

The Eastern Illinois University Political Science Review

Volume 1
Issue 1 *Spring 2012*

Article 5

2012

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Recommended Citation

Stevens, Eric (2012) "A New Electoral System for a New Century," *The Eastern Illinois University Political Science Review*: Vol. 1 : Iss. 1 , Article 5.

Available at: <http://thekeep.eiu.edu/eiupsr/vol1/iss1/5>

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A New Electoral System for a New Century

Eric Stevens

There are many difficulties we face as a nation concerning public policy, but of these difficulties the most pressing is the need for the reform of the electoral system and, more specifically, the Electoral College. This institution is an archaic relic of times past and is in serious need of reevaluation concerning the modern age of technology and communication. The current electoral system is a hindrance to electoral democracy in this country and could easily be made more efficient and democratic to meet modern standards.

Over the past 200 years there have been over 700 proposed amendments to reform or eliminate the electoral college, which is more than any other subject brought up for amendment (Fortier 2008). Though this system is considered flawed by the majority of America, it has continued to persist and survive by evolving to meet the new needs of the political environment. The last major changes to be made, however, were made with the ratification of the 12th Amendment in 1804 regarding procedures for selecting the president and vice president in an election.

The Electoral College was originally devised as a solution to the separation of powers. By having states elect or otherwise assign delegates to vote in presidential elections, the founders were able to keep Congress and specific state interests out of presidential elections and thus maintain a separation of powers. The number of delegates from each state reflected its representation in the Congress in order to keep things fair and for reasons stated elsewhere, the task could not be left to the Congressmen themselves. The selection of delegates was left up to the discretion of the states and many had their delegates directly elected by their respective

constituency. These delegates would pledge to vote for a specific party or candidate during the selection process and would then follow through on their pledge most of the time, even though there is no constitutional provision requiring them to do so (Fortier 2008).

This raises the question; why was it necessary to select delegates instead of having a popular vote? There were two intended consequences of instituting the Electoral College: one was to keep the presidency independent from the states and Congress as stated earlier, and the second was to ensure the election of a national figure (2008). Regarding this second point, the structure of the College allowed each delegate to cast two votes, only one of which could go towards a delegate's own state. This allowed each delegate to cast a vote for a local favorite, but then forced them to vote for a more nationally recognized figure.

This early incarnation of the Electoral College was also necessary since the states were much more independent from one another economically and geographically than they are today, giving each a reason to want an electoral system representative of their respective power as reflected in the Congress.

But now that we are in the 21st Century, things have changed. Now the states are far less isolated and independent as they once were, and have become very much integrated as a nation. Even the citizens of these states now see themselves as "Americans" over "Illinoisans" or "Pennsylvanians" as they once would have. Therefore, the Electoral College has become somewhat obsolete as individual states no longer have any real genuine interests that would otherwise be impeded by a popular vote. And with the technological advances in communications and transportation, the citizenry has every means of becoming well informed themselves and can vote directly for whom they wish to be president.

Although it is commonly accepted that delegates will vote according to the popular vote, there is no constitutional provision requiring them to do so, allowing them to vote as they wish. While this may have been fine in 1800, it is unacceptable today. In the early years of this country there was a relatively small electorate, namely white male landowners. So choosing delegates to serve in the Electoral College was fairly easy since they all had the same interests at heart. To preserve this system is to give credence to the old aristocracy of early America and in direct violation of today's democratic ideals, especially since the American people do not directly vote for these delegates. Even if the delegates continue to vote in accordance with the popular vote, it is only an impediment to the democratic process and ought to be abolished.

The Electoral College is undemocratic by other measures as well, most notably in the rare event that a president is elected without the popular vote. The 2000 presidential election is indicative of popular sentiments on the Electoral College. While the system did its job by over-representing smaller states to give their citizens greater representation, the entire country was angered that a president could be elected without the popular vote. If the popular vote is the only legitimate measure of an election for the people today, then has not the Electoral College outlived its purpose?

Not only is popular vote the only legitimate measure of an election for the vast majority of America, the winner-take-all system in place by 48 states is inherently undemocratic. With plurality systems, the greater the sample size (voting district) is, the less democratic an election is. This is shown when a candidate wins a state by 51% to 49% -- while the winner received barely half of the popular vote, they are awarded with 100% of the electoral vote. The 49% of the electorate who lost are effectively not counted in the greater national election if their state is lost.

Even with a district system as utilized by Nebraska and Maine, elections are more likely to have undemocratic results. According to a study done by J. Gordon Hylton (2010) of Marquette University, if the district system utilized by Maine and Nebraska had been used nationally during the 2000 election, George W. Bush would have won the election by an even larger electoral vote margin than he had with the current winner-take-all system. With this in mind it seems that the only way to guarantee that a president is elected by a popular vote (since anything less than a majority win is controversial at least) is to have the election determined by a popular vote.

