

WRITTEN TESTIMONY

Of

Curtis Gans, Director

Center for the Study of the American Electorate

On

SB 432

For the

Senate Committee on Government Administration and Elections

Connecticut State Legislature

February 25, 2013

My name is Curtis Gans. For the past 37 years I have directed a small, non-partisan, non-profit research corporation that studies voter participation in the United States and problems related to it. Prior to that I was both a journalist and a political activist who was probably best known for providing the theory for what came to be called the “Dump Johnson” movement and was coordinator of Sen. Eugene McCarthy’s New Hampshire, Wisconsin and Indiana campaigns and was staff director for the balance of that effort.

I want to thank the chairs, ranking minority members and staff for providing me with the opportunity to express my views on the concept of direct elections for president and the manner the movement called National Popular Vote seeks to impose that system on the nation. I hope the case I and others will be making will be sufficiently compelling that you will reject SB432.

I have appended to this testimony two articles – one which was published in USA Today, the other in the Huffington Post – which speak to this issue.

It seems so simple – let the people speak with one voice, let their votes count equally and let whoever gets more votes than any other ascend to the presidency of these United States.

But there are good and sound reasons why we don’t choose our presidents via a national popular vote, among them:

Recounts: In 2000, the nation had to wait 37 days after the election for a recount of six million votes in Florida, a recount that was never completed and an election that was ultimately decided by a still hotly disputed ruling by the U.S. Supreme Court. In a direct election with every

vote counting equally, a recount would necessitate reviewing more than 130 million votes which would make what many saw as the nightmare of 2000 seem like a pleasant dream in comparison.

Minority Presidents: The proponents of direct election can rightly claim that it would serve to eliminate the potential impact of the spoiler candidate, a Ralph Nader, if you will, who, in getting less than five percent of the vote in an important state, can deny the majority national winner of election. What they don't contemplate is that the winner of the popular vote might get no more than 30 percent of the vote, and the United States could have a president whom two-thirds of the voting electorate didn't vote for. Direct elections make possible the candidacies of anyone with money and a savvy media advisor who could make a mockery of an orderly democratic process, as well as making governance extraordinarily difficult.

A National Media Campaign: The only cost-effective way to run a truly national campaign is through television advertising, which in turn would empower the consultant industry to inflict upon the nation what they have inflicted on a handful of battleground state – a 24-hour bombardment of oversimplified, usually distorted, often dishonest attack ads that create a miasma over the entire political process. The campaigns would almost certainly be all media – paid media on television, free media via swoop downs by the candidate into major media markets.

A Withering of the Grassroots: Because the campaign would be national and dominated by paid media, there would be little incentive or resources for grassroots activity, the type that propelled Obama into election and re-election in 2008-2012 and helped George Bush, the second, in 2004.

Undermining Federalism and Pluralism: In a nationalized and homogenized election, there will be highly diminished reasons to create coalitions, speak to the aspirations of significant groups or take into account the dominant views of states and regions. Nationally African-Americans constitute a modest percentage of the overall electorate, but in various states both north and south, their votes can be determinative. Farmers are a small national group, but their political weight may be determinative in the region from Iowa to Colorado. The United States may be one nation, but we are the sum of many different parts geographically and ethnically. An election built solely on majoritarianism will ignore the diversity that makes the United States positively unique.

Participation: In the 2012 election the participation rates in the battleground states exceeded the other states by more than seven percentage points (more than 10 percent). Citizens tend to respond when their votes seem to make a difference. They can feel that difference in states electoral votes are determined by numbers in the hundreds or thousands. They would feel no such motivation in a national election decided by millions.

The National Popular Vote movement poses another problem – one of its method of inflicting direct elections upon the nation. They are seeking to get whatever number of states whose electors add up to a majority of the total number of electors to impose on the rest of the nation a type of election that the other states may not want. That is making radical change via the equivalent of a political putsch. That's not what democracy is all about.

The Electoral College as it currently is structured is not without its flaws. As it is presently constituted, only a handful of states are involved in the actual election of the president – the so-called battleground states. But that is not the fault of the Electoral College per se but rather the winner-take-all method of choosing electors. If a candidate is either assured of winning a state or assured of losing, they don't compete, saving their resources for those states that they may win and which will make a critical difference in whether one is elected or not.

