Fiddling with the Rules
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Since the now notorious 2000 presidential election, there has been growing unease across the nation and here in Pennsylvania about the defects in the nation's Electoral College system. Most disquieting is the possibility that under the existing system, the winner of the popular vote can still lose the election. Not surprisingly, there have been proposals to fix the problem - to make presidential elections like other elections - in which every vote counts, and every vote matters. Dozens of proposals have been introduced into Congress since 2000.

The states themselves would like a role in reforming the presidential electoral system. Here in Pennsylvania, Governor Ed Rendell's task force on election reform has before it a charge to examine the way in which the state allocates its electoral votes. Presently, like most of the nation, Pennsylvania has a winner take all system: the plurality winner of the state popular vote gets all of the state's allotted electoral votes.

Options to fix the Electoral College are not that numerous. The country could just abolish the institution outright, and go to a popular vote to select the president. It could, but it isn't going to do so. The political reality is that we are going to fiddle with the rules some, but keep the Electoral College. And under an Electoral College system, there are really only two practical alternatives to statewide winner take all.

The first is a proportional vote method whereby a state allocates its electoral votes to candidates equal to their percentage of the popular vote, eliminating the all or nothing practice now employed to award electors. For example, in 2004 John Kerry carried Pennsylvania with 2.938 million popular votes to George Bush's 2.793 million votes. He won all 21 of Pennsylvania's electoral votes. Under proportional voting, he would have instead earned 11 electoral votes to Bush's 10.

The second alternative is to award electoral votes within each congressional district to the plurality winner in the district, with two additional electors in each state going to the statewide winner. The congressional district plan raises the distinct possibility that a state could split its electoral vote. In Maine and Nebraska - both small states using the district plan - the electoral vote has never been divided. But in Pennsylvania, with strong regional and party cleavages, the situation would be very different. Generally, electoral votes would almost always be divided in the Keystone State.

Neither system offers much experience to make judgments about. The proportional method has never been used, and the congressional district method has been used by just three states since the 1830's. Michigan did so in the late 19th century, and currently only Maine and Nebraska do so.

At first blush, either proportional voting or the congressional district plan seems fair. Allocating electoral votes either proportional to popular statewide vote, or winner take all within each congressional district seems a more equitable way to decide presidential elections. Compared to the present statewide winner take all system, every vote would matter more than it does now. And a state's electoral vote and popular vote would match up reasonably well.
But a closer look at both alternatives is sobering. No state has adopted proportional and few states have ever adopted the congressional district system. Neither has been popular and its not hard to understand why. In fact, the general case against any state adopting either system is quite strong. The particular case against Pennsylvania adopting it unilaterally is even stronger. Three arguments are paramount:

1. **Splitting the Electoral Vote Weakens Pennsylvania Politically** - Splitting the state's electoral vote, either by proportion or district, will be a disincentive for candidates to campaign in the state. Pennsylvania is now one of the top three state prizes, but the state would move to middle of the pack, since the prospect of winning a split decision would not justify more effort in a state where the cost of campaigning is quite high. Instead of making the state more competitive and more important in national elections, splitting the electoral vote will make Pennsylvania less competitive and less important. Presidential candidates will stay away and campaign elsewhere in competitive states with winner take all Electoral College systems.

2. **Splitting the Electoral Vote Weakens the Two Party System** - Under the existing system, third parties have been notoriously unsuccessful in translating their campaign efforts into electoral votes. Most recently Ross Perot, as a third party candidate in 1992, got 18% of the popular vote in the state but zero electoral votes. All that would change, however, if Pennsylvania adopts either a congressional district plan or a proportional plan. Either system will be a boon to third parties - that now would be competitive for electoral votes. The state will be a magnet for third parties and special interests. Minor parties will be strengthened and the major parties weakened. The net effect will be the weakening of the two party system that now plays such a critical role in establishing consensus and stability in state politics.

3. **Splitting the Electoral Vote Brings Significant Partisan Implications** - A large competitive blue state - such as Pennsylvania - dividing its electoral vote would advantage Republicans at the moment. In 2000, if Pennsylvania had used proportionality George Bush's 271 electoral vote win would have reached 280 or more, and in 2004 proportionality in Pennsylvania would have extended Bush's electoral vote to at least 296. Conversely, in a state like Colorado, the advantage would have accrued to Democrats (which is why Democrats and liberal interest groups pursued the recent initiative there). And under a district plan expect partisan majorities in state legislatures to have an additional incentive to use the congressional redistricting process to give party presidential candidates additional electoral votes. No election rule or regulation is ever neutral with respect to who wins or loses. Splitting electoral votes is certainly no exception. These arguments against proportional and congressional district voting are not unique to Pennsylvania. They apply to most other states as well, and particularly to other large competitive two party states. Nor are these arguments even the most damming. Other studies have shown that adopting proportional district plans nationally would actually increase the likelihood that the popular vote winner will not be the electoral vote winner. This is not what we want to accomplish.

But what individual states shouldn't do, Congress could do. It is at the national level where we should be talking about fixing the Electoral College. We do need a debate on presidential voting methods, and we probably need to make some changes. But, tinkering with it at the state level is not a sensible strategy. Certainly, neither proportional nor district voting looks promising even at the national level. But the Electoral College system is a national problem, and we need a national solution. Changes, if made, should be made by Congress, not state legislatures, and apply to every state - not just Pennsylvania.

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