

THE REPORT
of the
National Symposium on Presidential Selection

THE CENTER FOR GOVERNMENTAL STUDIES
AT THE UNIVERSITY OF VIRGINIA

2001



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Founded in 1998 by Larry Sabato, the Center for Governmental Studies is dedicated to the proposition that government works better when politics works better. The Center is a non-partisan, public-interest institute with a three-part mission of political research, reform, and education. The Center is located in Charlottesville, Virginia, at the University founded by the same Thomas Jefferson who framed much of the American political system.

The Center bridges the gap between the theory and the reality of politics with an innovative blend of lectures, forums, scholarly research, and community outreach. These efforts seek to explore politics past and present while maintaining a decidedly practical focus on the future. The annual conferences of the Governor's Project, for example, consider the legacy of Virginia's governors to preserve some hard-learned historical lessons that may be applied today and by generations to come. Each December, the American Democracy Conference offers leading scholars, political players, journalists, and the general public an opportunity to assess the state of our democratic process. And the National Symposium Series brings together some of the most informed voices and brightest stars on the national scene to discuss a subject of particular relevance to the health of American politics.

The Youth Leadership Initiative, the Center's most ambitious program, is a comprehensive effort to bring American youth back into the political fold. Through an extensive citizenship curriculum, in-school mock campaigns and elections, and hands-on civic activities, the YLI has already begun to reinvigorate the political commitment of Virginia's young people. It has met with support at the highest levels of state and national government, and is now poised to expand its scope to include classrooms and communities across America. In all of its efforts, the Center utilizes the latest means—from C-SPAN to the Internet—so that the message of political empowerment can touch the broadest possible audience.

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TABLE OF CONTENTS



Acknowledgments	6
Introduction	7
Executive Summary	8
Nominating Process	13
Voting Process	25
Electoral College	39
Civics Education	52

Appendix:

Endnotes	61
Panelists' Biographies	65

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LETTER OF INTRODUCTION

In the summer of 2000, the senior staff and trusted advisors at the University of Virginia Center for Governmental Studies gathered to select a topic for the next installment of our annual National Symposium Series. Our deliberations yielded a subject we felt might attract some interest in the spring of 2001—the Presidential Selection Process. We had seen a mildly eventful nominating season, and were in the midst of what appeared to be a back-and-forth presidential contest between Al Gore and George W. Bush. We believed the nation might benefit from a look back at Election 2000 and an examination of ways in which we might improve the process for choosing a chief executive. At that point, we could not have imagined how the events following November 7, 2000, would impact our line of inquiry.

The primary objective of the Center is to serve the public by increasing and improving political education and participation, and our efforts help bridge the gap between academe and the real world of politics. The National Symposium on Presidential Selection brought together some of the top minds in American politics and scholarship for an open discussion of the issues at hand. In the months following the Symposium, we have expanded our findings through extensive research and analysis, and worked to produce a report that is not only practical, but thoughtful and innovative. This report is also supplemented by a website, available at www.goodpolitics.org.

Since Election 2000 and its chaotic aftermath, a great deal has been said and written about the way in which Americans elect their president. With rare exception, this discourse has been focused on or around the act of voting, while largely ignoring the larger issues surrounding our electoral process. While many good ideas have come forward, most of the discourse has been grouped around two poles. Many of the reform proposals have focused on only mundane reforms, while other suggestions stray toward the outlandish. In this report, we have sought to find a middle ground. One cannot meaningfully discuss reform without a sense of what is possible. However, any substantive debate must be open to new ideas. The Center's report seeks to launch further discussion in an atmosphere divorced from the heat of the political moment, yet not imperious to political reality.

We have focused our analysis on three major elements of the presidential selection process—the nominating process, the voting process, and the Electoral College. Our analyses range from very specific to broadly theoretical. We have looked at many of the most popular and notable reform proposals, as well as some that rarely enjoy mention. In the report, the Center cautions against moving too quickly and ignoring unintended consequences of reform proposals that can inflict more harm than good. As academic institutions are intended to do, the Center challenges policymakers and scholars to think about our system in a new light, with proposals regarding the nominating process and Electoral College that are original and thought provoking. This report also stresses the fundamental need to increase civics education on all levels, most noticeably with America's young people.