It is the winner-take-all system that should be modified in either one of two ways: States could adopt the system now in operation in Maine and Nebraska in which the winner of the statewide vote will get two electors (those representing the two U.S. Senators each state has) while the rest of the electors will be awarded to the winner of each Congressional district. Alternatively, each state's electors could be allocated proportionally, reflecting the percentage share of the total vote a candidate receives in that state.

Each of these methods would involve many more states in decision-making than are currently involved. Unlike direct elections, either system would provide an incentive for grassroots activity and coalition building because almost every state would be in play. One or both of these changes would likely produce a result closer to the popular vote outcome than what exists today. And either of these would retain the important positive aspects of the Electoral College.

Proponents of National Popular Vote point to the four elections, including that of 2000, when the winner of the popular vote did not become president. But no president has achieved majority of the eligible vote since 1824. There have been 18 presidential elections in which the winner did not get a majority of the popular vote, including such leaders as Andrew Jackson, Abraham Lincoln, Woodrow Wilson, Harry Truman, John Kennedy, William Clinton and George W. Bush and the republic has survived and even prospered. It is by no means clear that it would so prosper were direct election imposed on the nation.

The Electoral College reflects the complexity of American democracy and stands as a bulwark for the values of pluralism, federalism, diversity and participation. It should be preserved, modified if necessary, but protected against the onslaught of the simplistic and the dangerous – which is what National Popular Vote is.

Thank you for your consideration.

EDITION: U.S.
CA Canada US United States UK United Kingdom
January 6, 2012

HUFF POST POLITICS

THE INTERNET NEWSPAPER: NEWS BLOGS VIDEO COMMUNITY

Like
100K

CONNECT

Curtis Gans

Director, Center for the
Study of the American
Electorate

GET UPDATES FROM Curtis Gans

Like
4

Why National Popular Vote Is a Bad Idea

Posted: 1/6/12 03:27 PM ET
React
>

This blog post is a joint effort with Leslie Francis, former executive director of the Democratic National Committee and Democratic Congressional Campaign Committee.

As the National Popular Vote (NPV) movement steps up its effort to impose a direct election for president, attempting to enlist states with a sufficient number of electors to constitute a majority (268) and to bind them to the winner of the national popular vote, those states considering the proposal might first reflect on the nightmare aftermath of the 2000 presidential election.

Because there was a difference of less than 1,000 tabulated votes between George W. Bush and Al Gore in one state, Florida, the nation watched as 6 million votes were recounted by machine, several hundred thousand were recounted by hand in counties with differing recount standards, partisan litigators fought each other in state and federal courts, the secretary of state backed by the majority of state legislators (all Republicans) warred with the state's majority

Democratic judiciary -- until 37 days after the election the U.S. Supreme Court, in a bitterly controversial 5-4 decision effectively declared Bush the winner.

That nightmare may seem like a pleasant dream if NPV has its way. For under its plan, the next time the U.S. has very close national vote, a recount would not be of six million votes in one state but of more than 130 million votes in all states and the District of Columbia, all with their own rules for conducting a recount.

The horror of a potential national recount is only one of the dangers direct presidential elections poses. Among the others:

- By its very size and scope, a national direct election will lead to nothing more than a national media campaign, which would propel the parties' media consultants to inflict upon the entire nation what has been heretofore limited to the so-called battleground states: an ever-escalating, distorted arms race of tit-for-tat unanswerable attack advertising polluting the airwaves, denigrating every candidate and eroding citizen faith in their leaders and the political process as a whole.
- Because a direct election would be, by definition, national and resource allocation would be overwhelmingly dominated by paid television advertising, there would be little impetus for grass-roots activity. That, in turn, would likely diminish voter turnout.
- Similarly, because a national campaign mandates a national message, there would also be a smaller incentive for coalition-building or taking into account the characteristics, needs and desires of citizens in differing states and regions.
- NPV supporters claim, accurately, that a direct election for president would reduce or eliminate the possibility that a fringe candidate (like a Ralph Nader or Ron Paul) winning five percent or less of the vote in a single state could serve to defeat a major party candidate from the same side of the political spectrum. But the much greater danger to American democracy is that direct elections may make it possible for a president to be elected by no more than 30 percent of the vote, regardless of his or her suitability for office, so long as there is sufficient money and a clever media advisor behind the effort.

The issue raised by the National Popular Vote campaign is fundamental: What kind of a democracy should America be? Their answer is simple: one in which every citizen's vote is equal to every other citizen's vote and one in which the winner of the presidential popular vote, no matter how small his or her percentage is of those who voted, would be elected.

