WHY PENNSYLVANIA SHOULD CONSIDER THE DISTRICT SYSTEM OF CHOOSING PRESIDENTIAL ELECTORS

Testimony Of
Dr. James H. Broussard
Department of History & Political Science
Lebanon Valley College
October 4, 2011

The most dangerous threat to the American political system today is the disgust of its citizens. More people are disgusted, frustrated, or cynical than at any time since probably the eve of the Civil War. Political scientists and opinion surveys agree that the number one reason for this dangerous alienation is that many people feel that their votes simply don't matter. The most effective way--perhaps the only way--to cure this evil is to make sure that all votes do matter.

When the Founding Fathers created our system of presidential elections, the most important thing they wanted to do was to insure that the American public would feel that their votes, cast in various states across the country, actually mattered in selecting their president. If too many people believed that “my vote doesn’t count,” they would become apathetic and eventually alienated from a government that did not seem to represent their interests or hear their voices.

When the Constitutional Convention created the system of presidential electors in 1787, the original assumption was that electors would be chosen within each state by individual districts. The delegates rejected the idea of a national popular vote for president because they believed that the vast majority of American voters would not know enough about presidential candidates from a distant state. Instead, the delegates assumed that local voters would be willing to trust a distinguished individual from their own area to use his superior information and

judgment about presidential candidates. So the voters would choose an elector from their own part of the state and the electors together would then choose the president. At one point as many as eleven states chose their presidential electors in this way, by district.

The flaw in this original intention to choose electors by districts is that it did not take into account the creation of political parties. Partisan elections began almost immediately, and the first election without Washington as a candidate was in 1796, when the Federalist candidate, John Adams won very narrowly over Thomas Jefferson, the Democratic-Republican. Each party naturally wanted the entire electoral vote of any state in which it had a majority, and this meant an end to elections by district.

In Virginia, for example, the Democratic-Republicans had a huge statewide majority, but in 1796 John Adams carried the district adjoining Washington, D.C. and got that one electoral vote. To make sure that a similar loss did not occur in the next election, the Virginia legislature, in a purely party-line vote, replaced the district choice of electors with a statewide ballot. In 1800 this gave Jefferson every Virignia elector, even though Adams actually had a majority in a couple of districts.

The same thing occurred soon after in North Carolina, another state where the Democratic-Republicans ruled but where Federalists were strong in certain areas. In the 1800 and 1808 elections, Federalist local victories deprived Jefferson and Madison of several of North Carolina's electoral votes. To insure a unanimous vote in 1812, the state legislature, again on a strict partisan vote, abolished the district system. From then on, the winning party was able to drown out any local victories for the minority.

One by one, other states that used the founders' original intention of district voting for presidential electors gradually shifted to a statewide vote to maximize the partisan advantage for

the winning candidate. The Democratic party pushed through a statewide ballot for electors in Illinois, Kentucky, and Missouri in 1828 and then in Maine, New York, and Tennessee in 1832.

Their Whig opponents who controlled Maryland did the same thing there in 1836. From that election onward, the majority party was able to suppress the voice of the minority in every state and deliver a unanimous electoral vote to the statewide winner. The political minority in a state no longer mattered; their votes were meaningless. The only exception until recently was Michigan in 1892, which used the district system for that single election and split its vote between Benjamin Harrison and Grover Cleveland.

That winner-take-all system has gone on for so long that today most people don't imagine that there could be any other way of choosing presidential electors. The result is that more and more citizens have "tuned out" the whole political process. Poll after poll tells us that the level of public apathy, alienation, and anger toward Washington is dangerously high. Almost half of the eligible voting population never shows up at the polls. If their votes don't matter, why should they take the trouble?

In a political system like ours, which rests on the voluntary consent of the people, this is a dangerous situation. It is vital to look for ways to bring the American public back into the political process, to make people realize that their votes do matter. One way to do this is to go back to the wisdom of the founders and consider choosing presidential electors district by district as we do congressmen, rather than at large for the entire state.

Every state legislature can decide for itself how its electoral vote should be awarded, and in recent years there has been renewed interest in considering a return to the original idea of voting for presidential electors by district. A Democratic legislature in Maine, encouraged by former Democratic vice-presidential candidate Ed Muskie, changed their system in 1969 to

provide that each of the two congressional districts would choose one elector, while the leader of the state's overall popular vote would win the two "senatorial" electors. According to the Bangor Daily News, "many political pundits considered [this] to be closer to the ideal democracy of one person, one vote."

Then in 1991, Nebraska's nonpartisan legislature passed the same kind of law, giving two electoral votes to the statewide popular-vote winner and having each of the three congressional districts award one elector to the winner of the district's popular vote. Democratic Governor (now Senator) Ben Nelson signed the bill into law. As in Maine, this was done because with a purely winner-take-all system "there was some frustration to voting and feeling like your vote didn't count," one journalist said.

The result was heightened interest among voters. In the 2008 election, for instance, it was taken for granted that John McCain would carry Nebraska and Barack Obama would easily win Maine. But with the district electoral system in place, there was a serious chance for the statewide loser in each case to win one of the electoral districts. According to Reuters, the law "was instrumental in getting Nebraskans excited about the 2008 presidential election," and the same was true in Maine. Until late in the campaign, Republicans worked hard in Maine because they believed that they might carry one district, while Obama actually did win Nebraska's 1st congressional district and its electoral vote.

Assuming that it is desirable to increase voter interest in American presidential elections, which have among the world's lowest overall voter participation, it might be well worth discussing the possibility of shifting to the more democratic system of awarding electoral votes by district. The partisan minority in a state would no longer feel shut out and helpless and would probably be more inclined to go to the polls, at least in areas where their candidate might win a

local majority. In turn, the partisan majority in that state would very likely need to respond by encouraging higher turnout among its voters as well.

This would be even more true for Pennsylvania, a state defined by its diverse population and wide-ranging interests. Under the Congressional District Method, our Commonwealth would guarantee that all voters have a stake in the electoral process, and that every vote counts. It would reduce the current lopsided focus of presidential campaigns almost entirely on a few huge urban areas, and would give the rural and suburban portions of the state a fair share of attention.

The only other change to the current electoral system that has been widely discussed is the National Popular Vote. However, it falls short for several reasons. First, it completely eliminates the role of the Electoral College. This directly contradicts the wisdom of the Founding Fathers who devised the electoral college specifically to give every diverse group in the population the assurance that they would have a fair chance to be represented in the choice of a president. Do the advocates of the National Popular Vote honestly believe that own wisdom exceeds that of James Madison, George Washington, and the other founders of our political system?

Second, the National Popular Vote would force presidential campaigns to spend their time and resources almost entirely in a dozen or so "giant states," leaving the vast remainder of America even more ignored and alienated from the political process than occurs today.

Third, the National Popular Vote explicitly rejects the major founding principle of our country--that it is a federal system, not a unitary government with all attention focused on one massive nationwide election campaign. The Electoral College preserves the federal principle--the idea that the sovereign states have importance. This is what distinguishes the United States

from even from most other democracies, where power is concentrated at the center.

The Electoral College needs reform, not abolition. We need to return to the wisdom of the founders, not reject it. The district method of choosing presidential electors can do this; the National Popular Vote cannot.

Democratic governments are most secure and successful when they are based on the broadest possible interest and participation among voters. This alone should be sufficient reason to look again at the original American idea of a district system for choosing presidential electors.