

The Reform Reporter

Democracy Updates from TheRestofUs.org



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Post-Election Edition 2004

The Rest of US.org
Let's Get Big Money Out of Politics

HIGHLIGHTS

- Reformers weigh in on ABQ
- IRV advances in 3 cities
- CFR takes hold in CO
- Clean money works well in AZ, ME, and NC
- Portland mayoral candidate wins under self-imposed \$100 limits
- Big money dominates congressional elections



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US Awaits Outcome of Presidential Election

Despite its apparent finality, the November 2nd presidential election is constitutionally no more than a nationwide advisory poll. For the official results, Americans will have to wait until December 13, when in accordance with the guidelines drawn up more than 200 years ago, a select group of 538 men and women known as the Electoral College will elect the next president.

As a citizen, you have no constitutional right to vote for your president. What most of us believe to be our right to vote for the President of the United States is actually not ours at all, but rests with the various state legislatures. Each state's legislature decides how to allocate that state's allotment of votes in the Electoral College, which in turn means deciding how that state's electors will be chosen. The popular vote that most Americans cherish is only one option among many. You can vote for presidential electors only because the legislature of your state decided at some point to let the people select electors through the popular vote.

No constitutional provision or federal law requires electors to vote in accordance with the popular vote in their states. The problem of an elector who goes against the popular will of the people of their state is not the product of the imagination of those who would reform or abolish the College: in 2000, one of Al Gore's

electors from the District of Columbia abstained in protest of D.C.'s lack of representation in Congress. This year, one of George Bush's electors from West Virginia, South Charleston Mayor Richie Robb, has announced his intention not to vote for Bush. So, when Americans vote, we are doing little more than offering our opinion to a group of people whom our legislatures are allowing us to select for the time being.

"Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress . . ."

The United States Constitution, Article II, Section 1

Twenty-six states have their own laws that require electors to follow the will of the people in casting an electoral vote, but these laws have never been tested in federal courts.

Even when electors do follow the will of their state's voters, there is still a chance that the winner of the Electoral College will not have won a popular majority. In 1948, 1960, 1968,

(continued on page 2)



Derek Cressman, Director

Congressional Elections for Sale

While the armchair quarterbacking will go on for some time as to which side spent their money more wisely in the presidential election, it appears as though both sides had comparable amounts of dough to spend. Even when you add in all the big money raised by political parties, PACs, and 527 groups, it doesn't appear that this presidential election was bought. Unfortunately, you can't say the same thing for Congress.

According to the Center for Responsive Politics, the candidate who spent the most money won 96% of the House seats and 91% of the Senate seats. While general elections in most House races are all but preordained due to political gerrymandering, even districts tilted to one party should have vigorous competition in the primaries. But a recent study by the U.S. PIRG Education Fund found that even in primaries the candidate who spent the most won 91% of the time. Winning candidates outraised their opponents by a four-to-one margin.

With money so clearly stacking the deck in congressional elections, many worthwhile candidates don't even bother to run in the first place. Advisors

tell them that if they don't think they can raise the million dollars or more it takes to compete against other big money candidates, they shouldn't waste their time. This means that voters don't get to hear from a whole range of voices that are squeezed out by the so-called wealth primary.

A simple solution would be to require candidates to spend the same amount on their campaigns. That way, we'd know that the winner got elected by virtue of their ideas, experience, and capabilities rather than just by having the most money.

Congress set mandatory limits on campaign spending back in 1974, but the U.S. Supreme Court invalidated them in the 1976 case *Buckley v. Valeo*.

However, the Supreme Court now has a chance to revise that wrongheaded decision. Albuquerque, New Mexico is asking the Court to review its spending limits law that has been on the books since 1972.