In all of the efforts and recommendations, the Center's overarching goal is to increase civic engagement and improve public confidence in the electoral process, a lofty goal that neither begins nor ends on Election Day.

Larry J. Sabato, Director, & Alex Theodoridis, Chief of Staff

EXECUTIVE SUMMARY



During the spring of 2001, the University of Virginia Center for Governmental Studies hosted the National Symposium on Presidential Selection. Over three months, the Center brought together former candidates, elected officials, political insiders, journalists, and scholars to tackle a number of issues relating to the way that the American president is chosen. Fueled by Florida's embarrassment in the wake of Election 2000, this Symposium coincided with a historic push for reform of our nation's election system. "We are going to be focusing on what is right with it, what is wrong with it, what needs to be changed, and realistically what can be changed," said Center Director Larry J. Sabato on the first night of the Symposium.

Due to a dwindling economy and the new national priorities after the September 11 terrorist attacks, the momentum of election reform has slowed significantly. Proponents must now broach the subject with new caution. The Election Reform Information Project's newly released report recognized the "one profound change in the election reform debate has been the de-emphasis of questions about President Bush's legitimacy—whether expressed or not—as a motivation for election reform." In response to the tragedies of September 11, the country has rallied behind the White House, and "discussions of the circumstances under which President Bush took office have faded."¹

Election 2000 and the zeal for reform it prompted have moved to the back burner. The Center is realistic about the prospects of lawmakers enacting swift, substantive reform. However, the primary goal of this report is to serve as the impetus for further meaningful discussion of reform in this country, whether now or in the future. Our Symposium and this report were designed to facilitate this discussion in an atmosphere removed from the politically charged atmosphere of the Florida debacle, yet mindful of the realities of the political process.

This report is not about Florida. It is true that the problems experienced in the Sunshine State have illuminated some deficiencies of the voting process, and it is important to focus on reforming the rules and regulations pertaining to ballot design, voter registration, and poll-worker training. In fact, several reports on election reform have been released since the beginning of the year and have provided numerous recommendations. However, these reports do not address the overall issue that will continue to hover over the nation in future elections. The Symposium and this report are designed to bring to the foreground the importance of looking at the big picture, beyond just the technical aspects of elections.

The Center shares the belief that our system must be improved if we are to bolster public confidence and trust in the efficacy of the political process. We also feel that any consequential discussion designed to boost confidence in our presidential elections must examine much more than just what happens on Election Day. The American people are not simply disenchanted with the way in which they cast their votes and the methods for counting them, although certain advancements clearly must be made in this regard. A recent survey by The Pew

Research Center for the People & the Press found that 55 percent of respondents believe elected officials are not trustworthy. Sixty-seven percent would not like to see their son or daughter enter public service.² Perhaps even more troubling is that a voter turnout of just over half in an election as close as 2000 was hailed as impressive. Americans do not see the political process as savory, as something of which they wish to be a part.

This report addresses the question, “How do we restore faith in the sanctity of our elections?” But more importantly, this report asks: “How can more citizens be brought into the process?” While, as Tip O’Neill often stated, “All politics is local,” the Center believes that the process of choosing a president provides an ideal venue for engaging our entire electorate. This is the one political contest calling for input from all Americans. During the Symposium and in this report, we have attempted to fuel a discussion that may lead to greater civic involvement.

Throughout this report, the Center for Governmental Studies focuses on practical solutions that will benefit the electoral system, as well as thoughtful, innovative ideas that will challenge Americans to think seriously about the entirety of the presidential selection process—from the nomination stage to the voting booth to the Electoral College, and beyond. The purpose of the report is to make this information available to lawmakers, scholars, and other interested parties when electoral reform once again takes center stage. We present ideas from all sides of the debate, whether feasible or far-fetched. Some recommendations may seem plausible in theory, but it is also important to take into consideration how our political system works. Changes that require constitutional amendments will most likely remain a theoretical discussion, and calls for high-tech voting equipment for all counties is rendered unrealistic by budgetary constraints. However, proposals that are not viable in practice are still noteworthy in our opinion, because as long as the conversation on reform continues and broadens, another Florida episode becomes less likely.