Another inherent problem with the Electoral College system is that it is inherently biased towards a two party system. With a plurality system where one's vote does not count unless one's candidate wins, people are much more likely to vote for a candidate that they believe can win rather than a candidate that they may more closely identify with and would otherwise vote for. While a proportional representative method would not work in an American presidential election since it is to fill only one position, there are other methods to make it friendlier to third parties, thus making it more democratic.

One method worth considering is the preferential voting system that has been used in Australia since 1918 (Australian Government 2008). With this system, a voter would list his preferences for president and number them, one being his first choice, two his second, and so on. The first time through the ballots would count all the number one picks of the voters and the candidate with the least number of votes is eliminated and those who voted for him would have their ballot recounted for their number two pick and so on until there are only two candidates left. The candidate with the most votes wins and most voters can feel somewhat satisfied with the results. This way a voter can vote for his favorite third party candidate without having to fear

“wasting” his or her vote. This is the most effective voting system that could be utilized in this country and it would eliminate the complication of revising the Electoral College.

If this government is to revise its electoral system for presidential elections, it should do so for other forms of elected office as well. The U.S. Senate is one of the most undemocratic legislative institutions of all Western democracies and should also be reformed. One of the great benefits of the House of Representatives, specifically unique to American politics, is that the population directly elects particular people to represent them. In most other democracies, especially parliamentary governments, constituents vote for a party who then appoints a member to the post. While this works just fine for the House with the elections being held in districts that are determined by population so that it is representative of the constituency of the district, it is not nearly so democratic on a statewide scale as it is done for the Senate, especially with such discrepancies in state size (Rhode Island is only one House district while California has 53). And as the argument was made earlier about how states no longer have truly independent interests and are therefore less divided, there is no need for the equal state representation in the Senate.

The interconnectedness of this country (and the world for that matter) means that the individual economies of the states are no longer really independent of each other as they had been in years past. The fact that the national economy has shifted away from manufacturing to a service-based one also helps break down state economic borders. Some may argue that to remove a house of equal state representation from the federal government would decrease state power, but I say that if the state governments were afforded more independence from the federal government (so long as the federal constitution is upheld) and are allowed to dictate interstate trade and allowed more autonomy in general, there is no cause for concern. There could even be

state diplomats to petition the federal government since they would no longer be directly represented.

Therefore, the Senate should be expanded to approximately 300 seats and should be elected by proportional representation like the majority of Western parliaments. There would be a minimum threshold established to determine being given a seat in this senate (~2-10%) so that there are not too many parties represented, but that many more perspectives may be heard. This would likely lead to the need for a coalition to be formed, encouraging cooperation instead of fighting as is often the case with the two party system, since one party simply needs a majority to be powerful than the other.

This would closely resemble the German system of mixed member proportional representation. In this system, one house divides its seats between those elected by proportional representation and those elected directly by plurality. If applied to the American model, this would be split between the two houses, providing a new dynamic of local interests being represented in the house and a national sample of the population's political beliefs in the Senate. The benefit to the House is local representation by a representative directly elected by the people, and the benefits of the Senate would be a more democratic sample of American political attitudes represented by party members. And when these two bodies would reach a consensus and pass legislation, it would truly be a democratic representation of the people.

Aside from these major structural changes in U.S. electoral procedures, there are some other changes that should be made as well. First and perhaps most importantly, any federal campaign should only be run on government funds without private donations to eliminate the manipulation of special interests and giving more citizens the ability to effectively run for office based on their merit and not on the size of their pockets. Election ballots should also be more

accessible to voters. This could be accomplished by making Election Day a national holiday so that working people may have an easier time of getting out to the polls. The government could also reset Election Day to a Friday and keep the polls open throughout the weekend to allow more to vote. These actions coupled with an expansion in the use of absentee ballots would create a substantial increase in voter turnout.

These kinds of changes to the electoral system would require great initiative by the current government to overcome the many obstacles that face any kind of constitutional amendment. The fact is that Congress is very unlikely to pass such a measure as it would be (for the Senate especially) detrimental to the members' personal interests of self preservation. It would also be a threat to the hegemony of the two party system, so the parties will not support any such amendment. Though it has been argued that the states will be better off with this system, it is still up for debate as to whether the dissolution of the Senate will decrease their power. This makes a call for a Constitutional Convention highly unlikely. This may seem to be the end of this amendment, but there is still one avenue left for its ratification: a popular movement by the citizenry. If citizens were strong in their support of such of an amendment and pressured their elected representatives to pass it, it would eventually come to fruition if this country is a true democracy. While this is highly unlikely, it is very much a possibility. If the only obstacle to this amendment was an argument against the democratic validity of it, then it would be passed unanimously. But, as has been shown, the only thing wrong with this amendment is that it would quite probably dislodge the entrenched political system in this country, and the only opposition to it being in the name of self interest and preservation. The question is not could it be passed, but rather should it be passed.

If the Electoral College is removed and the country utilized a preferential voting system, expanded the Senate and had it elected by Proportional Representation, funded all federal campaigns by government funding only, and took steps to make the elections more accessible to the public, our democracy would be stronger and more vibrant than it has ever been.

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