On October 22, TheRestofUs.org filed an amicus brief urging the Supreme Court to take this case. I'd like to thank our pro bono attorneys at Hogan and Hartson as well as the other reform groups who joined in this effort: New Mexico PIRG, Common Cause, Public Campaign, Demos, the Committee for Responsibility and Ethics in Washington, and ReclaimDemocracy.org. You can read the brief [and others submitted in the case at http://www.therestofus.org/ABQ/abqindex.htm](http://www.therestofus.org/ABQ/abqindex.htm)

Let's hope the Justices have the wisdom to see the error in their past ways and help take democracy off the auction block.

Electoral College Still Hasn't Chosen our President *(continued)*

1992, and 1996, our presidents won with just a plurality of the popular vote due to the strong showing of third party candidates. In 2000, George W. Bush won the Electoral College despite placing second in the popular vote.

The Electoral College is also prone to instability. Had just 22,000 voters living in Nevada, New Mexico, and Iowa switched their votes from Bush to Kerry, we would be looking at an Electoral College tie of 269 to 269. Since this is short of 270, the election would then be thrown to the House of Representatives. The House would likely choose Bush, but they aren't required to. Or, if 75,000 voters had switched positions in Ohio, Kerry would have won the electoral vote while still losing the popular vote.

The Electoral College subverts the fundamental notion of democracy that the majority rules while respecting minority rights. In four of our nation's fifty-five presidential elections – over 7 percent of the time – the candidate who received the most votes was denied the presidency by the Electoral College. Would any of us accept a 7 percent failure rate from our bank? Imagine your boss saying "sorry but I'm accidentally going to give your pay to someone else one day every two weeks."

With Democrats on the losing side of the electoral vote in 2000 and Republicans coming close to being cheated in 2004, perhaps both parties are ready to move on to direct elections.

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ALASKA

The voters in Alaska passed Ballot Measure 4 55% to 45%, repealing the state law that allowed the Governor to temporarily appoint a person to fill a vacant U.S. Senate seat until a special or regular election could be held. Under the initiative, the seat would remain vacant until the election is certified and the Senate meets. The genesis of the initiative, known as the anti-nepotism ballot measure, formed when Alaska Senator Frank Murkowski ran for governor and won, and appointed his daughter Lisa to fill his vacant Senate seat.



ARIZONA

Clean money candidates won 58% percent of the races for the Arizona state house (35 of 60) and 23% of the state senate (7 of 30). In both cases, this is an increase from 2002, when 45% of the house was clean and 17% of the senate was clean. A total of ten of Arizona's statewide elected officials, including its governor, attorney general and treasurer, will now be serving free of dependence on private campaign contributors.



CALIFORNIA

Instant Run-off Voting

Elections officials in San Francisco report that the city's first election with Instant Run-off Voting (IRV) was successful. The frontrunners in all the first balloting ended up winning, but without the cost and delay of holding a second runoff election. IRV is credited with a reduction in negative campaigning and an increase in

cooperation among candidates as they built coalitions and sought each other's second and third choice votes. Please see the paragraphs under Michigan for a more detailed look at IRV.

Berkeley's Clean Money Initiative

In the November elections, the citizens of Berkeley voted down Measure H, which would have provided for public financing of city elections. Measure H had unfavorable wording for its proponents, emphasizing the costs of the program and suggesting that new taxes would be required to fund it. The 60-40 loss is a reminder that for public financing to succeed on the ballot, reformers need to mount a vigorous and well-funded public education campaign as well as ensure that sufficient coalition support exists.

Louisiana-Style Primary Rejected

The voters of California rejected Proposition 62, under which all voters would receive the same primary election ballot for most state and federal offices (not presidential elections). The top two vote-getting candidates, regardless of political party identification, would be placed on the general election ballot. The initiative was designed and supported by interests, among them the Chamber of Commerce and Governor Schwarzenegger, who believe that such a system would lead to more moderate candidates in elections.



