiliation	374,428	0	Conservative	259,876	0
Green	348,549	0	Working Families	249,112	0
Working Families	315,111	0	Green	216,435	0
No Party Preference	281,642	0	Independence	134,109	0
Conservative	252,956	0	Libertarian Party of Florida	61,989	0
Independence	116,781	0	Americans Elect (Write-in)	44,924	0
Unaffiliated	83,680	0	Constitution	37,397	0
Reform	66,164	0	Independent Green	30,662	0
Constitution	40,772	0	Unaffiliated	30,377	0
Nominated by the Petition	30,291	0	Independent American Party	29,856	0
American Constitution Party	29,356	0	Pacific Green	18,969	0
Independent American Party	25,185	0	Independent Party	16,750	0
U.S. Taxpayers	22,793	0	Reform	14,897	0
Independent Green	21,712	0	Libertarian (Write-in)	13,052	0
Libertarian (Write-in)	16,141	0	Progressive / Pacific Green	11,163	0
Libertarian/Pacific Green/Progressive	15,009	0	Conservative / Libertarian	11,050	0
Pacific Green/Progressive	13,159	0	U.S. Taxpayers Party	10,904	0
Socialist Workers Party	11,834	0	Peace and Freedom	9,192	0
Independent Party	9,710	0	D-R Party	7,007	0
Change, Change, Change	7,627	0	Send Mr. Smith	4,294	0

¹⁸⁰ Data reflects votes cast in the General Elections for candidates for the House of Representatives. Only seats with voting power in the legislature were considered, and thus the votes from American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, and Washington, D.C. have all been excluded.

¹⁸¹ Federal Election Commission, *Federal Elections 2012: Election Results for the U.S. President, the U.S. Senate, and the U.S. House of Representatives*, FEC.GOV, <http://www.fec.gov/pubrec/fe2012/federalections2012.shtml>.

¹⁸² Federal Election Commission, *Federal Elections 2014: Election Results for the U.S. President, the U.S. Senate, and the U.S. House of Representatives*, FEC.GOV, <http://www.fec.gov/pubrec/fe2014/federalections2014.shtml>.

Pacific Green	7,516	0	Labor	4,158	0
Americans Elect2	6,740	0	We Deserve Better	4,157	0
Non-Affiliated	5,589	0	Allen 4 Congress	3,870	0
Bednarski for Congress	5,154	0	José Peñalosa	3,496	0
Conservative/Libertarian	4,853	0	Stop Boss Politics	2,781	0
Independent Reform Candidate	4,520	0	For Americans	2,435	0
Liberty Union	4,065	0	Liberty Union	2,071	0
No Slogan	3,881	0	Energy Independence	2,024	0
Country	3,775	0	Petitioning Candidate	1,970	0
Opposing Congressional Gridlock	3,725	0	Seeking Inclusion	1,715	0
Natural Law Party	3,251	0	Natural Law Party	1,680	0
We the People	2,771	0	Legalize Marijuana Party	1,330	0
Petitioning Candidate	2,290	0	Bullying Breaks Hearts	1,237	0
Legalize Marijuana Party	1,956	0	Politicians are Crooks	1,192	0
Politicians are Crooks	1,841	0	Change is Needed	1,103	0
Restoring America's Promise	1,710	0	Wake Up USA	1,022	0
Unity Is Strength	1,625	0	Future Vision	998	0
Constitutional Conservative	1,329	0	911 Truth Needed	653	0
Truth Vision Hope	1,285	0	Of the People	634	0
Vote KISS	1,153	0	Truth Vision Hope	567	0
Abundant America2	1,138	0	Flourish Every Person	554	0
Bob's For Jobs	1,104	0	Start the Conversation	531	0
The People's Agenda	1,010	0	American Labor Party	501	0
Conservative, Compassionate, Creative	892	0	Republican (Write-in)	153	0
Overthrow All Incumbents	868	0	Democrat (Write-in)	16	0
Tax Revolt	711	0	Grand Total	78,964,768	435
None of Them	530	0			
No Slogan Filed	280	0			
Republican (Write-in)	2	0			
Grand Total	122,580,623	4350			