Approximately Right
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According to an old adage, it’s better to be approximately right than exactly wrong. Certainly the present authors hope this is true. Some four years ago--during the 2000 presidential race--we managed to be approximately right, but exactly wrong.

We were among the very first in 2000 election to call attention to the looming crisis in the Electoral College. We suggested that the College might “misfire” in 2000, which we defined as producing an electoral vote winner different than the popular vote winner--hence awarding the presidency to the candidate who lost the popular vote. We were right about that, and we should have stopped there. We didn’t.

Instead, we went on to suggest that Al Gore would win the presidency (and Florida) while losing the popular vote by 250,000.

That, of course, didn’t happen. In fact, Gore won the popular vote by 500,000, but lost the Electoral College vote (by losing Florida). We were approximately right, and exactly wrong.

Well, it’s four years later and here we go again: in 2004 we believe there is an excellent chance the Electoral College is going to misfire again--but this time with a poetic irony that could reverberate across American politics for a very long time.

President Bush, who lost the popular vote in 2000, but won in the Electoral College might win the popular vote this time; perhaps comfortably, but lose the electoral vote, thereby transforming himself into ex-president Bush, and possibly plunging the nation into constitutional crisis.

This nightmare outcome --an incumbent president winning the popular vote, but ousted from office--happens under one particular scenario: Kerry wins narrowly several large states, mostly the blue ones, and Florida, depicted on the cable channels and won by Al Gore in 2000, while losing decisively in a number of smaller red states won by Bush in 2000. This would be the classic Electoral College misfire, and it awards the presidency to the Electoral College winner despite their loss of the popular vote.

Is this scenario likely? Under existing conditions, it has a chilling possibility of happening. Current polls and much expert opinion forecast an unusually close election, with a number of large states likely to be decided by relatively few votes. It’s in a close election with tight races in key large states that a repudiation of the popular vote winner is most likely to occur--exactly the kind of Electoral College map that prevails this year.

The key states in this calculation are well know “battleground” states including Pennsylvania, Ohio, Wisconsin, Minnesota, Iowa, Missouri, Oregon, Washington and Florida. The candidate who wins a majority of these states is likely to win in the Electoral College. Kerry has been ahead or close in most of these battleground states--even as Bush leads in the popular vote in national polls.
But if that does happen, will it matter? That question, when asked just four years ago, seemed absurd. Then, almost everyone expected a national crisis, and hasty efforts to amend the constitution. Well, there were some tense moments to be sure as the nation collectively held its breath though the long and agonizing Florida recount and court deliberations. And certainly there were—and are—bitter feelings left behind after George Bush was declared the winner.

But for all that, there was very little serious effort to” fix” the constitution—to amend it so that Electoral vote misfires were less likely or impossible. Most Americans accepted the results, and, despite the bitterness over the outcome, no serious effort to change the constitution or fashion a legislative remedy was undertaken.

It is deeply puzzling why this was so. And even more puzzling why there was no national dialogue about the institutional arrangements that produced an election in which most Americans voted for the loser.

And what if it happens this year, but to an incumbent president? Will we have that national dialogue then? Who can be sure? If we don’t, however, it won’t be because there are no options available to eliminate or reform the Electoral College. Assuming the public interest and political will to fix the Electoral College, there are plenty of serious proposals to do so.

More than five hundred reform proposals, most of which require amending the U.S. Constitution, have been introduced into Congress since 1797. They fall into two major categories: proposals to keep but redesign the Electoral College; and proposals to abolish and replace it with the direct election of the president.

Both of these have merit. Reasonable people will disagree whether it’s better to reform or eliminate the Electoral College; in fact, there are strong arguments to be made on both sides. Inarguable however is the conclusion that we must do something. If the College misfires, we can’t simply let things as they are. We are not going to muddle through this one.

The present system is a train wreck in the making. It worked more or less well during the first two centuries of our national life. It clearly doesn’t now. The sooner we acknowledge this, and determine what to do about it, the better for America.

Ultimately, the Electoral College is going to leave the American people with a genuine constitutional crisis. When is the only remaining question.

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