COLORADO

Campaign Finance Reform

Colorado candidates ran their first election under Amendment 27, the

campaign finance law enacted by two-thirds of voters in the 2002 elections. That initiative was led by Colorado Common Cause and Voter Revolt – a predecessor to TheRestofUs.org.

The new law imposes contribution limits that range from \$200 to \$500, bans corporate and labor soft and hard money contributions, and establishes small donor committees that can accept no more than \$50 but can give candidates ten times as much as a regular PAC can. These small donor committees are a relatively new innovation and it appears that they worked quite well in Colorado.

As we've seen at the federal level, some large donors bypassed these limits through funding 527 groups that worked independently of the candidates. However, these contributions had to be disclosed for the first time under Amendment 27. The new law may have helped spur competition, as four incumbents were defeated and party control of the House switched for the first time since 1976.

Allocation of Electoral Votes

Voters rejected Proposition 36 by a two-to-one margin. It would have ended the winner-take-all system in Colorado and instead allocated the state's nine votes in the Electoral College proportionally. A big reason for the measure's defeat may have been that it was written to go into effect for this election cycle, so partisan calculations in the presidential race impacted how voters viewed the measure.



FLORIDA

Ballot Initiatives

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Florida voters passed an amendment to the state constitution 68% to 32% that requires the sponsor of a constitutional amendment proposed by citizen initiative to file the initiative petition with the Secretary of State by February 1 of the year of a general election in order to have the measure submitted to the electors at the following November's election. This shortens by six months the time available for citizens to circulate petitions and will make it considerably harder to use the initiative process. It was opposed by a broad coalition of grassroots groups and backed by legislators and the Chamber of Commerce.

Alachua County Campaign Finance

Voters in Alachua County approved two campaign finance reform initiatives that were on the ballot on Nov. 2. The first initiative, which passed by a margin of 67% to 33%, sets a \$250 ceiling on contributions to candidates from individuals or businesses, while the second, which passed 76% to 24%, requires candidates to file financial documents with the supervisor of elections both electronically and in print, and gives candidates a deadline to submit final documents six days before the general election, two days earlier than the current due date.

Absentee Ballots Missing

Some 60,000 ballots went missing in the weeks before the election. Broward County deputy Supervisor of Elections Gisela Salas reported that her office sent out 60,000 absentee ballots representing 5% of the county population on October 7 and 8, but received worried phone calls from voters who haven't gotten them yet. It

remains unclear what happened to the ballots. Replacement ballots were sent out to some of the 60,000 voters.



KENTUCKY

In September, Kentucky businessman Ross Harris was found guilty of election fraud for orchestrating a scheme to buy votes from impoverished mountain residents in two races in 2002. Prosecutors claimed Harris illegally contributed some \$40,000 to a former state senator's unsuccessful judicial race, and that Harris and an associate gave an additional \$25,000 to the re-election campaign of a judge.

The verdicts came after a trial in which various witnesses told of voters gathering in a church parking lot in an Appalachian county to collect \$10 bills after leaving the polls in the 2002 election. Others testified about large contributions to some candidates to be used to buy votes.



MAINE

PAC Contribution Limits

The Maine Citizens for Clean Elections group will ask the Legislature to limit how much money contributors can give to Political Action Committees as part of a reform package to be submitted to lawmakers next year. The state currently limits private contributions to legislative and gubernatorial candidates, but there is no limit on gifts to PACs, which often support political candidates through independent spending.

Almost 79 percent of this year's legislative candidates are publicly

financed. They cannot accept private money for their own races but they can set up PACs that are privately funded, to help their allies. Rep. Marilyn Canavan, D-Waterville, says the fact that taxpayer-funded candidates have PACs has "created unease" among some supporters of election reform.

Clean Elections

In the November elections, under Maine's system of public financing, 83% of the state senate (29 out of 35) and 77% of the house (116 out of 151) will be made up of legislators who ran "clean." This is an increase from 2002, when 77% of the senate and 55% of the house was made up of legislators who participated in Clean Elections.



