

Testimony to the Pennsylvania Senate State Government Committee
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I would like to thank Chairmen McIlhinney and the members of the Senate State Government Committee for the opportunity to provide testimony on the important matter before us.

I believe that it is healthy for government and citizens to engage in debate and discussions about the systems that we use to elect our government officials. Of course no elections carry more significance than those that select the president of the United States. Thus the current discussion regarding the way that the Electoral College operates in Pennsylvania is both appropriate and beneficial as part of a vibrant democratic system.

The Electoral College as currently configured has significant weaknesses. The failure of the Electoral College to guarantee that the majority will of the people decides the outcomes of presidential elections raises fundamental questions about the inherent value of the system. Thus finding alternatives that can remedy this substantial concern is a worthwhile endeavor.

While the Electoral College as currently configured has notable failings, the proposal being considered by the Pennsylvania Senate that would allocate the vast majority of the Commonwealth's electoral votes on the basis of the election results in congressional district takes a flawed system and makes it measurably worse.

The lion's share of criticism regarding the proposal to move to a district based system of allocating electoral votes has revolved around the impact on Pennsylvania's key role as a swing state in presidential elections. While I do believe that the position of the state in presidential elections brings both influence and material benefits to the Commonwealth and that the proposed shift to a district based allocation would diminish both of those advantages, my primary criticism of the system rests with the fundamental underpinning of this system ---- congressional districts. It is truly hard to imagine a worse core for a presidential election system than the gerrymandered monstrosities that we use to elect our representatives to Congress.

Congressional Districts in Pennsylvania, like those in most states, are designed not to maximize competition among candidates or to represent compact geographical jurisdictions, but are largely the product of partisan efforts to secure certain outcomes. The pursuit of "safe seats" where incumbents have little to worry about in terms of competition has become the driving force behind the construction of district boundaries. One look at the shapes of our congressional districts should provide enough evidence for one to question why we would want to tie something

as important as a presidential election to something as flawed as the design of congressional districts.

The proposal to move to a congressional district based system for presidential elections advantages outcomes at the expense of real competition. If we move to the district based system the outcomes of our presidential elections will be as pre-ordained as the congressional races that they are accompanied by. Voters in a large majority of the Commonwealth will enter polling stations knowing that the outcome of the election they are participating in is already established. Imagine the Republican living in the 1st Congressional district or the Democrat in the 9th. Not only do they know that they have no impact on the selection of their representative to Congress, they will now know that they have no chance of casting a meaningful vote for president.

What is most perplexing is that advocates of the district based system claim that this reform would strengthen competition and give voice to those not represented. Although Democratic candidates have won Pennsylvania's electoral votes for the last five elections, Pennsylvania remains at the very top of the most competitive states in presidential races. In fact, if we look over the last 11 presidential elections Pennsylvania is tied with Wisconsin for the number of races that were decided by single digits, with 9 out of the 11 races ending up in this category. In 2000 and 2004 the winning candidates won by less than 5% and in 2004 Pennsylvania was the 6th tightest race in the nation. To put it bluntly, Pennsylvania is an extremely competitive state in terms of presidential elections and a change to a district based system would destroy that condition.

Let's use 2004 as an example of this scenario. In that election John Kerry beat George Bush by about 2.5% in Pennsylvania. If we look at the district level results of that race we find that in only 4 of the 19th districts throughout the state was the final gap between Bush and Kerry less than 5%. Conversely, in 10 out of the 19 races the final gap between the candidates was 10% or more. In essence what was an incredibly competitive and vibrant race in all of the state would have been a blowout race in a majority of the congressional districts in the Commonwealth.

A glance back at the 2000 race will show the same story. In that race Al Gore beat George Bush by about 5% in the Commonwealth. In only 6 of the 19th districts was the outcome of the race 5% or less, with 9 districts showing gaps between Gore and Bush of at least 15%. Again a close race throughout the state was a landslide in about half of the districts. Pennsylvania is considered a swing state for a reason --- presidential races here are competitive. They won't be if we move to a congressional district based system.

I also fear that a shift to a congressional district system for presidential elections would only intensify the partisan pressure to configure districts in a way that limits real competition. The desire to lock up electoral votes for political parties before the election ever takes place is quite an attraction and undoubtedly would play a

role in the decisions on the shape of the state's congressional districts. It is hard to see a shift over to a district based system in presidential elections having anything but an exacerbating effect on an already deficient system of drawing congressional district boundaries.

In closing, the proposal to shift our presidential elections in Pennsylvania to a district based apportionment would damage the voting experience for a majority of residents of the Commonwealth. To build something as important as a presidential election on a core as fundamentally flawed as congressional districts is folly. If the legislature is truly interested in improving the experience of voters in the state there are many outstanding reforms that could be undertaken. First and foremost, the legislature can turn to a system of designing congressional districts that values competition over outcomes. If the legislature was able to accomplish this goal, then the proposal to shift our presidential elections to a district based format would actually work fairly well. However, as long as the core remains rotten this proposal remains rotten too.