

TESTIMONY ON CONGRESSIONAL DISTRICT METHOD

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Chairman McIlhinney, Chairman Williams, members of the committee.

Thank you for the opportunity to testify before you today on the topic of how Pennsylvania allocates its Electoral College votes.

The Constitutional convention adopted the unique entity that is the Electoral College in 1787 as a compromise between large and small states. Large states wanted presidential voting based on population. Small states wanted each state to have the same number of votes. The compromise was to give each state electoral votes equal to the number of representatives and senators it has in Congress.

It was left up to states to decide how to award their electoral votes.

Currently, 48 of the 50 states award their electoral votes in a winner-take-all system, regardless of how close the popular vote may be, or whether a particular candidate has won numerous regions within a state, such as congressional districts, even if the victories in those districts were by substantial margins.

Since the winner-take-all system has been predominant across the country throughout our lifetimes, we may think it's always been that way. But, that isn't

true. As I said, the U. S. Constitution specifically gives each state the authority to decide how its electoral votes are awarded.

In 1800, 16 state legislatures made the decision on how their electoral votes were allocated. Only two states then let the popular vote decide.

In 1824, six states still had their legislatures decide the electoral vote. It wasn't until 1864 that all states went to the popular vote.

The district method of awarding electoral votes has been used at various points in our nation's history, as well. In the 1800s, several states—Illinois, Kentucky, Maryland, Massachusetts, Michigan, New York, North Carolina, and Tennessee—used the electoral district system.

Currently, two states divvy up their votes by congressional district: Maine, which has done so since 1972, and Nebraska, which has used this system since 1991.

The current proposal under discussion in Pennsylvania would allocate 18 of our state's electoral votes, of which we will have 20 next year, by congressional district, with the winner of the statewide popular vote getting the two at-large votes, representing our two United States senators.

The reasoning behind this idea is simple: awarding electoral votes by congressional district better represents the will of the voters of Pennsylvania than does a winner-take-all system.

As always, Pennsylvania is a microcosm of our nation. From its large endowment of natural resources to its residents' overwhelmingly diverse backgrounds, Pennsylvania is driven by its democratic ideals, industrial ingenuity, and ideological temperance.

Yes, Pennsylvania is a swing state. Our Commonwealth is particularly recognized as a battleground when it comes to presidential elections. It is hard to determine how the pendulum swings, however, under the state's current allocation of Electoral College votes.

I come before you today to offer support for a reasonable, middle ground approach to this persistent problem. I offer support for a bill that solves this problem and remains true to our Founding Fathers' original intentions, reforms our Electoral College without eliminating it, and ensures that every vote counts in Pennsylvania.

Pennsylvania is a large and diverse state. Our nearly 13 million citizens live in two large urban areas, a couple dozen smaller cities, the suburbs surrounding each of these core urban areas, hundreds of small towns, and large rural regions dotted by farms.

It is this diversity which makes Pennsylvania the great state that it is. But, the point is, Pennsylvania is a diverse state.

Even in our two great urban centers, residents' ideas can be very different. One city roots for the Eagles, the other for the Steelers. One city enjoys Pat's or Gino's Cheese Steaks, the other prefers Primanti Brothers' sandwiches.

In the south central part of the state, many residents today commute to jobs in the Baltimore and Washington, D.C. areas. Our state's northeast corner has seen an influx over the past few decades of folks who work in northern New Jersey and New York City. People living in the great city of Erie may have more concerns in common with residents of Cleveland and Buffalo than those of Allentown or Altoona.

Yet when it comes to casting our electoral votes, all these residents must speak with one voice.

In recent presidential elections, voters in Pennsylvania's various congressional districts have voted for different presidential candidates. In fact, in the last three presidential contests, the state's congressional districts have been split virtually down the middle. In 2000, the split was 11-10; in 2004 and 2008 it was 10-9.

In some cases, the margin for one presidential candidate in a district was substantial. But, when that candidate did not carry the entire state, the votes of the majority of citizens in those congressional districts were not reflected in our state's Electoral College tally.

Why Now?