MICHIGAN

The citizens of Ferndale were on the way to passing City Proposal "B" by a margin of 6522 to 2828, with some precincts left to report. Proposal B amended the city charter to provide for Instant Runoff Voting (IRV) for city elections. IRV allows voters to rank the candidates for an office in order of preference, which protects the integrity of voter choice by offering voters more choices and forming a government which more closely and accurately represents the views of the majority of voters.

Here's how it works: If there are three or more candidates for the same office, when voters go to the polls, they rank the candidates in order of preference. If no candidate is the first preference of a majority of voters, the candidate who received the fewest number of first preference votes is dropped from

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the ballot, and those votes then go to the candidate who those voters ranked next. The ballots are again tabulated, and again the candidate who receives the fewest number of top preferences (and second preferences of the voters whose top preference was for the first candidate to be dropped) is dropped from the ballot. The process repeats itself until a candidate receives a majority or only two candidates are left, whereupon the one with the most votes wins.

Using IRV as applied to this year's presidential candidates as an example, a Libertarian voter who did not want her vote for the Libertarian candidate Michael Badnarik to give John Kerry an advantage over George Bush might vote for Badnarik as her top choice, Bush as her second choice, Ralph Nader as her third choice, and John Kerry as her fourth. When Badnarik dropped out, her vote would go to her second choice, Bush, and count towards his total. Likewise, if a liberal voter might vote for Nader as his top choice, then Kerry, Badnarik, and Bush. After Nader lost the first round, the liberal's vote would go to Kerry and be counted towards his total.

In other words, a vote for Nader would not be a vote for Bush, nor would a vote for Badnarik be a vote for Kerry. Minority parties would get their electoral due as being the true choice of voters and could possibly qualify for public funding for the next election if their totals are high enough. Voters get a better selection of candidates and the opportunity to vote for the candidate they think would be best suited for the job without advantaging the candidate that they least want elected.

MONTANA

The balance of power in the Montana House rests on the results of the House District 12 race. After regular ballots were counted, Rick Jore led Jane Windham by just one vote. If Jore wins, the Republicans will retain control of the House. If not, there will be a tie, in which case the newly elected Democratic governor can name the House Speaker. There were 33 provisional ballots cast, but 25 were from people who are not registered in the county and will not be counted. This race is a great example of why every vote counts.

NEBRASKA

Voters approved Initiative 418 by a margin of 55% to 45%. It requires a two-thirds vote of the legislature to overturn or change a law passed by voter initiative. It was part of a package of initiatives backed by gambling interests, but voters rejected the pro-gambling questions.

NEVADA

Employees of political consulting firm Sproul and Associates, an Arizona firm run by former Chairman of the Arizona Republican Party Nathan Sproul, reported that they saw their supervisors tear up and throw away voter registrations from Democrats. Sproul employees in Oregon reported similar occurrences. Sproul and Associates also reportedly masqueraded as a nonpartisan voter registration group in order to gain access to libraries around the country in pursuit of their efforts to find and register Republicans.

Sproul has led efforts to overthrow Arizona's Clean Elections law, a measure designed to reduce special-interest influence of politicians. He also is former head of Arizona's Christian Coalition, which came under federal scrutiny in the 1990s because of concerns that political activities might have violated the group's tax-exempt status.

NEW JERSEY

A bill sponsored by Senate President Richard Codey to freeze current campaign contribution limits was approved by a senate committee. The measure will now go to the full Senate. Under the bill, contributions to state and county political organizations would be frozen at current levels.

Under current law, the New Jersey Election Law Enforcement Commission (ELEC) adjusts the limits on political contributions every four years based on a formula that measures the increase of campaign costs. The proposed bill would end the automatic adjustment and require ELEC to issue recommendations on campaign contributions every four years. The Legislature would then vote whether to adopt all or part of the recommended adjustments.