One fundamental topic omitted from this report is campaign finance reform. The way in which campaigns are funded is a dominant issue at almost every stage of the presidential selection process and throughout our political system. Its absence in a discussion of reform is conspicuous. However, there is an overwhelming, though certainly not unwarranted, amount of information and discussion on this topic. Therefore, we have decided to concentrate on the three topics at hand: the nominating process, the voting process, and the Electoral College. And, we conclude by calling for a renewed focus in this nation on civics education.

NOMINATING PROCESS

The Center believes the nominating process represents an ideal opportunity to engage the populace, drawing citizens into the system at the very beginning. However, with turnout for primaries at less than 20 percent, it is safe to say that this opportunity is being forfeited. In fact, evidence suggests many Americans are turned off by the way in which the parties choose their candidates. The results of a weekly poll conducted by Harvard University’s Shorenstein Center on the Press, Politics, and Public Policy consistently found the public complaining of campaigns being too long and feeling disenfranchised, echoing sentiments of “my vote does not count.”³ Much of this can be attributed to the effects of front-loading, as more and more states bunch their nominating contests at the start of the season in hopes of garnering greater influence. This phenomenon has seen the nomination process squeezed into a few weeks in February and March—leaving only those candidates with the financial and organizational resources to run a fast, furious (and essentially national) campaign competitive. The end result may be that the process is essentially over before it begins. The structure of the nominating calendar has made the inside baseball game decisive in presidential politics, with fundraising and early endorsements critical to suc-

cess. Public opinion polls prior to the start of the contest and isolated events like the Ames, Iowa, straw poll have become make-or-break for candidates even before the public has begun to focus on the race. Also, because of the front-loaded campaign schedule, and the lock Iowa and New Hampshire have on the first two contests, campaigns are prone to homestead in certain states for years prior to the election, creating a permanent campaign.

The Center is not necessarily concerned with the caliber and type of candidates that arise from this increasingly closed system (although this is something that the parties might consider, especially given recent attention to third-party candidates). We are far more troubled by the prospect of alienating vast pools of citizens so early in the process. It is with this in mind that the Center calls upon the parties, working with the states, to contemplate serious reform of the nominating calendar. This report examines a few of the most notable proposals for reform.

Several plans were discussed during the Symposium and in this report—including the National Primary Day Plan, the Delaware Plan, the Rotating Presidential Primary Plan, and the Regional Lottery Plan—all of which offer some strengths and weaknesses.

The Center proposes a composite plan that addresses many of the flaws in the current system. The Center's recommendation is based upon the Regional Lottery Plan, as proposed by Center Director Larry J. Sabato. Sabato's plan divides the nation into four geographic regions, each having approximately the same number of electoral votes. A few months prior to each election season, a lottery will be held to determine the order in which the regions will hold their nominating contests. This plan levels the playing field for both the states and candidates. It eliminates the problems of front-loading and reduces the opportunities for candidates to homestead in a certain state or region, ending the permanent campaign. However, this plan features one critical flaw. The mere size of the regions might prohibit the feasibility of grassroots campaigns, thus limiting the ability of dark-horse candidates to build momentum. If candidates are forced to run essentially national campaigns from the start, it may close the process even further. **To address this, the Center endorses the Regional Lottery Plan with a few modifications.** Most notably, we believe that certain small states should be eligible for a second lottery. From among these states, two will be selected to serve the Iowa/New Hampshire gatekeeper function.

- ▶ States are divided into four regions.
- ▶ States with up to a certain number of electoral votes (possibly 7) are eligible to enter the lottery for the small states.
- ▶ Two lottery-style drawings are held a few months prior to the start of the primary season—one to choose the months in which each region will hold its contests and one to select the two small states whose contests will lead off the nomination calendar.
- ▶ The two small states hold their primaries or caucuses in February.
- ▶ The states in each region hold nominating contests in March, April, May, and June, as determined by the lottery.