The alternative view of democracy is more complex; it is one that includes but is not limited to the pursuit of equality. That view of democracy recognizes the existence and desirability of organized interests and enshrines that principle under the concept of pluralism. It understands that while the nation is one union, it is also an amalgam of varying experiences and perspectives arrived at via the settings and unique problems surrounding those who live in different places, and that these differences fall within the broad rubric of federalism. E pluribus unum -- out of many, one. It is our national motto and is so for a reason.

It sees a healthy and vibrant democracy needing the underpinnings of civil society that rests on the sustained and active engagement of the citizenry and promotes approaches that seek to maximize that involvement. It seeks to be a bulwark against mass hysteria and the hysteria created by mass media. It knows that a majoritarianism that produces a plurality is not the voice of a majority of the citizenry. The Electoral College system, however imperfect, serves this

broader view of democracy.

Imperfect, because its modern-day blessings -- enhancing coalition building, pluralism, federalism and grass-roots participation -- are enjoyed only by a minority of states (in any given presidential election 18 or 20), where the battle for electoral votes is competitive for both major parties. The lack of competition and campaigning in a majority of states owes itself not to the existence of the Electoral College's indirect method of choosing presidents but rather to the winner-take-all method of choosing electors in all but two states. If a party knows either that it can't win a single elector in a state or has an easy road to winning all of them, it sends its resources to where it has a competitive chance..

There are alternatives to winner-take-all that do not involve abandoning the positive aspects of the Electoral College. All states could adopt the system that now exists in Maine and Nebraska, where all but two electors are chosen by congressional district, and the other two go to the statewide winner. Or states might explore what was recently proposed in Colorado -- that electors be allocated in proportion to each candidate's share of the popular vote above a certain threshold. Either would provide a reason for both parties to compete in most states because there would be electors to win. Either would likely produce an electoral vote count closer to the popular vote. And unlike direct elections, either would provide an incentive for grass-roots activity, coalition building and enhanced citizen participation.

National Popular Vote proponents argue that the United States has had four presidential elections in which the plurality winner of the popular vote was not chosen as president. It is also true that no president since 1824 has received the votes of a majority of the eligible voters and 18 presidents, including Andrew Jackson, Abraham Lincoln, Woodrow Wilson, Harry S. Truman, John. F. Kennedy, Richard Nixon, Bill Clinton and George W. Bush were elected with less than a majority of the votes cast. In each instance the republic has survived, and democracy has prospered despite the challenges presented. It is not at all clear that it would similarly prosper under the direct election regime being pushed by NPV.

The appeal of NPV is the simplicity of its message. The danger of NPV is that it will undermine the complex and vital underpinnings of American democracy. NPV is more than a third of the way to its goal. The time to stop its momentum is now.

More in Politics...

- Comments
- 0
- Pending Comments
- 0
- [View FAQ](#)

Our moderators screen these comments before they are published

[View All](#)

[Recency](#) |

[Popularity](#)

-
-

Column: Electoral College should be fixed, not dumped

Curtis Gans

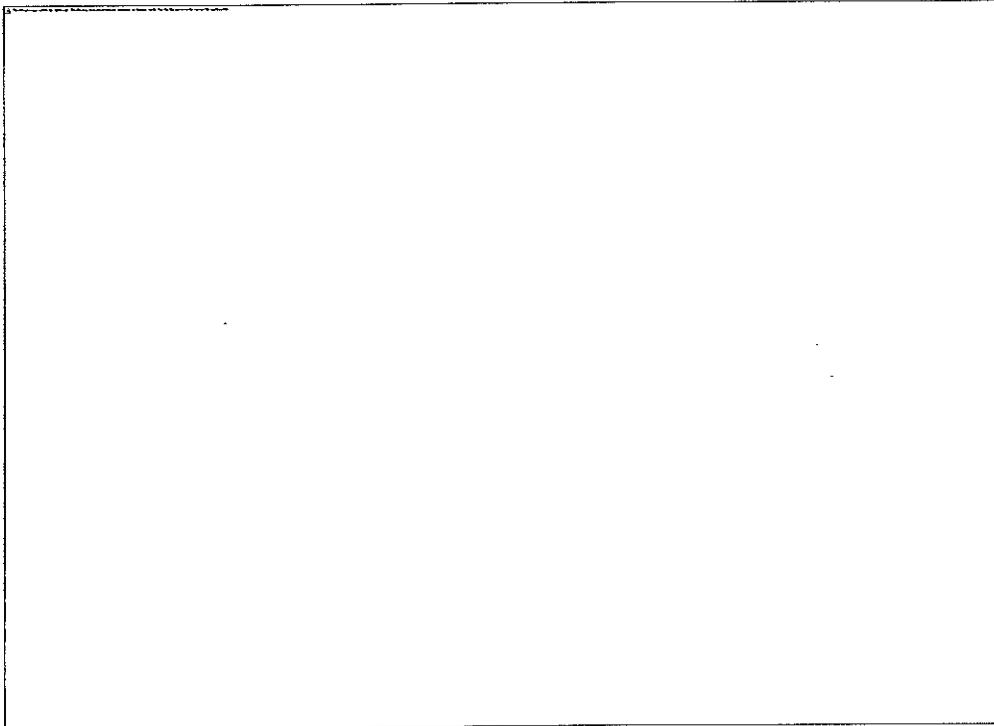
Why not elect presidents based on popular vote. Let me count reasons -- why not.