Codey, who will take over as acting governor from Gov. James McGreevey on November 15, said the bill would block proposed increases this year that would have increased allowable contributions made by any individual or organization to county political parties to \$43,000 from \$37,000 per year. The contribution limit from those donors to state party committees would have risen to \$29,000 from \$25,000

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per year.

NEW MEXICO

TheRestofUs.org led efforts to file a reform community brief to ask the U.S. Supreme Court to revive Albuquerque's spending limits on October 22. These limits have been suspended by lower courts. Other groups signing the brief were New Mexico PIRG and the National Association of State PIRGs, Common Cause, Public Campaign, Demos, the Committee for Responsibility and Ethics in Washington (CREW), and ReclaimDemocracy.org.

Here's an excerpt from our brief:

The current system of unlimited expenditures has not protected the First Amendment's guarantee of a fair and open democratic process. Modern spending levels discourage challengers from participating in the electoral process; and the resulting elimination of competition smothers meaningful discussion of political issues. Because a central purpose of the First Amendment is to encourage and protect participation in the democratic process, Albuquerque's efforts to promote speech and encourage participation through expenditure limits, thus ensuring the electorate's First Amendment rights, must be given due weight when balanced against the individual candidate's First Amendment interest in unlimited spending.

Senators Ernest Hollings, Ted Stevens, Robert Byrd, Jack Reed, Chuck Schumer,

Chris Dodd, Diane Feinstein, and Arlen Specter also filed a brief in support of the petition for certiorari, as did the Secretaries of State from New Mexico, Oregon, Iowa, and Wisconsin and the Attorneys General from Connecticut, Arizona, Colorado, Iowa, Kentucky, Maryland, Minnesota, New Mexico, Oklahoma, Vermont, and Wisconsin. Civil rights advocates filed an additional brief. Copies of these briefs are available at <http://www.therestofus.org/ABQ/abqindex.htm>. The Court should decide soon whether or not to take the case.

NORTH CAROLINA

Campaign Financing

North Carolina's public financing program for judicial elections received its first trial in the November elections. Candidates for the state Supreme Court and Courts of Appeals had the option of participating in a public financing program modeled on Clean Elections. Two seats on the seven member Supreme Court and three seats on the 15 member Court of Appeals were up for election. Candidates who ran clean won both Supreme Court races and two of the three Court of Appeals seats. In all, twelve of the sixteen candidates running for the five seats participated in the public financing program. Early concerns that the program would be insufficiently funded did not materialize.

Computer Voting

More than 4,500 votes were lost in one North Carolina county because elections officials believed a computer voting machine could hold more data than it actually could. Local officials said UniLect Corp., the maker of the

county's electronic voting system, told them that each storage unit could handle 10,500 votes, but the limit was actually 3,005 votes. There is no way to retrieve the missing data because the machine was not equipped to print a paper audit trail.

OHIO

The state of Ohio received a great deal of national attention in the run-up to the November 2 elections as officials of the all important swing state tried to ready the state for elections and comply with the mandates of the 2002 Help America Vote Act (HAVA).

Polling Station Monitors

In response to the huge number of new voter registrations, the state GOP invoked a 1950's era law that permits both political parties to station "monitors" inside polling stations. Monitors could challenge any voter on citizenship, age, and residency and force the voter to cast a provisional ballot. Despite charges that the monitors were an attempt to suppress the vote, the Sixth Circuit Court of Appeals upheld the law. Initial reports suggest that while many monitors from both parties were inside polling stations on election day, very few challenges were made.

Provisional Ballots

As the state's top elections official, Secretary of State Ken Blackwell ruled that the provisional ballots required by HAVA must be cast in the correct precinct in order to count. Opponents of Blackwell's directive charged that because federal law has a more

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expansive definition of jurisdiction, HAVA's provisional ballot requirements should be read to allow voters to cast a valid provisional ballot at any polling place in their county of residence. The Sixth Circuit sided with Blackwell, holding that state law defines jurisdiction for purposes of provisional ballots, and that Ohio's law requiring a voter to vote in the right precinct trumped the federal definition of jurisdiction. Michigan, Florida, Ohio, and Iowa also saw similar litigation about where provisional ballots could be cast.