VOTING PROCESS

While this report seeks to expand the discourse beyond the scope of Election Day, we do fully recognize the critical importance of addressing the concerns stirred by the events surrounding Election 2000. The debacle in Florida drew attention to the shortcomings of the voting process, and cast into doubt for many voters the

basic precepts of fairness and integrity. The effort to civically engage more Americans falls fatally short if citizens lose faith in their most direct interaction with their representative democracy—voting.

In response, many state legislatures enacted new laws establishing clearer guidelines for ballot casting and counting, and numerous academic and civic organizations conducted studies and presented recommendations on election reform. The Center applauds their efforts and encourages all state and national legislators to continue exploring options to better the voting process. However, the national discussion on reforming the mechanics of the voting process has proven that more discourse is not necessarily better discourse, and more laws are not necessarily better laws.

With that in mind, the Center urges caution in election-reform legislation, and encourages lawmakers and the public to consider the various unintended consequences of any new policy. Examples of hazardous reforms include combining Election Day and Veterans Day, mandating uniform national standards, and rushing toward Internet voting.

In addition, the Center recommends several general principles for ensuring integrity in the voting process:

- ▶ Establish clear, unambiguous standards for counting and recounting votes *before* an election.
- ▶ Renew emphasis on poll-worker recruitment and training, including allowing young people and county workers to help work polls on Election Day.
- ▶ Avoid mandating uniform national election standards.
- ▶ Work to combat voter fraud with pragmatic yet non-invasive Election Day requirements.

ELECTORAL COLLEGE

The Electoral College is generally regarded as the after-thought of an election. Although there have been efforts throughout history to modify the Electoral College, the debate has usually been limited. This election threatened to once again thrust the Electoral College into the foreground of election reform. In the days following Election Day 2000, some momentum began to develop behind those who question the efficacy of the Electoral College. Senator Hillary Rodham Clinton and others quickly came forward and proposed its abolition. Had the details of Florida's vote not drawn so much attention, momentum may have built up to eliminate this institution.

Those who favor abolishing the Electoral College, such as former presidential candidates Michael Dukakis and John Anderson, argue strongly that it is a relic, an anachronism, and that it has no place in a modern democracy where the vote cast by each and every American should count, based on the principle of one person, one vote. Certainly, there is a case to be made that the Electoral College diminishes the individual voter's sense that his or her vote matters, and that it creates a system where the votes of some citizens in smaller states are disproportionately "worth" more than voters in other states.

On the other hand, those who support the Electoral College caution against tinkering with the institution because of unintended consequences that could significantly affect the nature of our political process. Darrell West told the Symposium that "when you change one institution, it changes candidate behavior, it changes patterns of media coverage, and it could even have consequences for voting behavior." Publisher Steve Forbes, former presidential contender, told the Center Symposium to "leave it alone." He says the Electoral College "forces candidates to wage a national campaign, pay more attention to local issues," and helps unify

the country. Other panelists favored the “mend it, don’t end it” approach. Chuck Todd, editor of *The Hotline*, offered the proposal to reallocate electoral votes based on congressional districts.

The Center’s examination of the Electoral College is designed to preempt any future movement to abolish or alter it. Here, more than anywhere else, we urge extreme caution. The impact of the Electoral College, at every level of our political system, is significant. This misunderstood aspect of our election system has greatly influenced the way in which campaigns are run, parties develop, and how the states interact. Perhaps most importantly, the Electoral College helps a diverse nation remain more politically unified.

The Center finds most of the proposals for either abolishing or amending the Electoral College potentially destabilizing. We believe the benefits of the current system are significant and worth preserving. Above all, it seems, the Electoral College faces a few serious public-relations challenges. People may be turned off by the notion that each citizen’s vote does not count equally, and that the eventual outcome of a presidential election can contradict the popular vote. For this reason, this report addresses some of the most common proposals for reform and suggests a few that should be considered if a significant challenge to the Electoral College ever mounts.