Story Highlights

- Some believe electing a president based on the popular vote would be better.
- But the draws are many including the nightmare of a recount.
- The problems are really with the winner-take-all system.

7:20PM EDT October 22, 2012 - The idea is seductive and persistent. Why not abolish the Electoral College, make every citizen's vote count equally and elect a president who is the winner of the national popular vote? It is also dangerous to the health of the American

democracy. The reasons why:



1) **A national recount.** A direct election is national and every vote counts equally, so should there be a need for a recount every vote would need to be recounted. Such a recount nightmare, involving more than 130 million votes, would make the 2000 Florida recount of 6 million votes cast seem like a pleasant dream.

2) **A minority president.** In a direct election, a candidate who garners no more than 30% of the national popular vote could be president. Fringe parties could determine the winner by siphoning off votes from one candidate or another, and a fringe party with a popular message might win. A

runoff election might minimize these risks, but the runoff could easily be between two candidates whose vote share did not exceed 30%. The winner, if the history of runoffs in states is any guide, would be determined by substantially fewer voters than in the general election.

3) A glut of attack ads. One can lament the glut of attack advertising in this year's battleground states, but a direct election would visit that plague on the whole nation. This would, in turn, further empower the donors of the large sums needed to mount such a campaign and the political consultants who are ruining U.S. politics.

4) Withering the grassroots. The effect of a major national media campaign would be to reduce the resources for registration, voter education and get out the vote mobilization, which, in turn, will likely reduce voter turnout. Among the states whose participation rates have been declining most are states such as California and New York, where campaigns rely almost exclusively on television advertising.

5) Undermining federalism and pluralism. By nationalizing their message, campaigns will have no incentive to speak to the concerns of specific groups such as farmers in the Midwest, coal miners across Appalachia, minorities or the young. There will be a much smaller incentive to build coalitions of interests that will help with governance or speak to the differing needs of states and regions.

The Electoral College system is not without flaws. The largest of these is that presidential campaigns tend to exclusively focus on a handful of battleground states. This is not a result of the Electoral College per se, but the winner-take-all method of selecting electors in every state but two. If a campaign perceives that it can win the majority vote of a state easily or that it has no hope of winning, it will devote minimal resources in that state.

The remedy is not to get rid of the Electoral College but to get rid of winner-take-all. There are two potential remedies:

- States could adopt the system used in Maine and Nebraska, where the winner of the state's popular votes garners two electors (representing the U.S. Senate delegation) while the electors representing the number of a state's U.S. House members are awarded to the winner in each congressional district.
- Or electors could be selected proportionally, reflecting each candidate's share of the state's popular vote.

Each of these remedies would likely make the national Electoral College vote more congruent with the popular vote, and more important, it would put virtually all states in play for all candidates and provide incentives for grassroots campaigning.

The Electoral College stands as a bulwark for pluralism, federalism, coalition building and participation. It stands as a deterrent to unbridled majoritarianism, total dominance of the news media and money, and the nightmare of a national recount. Its ground rules need to be amended, but the essential institution should not be discarded.

Curtis Gans is director of the non-partisan Center for the Study of the American Electorate.

In addition to its own editorials, USA TODAY publishes diverse opinions from outside writers, including our Board of Contributors.