HAVA requires that voters be given a provisional ballot if the polling station at which they think they are registered does not have them on the voter rolls. Provisional ballots are not automatically counted however. Each state has its own rules for deciding how and when to count provisional ballots. The uncertainty surrounding provisional ballots and the decreased chance that they will be counted has led at least one commentator, Spencer Overton, to call them second-class ballots.

Campaign Finance "Reform"

In response to a series of campaign finance scandals, the Ohio Legislature is planning to take action on the issue in the upcoming session, if not sooner. Much of the discussion has centered on improving disclosure, but there have been indications that some legislators intend to use the reforms as an excuse to lift contribution limits to parties.

The Senate has passed SB 214, which included a provision prohibiting the use of funds from corporate or union treasuries to pay for the costs of producing or airing and electioneering communications. The House's substitute version, sponsored by Rep. Kevin

DeWine, removed those provisions.



OREGON

Former police chief Tom Potter defeated city commissioner Jim Francesconi in the Portland mayor's race. Potter, who had only accepted contributions of \$25 or less for the primary race, raised his self-imposed contribution limit to \$100 for the general election in order to compete with Francesconi's \$1 million war chest, much of which came in big chunks from developers and other corporate interests. Potter ended up raising just over \$125,000.

While Potter's victory shows that it matters to voters whether a candidate receives big money from special interests, it does not mean that reformers should rely on candidates who unilaterally disarm as a way to rid our democracy of big money's influence. Potter himself recognizes this and has called for more systemic reform of campaign finances including full public financing. But in our fight to get big money out of politics, reformers can now point to Potter's victory to debunk the conventional wisdom about how much money it takes to run a successful political campaign, at least at the local level.



UTAH

Five members of the Salt Lake County Council sent a letter to Acting County Mayor Alan Dayton Tuesday urging him to include the publicly funded campaign idea in an ethics reform package he is developing. The members' proposal would allow private funding of primary campaigns up to a certain amount and institute public financing of general election campaigns. Although he hasn't

responded to the public financing idea, Mayor Dayton has expressed support for contribution limits in the past, although those limits are so high - \$10,000 per election reporting period per person per countywide candidate - as to be nearly pointless.



VERMONT

Instant Run-off Voting

The voters in Burlington approved a measure authorizing the City Council to adopt instant run-off voting. The victory came despite an editorial in the *Burlington Free Press* cautioning voters to wait and see how San Francisco's IRV went in this year's election.

Gubernatorial Debates

The two main candidates for governor in Vermont held a dozen debates across the state before the election. It may be no coincidence that Vermont has some of the toughest limits on campaign contributions and spending, meaning that debates are one of the best ways for candidates to reach voters.



WASHINGTON

The voters of Washington passed Initiative Measure No. 872, which was very similar to California's Proposition 62. With its passage, Washington voters will now select from all candidates in a primary. The two candidates receiving the most votes will advance to the general election, regardless of party.

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AT THE FEDERAL LEVEL

Campaign Spending

Nearly \$4 billion was spent on federal elections in 2004, up 30% from 2000. Estimates project that spending on the presidential election alone could top \$1.5 billion when all's said and done. The doubled contribution limits for federal races played a significant role in the increase.

Spending by independent 527 groups reached new records in this cycle. As of October 15, these groups had reported raising \$391 million. When all is said and done, it is likely that 527 spending for 2004 will rival the \$500 million on soft money raised by the political parties prior to the Bipartisan Campaign Reform Act. A *Washington Post* analysis found that 80% of contributions to Democratic leaning 527 groups came in amounts of more than \$250,000 and 90% of contributions to Republican leaning 527s were above this astounding amount.