The most reasonable change to the Electoral College is making the electors honorary. While “faithless” electors have not presented a problem to date, there is no reason to leave the system susceptible to the whim of a few individuals, subject to personal agendas and motivation. By making this designation honorary, the parties retain the ability to offer elector status as a perk, while an enormous potential problem is eliminated.

In addition, should a serious challenge ever arise, the Center favors an **Electoral College Redistribution or Addition proposal**. The Center’s favorite “mend it, don’t end it” proposal features the distribution of additional electors to states based upon their percentage of the population. This proposal, presented by Sabato, or one like it, makes the Electoral College more reflective of the population, thus decreasing (but not eliminating) the chance that the Electoral College tally will contradict the popular vote result.

THE BIG PICTURE: CIVICS EDUCATION

The Center believes a sustained emphasis on civics education is the most critical key to solving, and preventing, many of the problems encountered in Florida and other states during Election 2000. More importantly, **we believe a renewed focus on civics education is the most effective method for countering the citizenry’s drift away from the political process. It is therefore imperative for states and local school districts to do more to educate and enlighten voters, and future voters, about their important role in the electoral process.** We believe programs such as the Youth Leadership Initiative, sponsored by the Center for Governmental Studies, will encourage civic awareness and stress the importance of civic participation to the next generation of voters.

We also believe it is critical that the focus on civics education extend beyond schools. This report calls upon federal and state elected officials, local government institutions, the news media, as well as non-profit organizations and religious institutions to make civics education a priority. If the next generation of voters were more informed and less politically apathetic, then it would most likely increase meaningful participation in the electoral process, making our democracy stronger and better.

NOMINATING PROCESS



Election 2000 illuminated certain deficiencies within our electoral system, but more importantly, it has presented a challenge to improve public satisfaction with the ways in which our nation chooses a chief executive. The process as a whole, from start to finish, has failed to engage the citizenry. In the effort to build confidence in our institutions, one must clearly look at more than just Election Day.

A significant portion of the discussion and research associated with the 2000 National Symposium on Presidential Selection was devoted to the presidential nominating calendar. This focus reflects the Center's belief that the process by which parties pick their nominees can offer an ideal opportunity to attract more citizens to the political process. However, judging from recent voter turnout, state primaries and caucuses have not been successful in mobilizing the public. Just 17.7 percent of eligible voters turned out during the primary season in 2000—an improvement over the 16.9 percent who participated in 1996, but still the second lowest percentage since 1960.¹

The Center's inquiry regarding the nominating process focuses on the issue vis-à-vis its impact on citizen involvement. There are, of course, other factors involved in the scheduling of nominating contests. The states seek to maximize their exposure while minimizing costs. And the parties aspire to best position their nominee in the general election, while not making their selection process susceptible to hijack by forces outside the party base. Through this report, however, the Center seeks to encourage the parties and states to address the broader concern of bringing more citizens into the political fold. The Center believes that the health of the electoral process certainly benefits from any movement in this direction, and the parties and the states may stand to benefit in the long run as well.

By examining the issues surrounding the nominating calendar and discussing a few of the most notable reform proposals, we hope to broaden the discourse on this critical institution.

ISSUES SURROUNDING THE CURRENT SYSTEM

1. New Hampshire and Iowa

New Hampshire and Iowa have established themselves as the permanent “poll position” occupants in the nation's presidential nominating season. Because of their “first-in-the-nation” status, these two small states consistently dominate media and candidate attention, thus giving them the power to make or break campaigns. The momentum from a win in one of these states, or more importantly, a symbolic victory as declared by the press, can help propel a candidate to the front of the horserace.