So why should Pennsylvanians favor the Congressional District Method? After all, the "winner take-all" system has been employed for decades. But when discussing the "winner-take-all" system, we must realize that this method of allocating votes is merely a "back door" approach to the direct election of the president—something our Founders strongly rejected. The National Popular Vote seeks to do indirectly (via a "national compact") what it could not do directly (which would require a Constitutional amendment)—eliminate the Electoral College and replace it with direct election of the President. I also question the Constitutionality of the National Popular Vote Proposal.

The Congressional District Method Strengthens Pennsylvania

The Congressional District Method stands out as the meaningful alternative to this problem. Allow me to discuss the reasons why the Congressional District Method offers Pennsylvanians an opportunity:

- It would simultaneously preserve the full integrity of the Electoral College while decreasing public distrust and voter disinterest.
- Our two-party system would be invigorated.
- Voter participation and civic enthusiasm would increase.
- The presidential electoral process would be decentralized.
- Also, it would form the connection between voters and the Presidency that the Founders clearly desired.

And most important, it would strengthen our stature as a swing state by ensuring that *all* votes in *every* region of the state matters. In reality, Pennsylvania is meant for the Congressional District Method. We may be considered a swing state, but it is difficult to continue accepting that designation when the concerns of voters in rural and suburban areas are drowned out by big city media markets. By allocating votes by Congressional District, many areas of Pennsylvania would be as important to national campaigns as some states.

The Congressional District Method more fairly allocates Pennsylvania's votes in the Electoral College. Under this new plan, each citizen's vote for president will increase in significance.

Some critics have focused not on the voters, but rather on what this change would mean for Pennsylvania's "clout" or its "role on the national stage" in presidential elections. This misses the point. Our focus should be on how we can best ensure that every Pennsylvanian's vote for president matters. Our current system does not accomplish that goal.

This proposal would not favor either political party. Some Republicans who believe the GOP nominee will win Pennsylvania in 2012 will not be happy with it. The same is true for some Democrats who believe President Obama will again win Pennsylvania.

But that's not the point. Enacting a district-based system for choosing presidential electors is an easy-to-understand, commonsense way to achieve

what should be the objective for everyone interested in democracy:
strengthening the role of individual voters.

The “Winner take all” system currently used in the Commonwealth is seen by many as unfair because it causes an undue concentration of campaigning and candidate time and money in the Big Cities, especially Philadelphia.

The other concern that raises calls for reform is the distinct possibility, under the Winner take all system, of the election of a President who does not have the support of a majority of the voters. This was seen in 2000 where a mere 500 votes gave George W. Bush ALL of Florida’s Electors and elected him President despite trailing in the national popular vote by a half million votes.

Pennsylvania is an Electoral Vote rich state. Despite our loss of Electors over the years, we are still among the top two or three states in terms of competitive states with large blocs of Electors (California, New York and Texas are larger but solidly in one party’s column as a result of the “winner take all” systems they employ.

The Congressional District Method may shift the focus away from large urban area, but Pennsylvania will still have more than a dozen hotly contested Electoral Votes. Only ten states have that many Electoral Votes and most of those states are not hotly contested. Pennsylvania will remain at the epicenter of every Presidential race and may, in fact, be even more relevant than under the winner take all system.

In addition to increasing voter participation and confidence, the Congressional District Method shifts focus away from the Big Cities and requires candidates to campaign (and spend) in more suburban and rural areas.

The Congressional District method is a reasonable and meaningful alternative to the “winner take all” system and a prudent middle ground between the excesses of the “winner take all system” and the direct election of the Presidency.

The Congressional District Method simultaneously preserves the full integrity of the Electoral College as insisted upon by the Founders while decreasing public district and non participation. It invigorates our two-party system and prioritizes regions and areas of the state too often overlooked. Many areas of Pennsylvania would be as important to national campaigns as some states.

The Congressional District Method would increase voter participation and make Pennsylvania more relevant and vital, not less. Unlike the National Popular Vote and some other suggested reforms, the Congressional District Method requires candidates to achieve geographic diversity and decentralizes the Presidential electoral process. It establishes the connection between voters and the Presidency that the founders clearly desired.

In a large, diverse state such as Pennsylvania, casting electoral votes by congressional district is much more representative of the popular will than is the winner-take-all system.