And why is spending up so much?

Congressional Elections

According to the Center for Responsive Politics, the candidate who spent the most won 96 percent of House races and 91 percent of Senate races. The biggest spender was victorious in 413 of 432 decided House races and 31 of 34 decided Senate races. House races are notoriously gerrymandered to favor

one party in the general election, but in those races we'd at least hope to see some competition in the primaries. But, according to the U.S. Public Interest Research Group's *Wealth Primary* report, the candidate who spent the most won 91% of the time in primaries.

While big spenders dominated congressional elections, self-financed candidates fared poorly in the 2004 elections. All but one of the 22 candidates who spent more than \$1 million of their own money on their candidacy lost, the lone exception being Michael McCaul, who won the Texas CD 10th by spending \$1.9 million of his own money

Effort to Reform the Federal Election Commission Likely

Calling the FEC "a failed agency with overtly partisan commissioners who oppose both new and longstanding campaign finance statutes," Senator John McCain has announced that he will ask Congress to replace the FEC with a new enforcement agency. McCain, a sponsor of the 2002 Bipartisan Campaign Reform Act (BCRA), was irked by the FEC's unwillingness to regulate the 527 groups which received contributions from wealthy donors in the millions, sometimes even tens of millions of dollars, much of which went to influence the presidential campaign.

Sharing McCain's frustration with the FEC was District Judge Kollar-Kotelly of the D.C. Circuit. In September, Kollar-Kotelly struck down 15 of 19 regulations passed by the FEC to implement the BCRA. In response to an FEC request to stay that ruling, Kollar-Kotelly responded: "The court declines to stamp the commission's 'business-as-usual' tactics and request for delay with the judicial imprimatur of approval. Rather, the Court concludes that the FEC has

failed to meet the stringent standards required to justify the extraordinary remedy of a stay pending appeal and therefore shall deny the Commission's motion."

Quotes on the Electoral College

"I have ever considered the constitutional mode of election... as the most dangerous blot on our constitution, and one which some unlucky chance will some day hit."
- Thomas Jefferson, 1823

"People think of it as somewhere between bad and stupid,"
- Harvard University professor Alexander Keyssar

"All-or-nothing systems disenfranchise millions of voters and prompt campaigns to focus solely on closely contested states. This year, the candidates are ignoring two-thirds of the states because all of the electoral votes in each appear safely in one or the other's camp. So certain an outcome discourages turnout in those states as well. Though the system dates back to the 19th century under laws adopted by each state, it doesn't have to be that way."
- USA Today, 9/19/04

"The present rule of voting for President...is so great a departure from the Republican principle of numerical equality...and is so pregnant also with a mischievous tendency in practice, that an amendment of the Constitution on this point is justly called for by all its considerate and best friends."
- James Madison

"We're advocating democracy around the world. Are we suggesting to anyone they have an electoral college?"
- Rep. Jim Leach

America's Ready to Graduate from the Electoral College



There are multiple flaws in the Electoral College. Getting rid of it would be daunting, but not impossible.

Consider:

- The Electoral College has appointed a president who lost the popular vote 4 out of 55 times, a failure rate of 7 percent.

- The Electoral College has appointed a president who won only a plurality of the popular vote 12 other times.

- This means that in 16 out of 55 elections, the Electoral College selected someone who did not win a majority of popular votes.

- When the Constitution was enacted, it was unusual for voters to directly elect anyone. Ten of the thirteen original states had their legislatures elect the governor, not the voters. Voters didn't have the right to vote for U.S. Senators either. They were selected by state legislatures until the ratification of the 17th Amendment to the Constitution in 1913. Prior to the 17th Amendment, some states allowed voters to cast advisory votes that then state legislatures ratified in choosing the state's U.S. Senator.