In a memorandum submitted to Republican National Committee members and delegates on the subject of the GOP's presidential primary calendar, Senator Bob Smith (R-New Hampshire) offered several key arguments in favor of keeping Iowa and New Hampshire's lock on the first contests of the nominating season. Smith reasons that there is something to be said for holding these first events in the same place every four years. For starters, he points out that reporters have valuable experience covering Iowa and New Hampshire. "They understand the processes and they are ready for them," says Smith. "They are fully prepared to cover televised debates, and they normally have substantial on-the-ground coverage to ensure that the local activities are televised on a national scale."²

Smith also contends that the residents of Iowa and New Hampshire have grown accustomed to serving as an initial filter in presidential politics. *USA Today's* Jill Lawrence, who has covered the four presidential elections since 1988, agreed with this point. "They are very committed to their gate-keeping roles and they have a lot of traditions and customs and very conscientious people who really, really know how to do this by now," Lawrence noted at the Center's Symposium. "They do take their politics very seriously in New Hampshire."³

"Iowa and New Hampshire are actually pretty good places to go," said former GOP presidential candidate and Tennessee Governor Lamar Alexander at a Center event. "You have to go somewhere to start, otherwise everyone who starts in a regional primary would have to be either rich or famous." He likened these two lead-off contests to "off-Broadway venues" in that they allow candidates to audition and build grassroots support. Alexander explains: "We have off-Broadway plays and if the plays are good, they go to New York. The problem is, nobody ever gets to New York in the system we've got."⁴

There are certainly benefits to kicking off the nominating process with two relatively small states, such as Iowa and New Hampshire. But there is also cause to question the wisdom of this arrangement cycle after cycle. No matter how well Iowa and New Hampshire perform their current presidential selection duties, many wonder why these states, and the issues facing their citizens, should receive the inordinate amount of attention they presently enjoy.



Michael Dukakis

"I spent 85 campaign days in the state of Iowa alone [in the 1988 presidential campaign]," recalled Michael Dukakis, former Democratic presidential nominee and Massachusetts Governor, at the Symposium. "Now, Iowa is a great state and I mean that. And they did very well by Mike Dukakis. But, 85 full campaign days in one state, folks, really doesn't make a hell of a lot of sense, does it?"⁵

The extraordinary attention paid to these states is further called into question when one considers their demographic composition. "They are too homogeneous," noted Craig Smith, campaign manager for Gore 2000, at the Symposium. "They don't accurately represent the American populace."⁶ Indeed, the percentage of African Americans in Iowa and New Hampshire, 2.1 and 0.7, respectively, falls short of the national average (12.3 percent). The percentage of persons below poverty also falls significantly short of the national average.⁷

2. Frontloading

Perhaps most troubling, the mystique surrounding Iowa and New Hampshire has played a role in prompting the other 48 states to follow suit. The phenomenon of front-loading, or states pushing their primary dates forward to gain national attention, poses a major challenge to the nominating calendar.

As states are left to set their own primary schedule, those states which traditionally fell towards the end of the primary schedule have pushed their dates earlier, while those states traditionally at the beginning of the calendar have pushed further forward to maintain their “first” status. Front-loading has become the proverbial dog chasing its own tail. As those at the end draw nearer to the beginning, those at the beginning will seek to further distance themselves from those drawing near.

Many states push their nominating contest further up in the calendar with the hope of increasing the role their citizens play in the process. Ironically, the aggregate effect of this impulse may achieve quite the opposite. With contests bunched together in a short period of time, candidates may actually be less able to spend a great deal of time interacting with voters. “In an effort to make their states more important, they’ve actually reduced the opportunities for candidates to campaign there or do any retail politicking,” observed former New Hampshire GOP Chairman Steve Duprey in a July 1999 *Washington Post* article.⁸

Front-loading also impacts the quantity and quality of media coverage. Kathleen E. Kendall comments on the media’s coverage of the 1996 primaries in her paper “Communication Patterns in Presidential Primaries 1912-2000: Knowing the Rules of the Game.” She writes: “On March 9, only 18 days after the New Hampshire primary, the networks began to speak as though the primary contest was over. Media coverage dropped off precipitously from March on, true to the pattern found in primaries through history: no contest-no coverage.”⁹

Front-loading also makes it less likely that media outlets will focus on issue coverage as opposed to horserace reporting—calling “winners” and “losers” one contest after another. “We don’t want to write about anything other than the horse race,” stated Vaughn Ververs of *The Hotline*. “We don’t want to talk about issues because ... that doesn’t sell newspapers. It doesn’t sell magazines. It doesn’t get TV ratings.”¹⁰

Furthermore, a front-loaded primary schedule works to the advantage of front-runners and helps consolidate their advantage. Although Iowa and New Hampshire can provide some sort of momentum to long-shot candidates, ultimately, candidates without sufficient resources to continue in bigger media markets and concentrate on larger constituencies end up dropping out of the race. “People don’t quit running for President because they are tired of it or because it is hard. People quit running for President because they can’t afford to keep the campaign going,” noted Smith.¹¹

“People are declared the winner or the loser, and when the press says you are the winner, you got money flowing into you. And when they say you are the loser, you are out of the race.”

VAUGHN VERVERS
MANAGING EDITOR OF *THE HOTLINE* TO CENTER SYMPOSIUM
MARCH 7, 2001

“Whether people think and talk about the campaign, and pay attention to news about it, is influenced by the attention that their state’s contest receives from the candidates and the media. To paraphrase Orwell, all citizens are equal, but some are more equal than others. If we want to engage Americans more fully in the nominating process, we need to design it in a way that gives residents in all states a meaningful opportunity to influence the outcome.”

THOMAS PATTERSON
CO-DIRECTOR OF THE VANISHING VOTER PROJECT, IN VVP PRESS RELEASE
JULY 13, 2000

Perhaps the most insidious and important effects of front-loading are those on the public. In Election 2000, Governor George W. Bush and Vice President Al Gore had all but locked up the Republican and Democratic nominations for president by March 7, 2000; voters in 33 states had not yet cast their primary ballots. Because the front-loading of the primary schedule locks up the nomination increasingly early, many states and millions of voters are essentially left out of the decision-making process. The perception among many of these people is that their vote does not matter. “Today, too many people in too many states have no voice in the election of our major party nominees,” said former Tennessee Senator William Brock in a *Detroit News* article. “For them,” said Brock, who chaired an advisory board charged with recommending primary reform, “the nominations are over before they have begun.”¹²

Some even argue that the decision is often made before any primary or caucus takes place. “A great many voters think it doesn’t make any difference whether they vote or not. There’s a good argument that they are correct about it because other people are making the decision,” said Alexander at a Center event. “The people who are supposed to be making virtually all the decisions on who the presidential nominees are have almost nothing to do with it.”¹³ Alexander held up a *New York Times* article from December 1999 with the pictures of four presidential candidates (Bill Bradley, Al Gore, John McCain, and George W. Bush) and said, “One could argue that the system works pretty well, that it has presented us with four individuals ... [I]t’s pretty well worked out and we can all go back to our business and we do not need to worry about the presidential race.” However, he quickly points out, “Nobody has voted yet. And it’s already all decided. There’s no vote until January by anybody.”¹⁴



Lamar Alexander

Alexander advanced his argument by citing survey work done by the Vanishing Voter Project at Harvard University’s Joan Shorenstein Center on the Press, Politics, and Public Policy, indicating that in December 1999, four out of five surveyed said they had not yet thought about the presidential race. “All of the decisions that have been made so far in producing four very good finalists have been made not by anyone voting and not even by polls of anyone who’s thought about the race,” observed Alexander.¹⁵

Among its findings, the Vanishing Voter Project concludes that reform proposals, when it comes to the nominating process, should be judged on the basis of their ability to foster:

1. A shorter campaign;
2. A nominating process that remains competitive for a longer period of time in order to give the public a greater opportunity to engage the campaign and to become informed about the candidates;
3. A briefer interval between the decisive contests and the conventions in order to help people sustain the levels of public engagement and information they had attained when the nominating campaign peaked; and
4. A system that increases the likelihood that voters in all states will have an effective voice in the selection of the nominees.¹⁶