- There have been some 700 attempts to alter or abolish the Electoral College. The last significant effort was in 1969, when the House of Representatives passed an amendment 338 to 70 abolishing the Electoral College. Polls at the time showed 81% support for abolishment. Despite endorsement by President Nixon, the amendment died when it only received 54 votes in the Senate, 13 short of the required two-thirds.

7%

Failure Rate of the Electoral College to Date

- In 24 states, electors are not required to follow the popular vote.

- The Supreme Court has said that "the individual citizen has no federal constitutional right to vote for electors for the President of the United States." So even legislatures that currently bind electors to the public vote could change their mind at any time.

Successful Voting Rights Constitutional Amendments

- 15th – Government can't deny the vote to a person based on their race;
- 17th – Senators must be elected by the people, not the state legislatures;
- 19th – Government can't deny the vote to someone based on their gender;
- 24th – Abolishes poll tax;
- 26th – 18 year olds can vote.

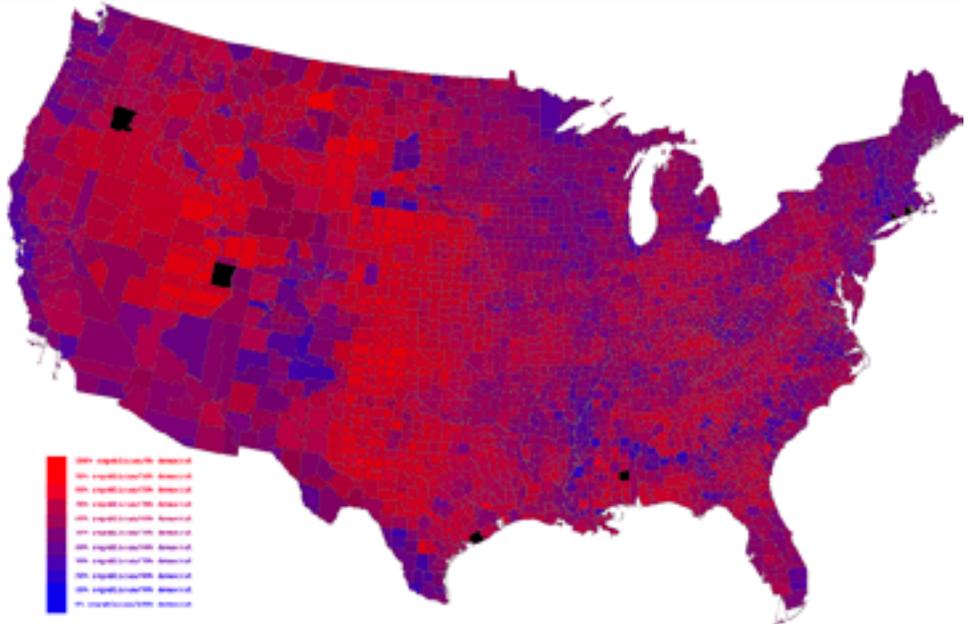
Electoral College Failures

Year	Candidate	Electoral Votes	Popular Votes
1824*	John Quincy Adams	88	108,740
	Andrew Jackson	99	153,544
1876	Rutherford B. Hayes	185	4,036,298
	Samuel Tilden	184	4,300,590
1888	Benjamin Harrison	233	5,439,853
	Grover Cleveland	168	5,540,309
2000	George W. Bush	271	50,456,002
	Al Gore	266	50,999,897

*Multiple (4) candidates won electoral votes initially. Final outcome decided by the House of Representatives

Purple America

While the Electoral College state map portrays America as starkly divided among red and blue states, the reality is much more complex. This map shows voter support for Bush in shades of red and Kerry in shades of blue. But most of us live in purple counties, where there is support for both candidates. Abolishing the Electoral College would more accurately reflect this reality and would ensure an equal voice for red, blue, and purple Americans.



Map by Robert J Vanderbei <http://www.princeton.edu/~7Ervdb/JAVA/election2004/>



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