As the sweeping nature of these rubrics indicates, it is very difficult to definitively establish the effects, especially long-term, of a proposed reform. It is usually true that drastic changes will lead to certain unintended and unexpected consequences. The Center for Governmental Studies believes that the goal of opening the process up to more participants warrants serious consideration of the various reform options despite any potential uncertainty. As Tom Sansonetti, former chairman of the RNC Rules Committee, put it while discussing reform: "Are there going to be some problems in implementing it? Of course. Nothing is easy in politics. But, if the goal is worthwhile, then it is worth pursuing."¹⁷

PROPOSED SOLUTIONS

1. National Primary Day

Under this plan, all states would hold their primary or caucus on the same day—a pre-election Election Day. The idea was introduced as early as 1913 by Woodrow Wilson but has gained little momentum. For all intents and purposes, as front-loading increases as a trend, the nation seems to be naturally moving in the direction of what amounts to a national primary. "You had 20 states in February in '96. You had 35 states in February 2000. I predict you will have 39 states in February 2004," said Sansonetti. "So, it is shifting to what is basically a national primary. It is a *de facto* national primary right now."¹⁸

This plan would almost certainly increase salience and turnout in primaries and caucuses. More Americans would believe that they had a say in choosing the candidates for president. However, it would almost certainly minimize direct contact between candidates and voters. Campaigns would be waged on the national level, primarily through paid and free media, making it virtually impossible for candidates without personal fortune or establishment backing to compete. Depending upon the specifics of implementation (such as whether inde-



Former Tennessee Governor Lamar Alexander discusses campaign finance reform with *Hotline* founder Doug Bailey and Center for Governmental Studies Director Larry J. Sabato.

pendents and swing-voters would be allowed to participate) a national primary day could keep party nominees more in line with mainstream views. Success in such a contest would provide strong evidence of electability. Party rank and file, and perhaps independent voters, would be able to exert their undiluted preferences on presidential nominees, an unsettling prospect for the party elites. Such a distribution of power could hamper the formation of core party platforms—often the hallmark of viable presidential candidates. Understandably, the parties are reluctant to discuss this sort of plan, partly because it would diffuse control over the selection of their nominee, undermining the exclusive and predictable hierarchy of conventions. An event of this magnitude would also render the conventions even more of a non-event than they are today. The last serious dialogue addressing a national presidential primary was silenced in 1970 by the Democrats' Commission of Party Structure and Delegate Selection.

2. The Delaware Plan

The Delaware Plan is the brainchild of Delaware GOP state chairman Basil Battaglia. Under the Delaware Plan, the states would be grouped into four "pods" according to population, as determined by the decennial census. The smallest thirteen states would go first, followed by the next smallest thirteen states, then the twelve medium-sized states and finally the twelve largest states.

Small states like Delaware and North Dakota hold primaries or caucuses in February or March, and the process continues until the largest states, including California, Texas, and New York, vote in May or June. States remain free to choose between a primary or a caucus and can schedule their event at any time during their appointed month. They are also free to drop back later in the nomination calendar, although they may not move forward.

The plan passed the Republican National Committee Rules Committee in early 2000 but failed at the July 2000 Republican Convention in Philadelphia. Sansonetti told the Symposium that he believes the plan has a chance to pass in time for the 2004 primaries, but success will take cooperation between the White House and the Republican Party.

The Delaware Plan boasts several advantages and addresses the problem of front-loading. Battaglia and other proponents defend the plan as the logical way to encourage voter participation and discourage front-loading, while giving small states an opportunity to play an important role in the process.

Letting the smallest states begin the contest, "allows a grassroots campaign to catch fire. The Jimmy Carter example in '76, the Gary Hart example from '84, the Eugene McCarthy example for that matter in 1968," said Sansonetti.¹⁹ This plan can help lesser known and under-funded candidates gain momentum from victories in the smaller "pods." This will also diminish, although not eliminate, the benefits of home-steading years in advance, since seven or eight states will head the pack instead of just one.



Jill Lawrence and Tom Sansonetti

“Under our current system, states are falling all over each other to have the first primary—and voters are shortchanged in the process. By early March, we know who the nominees for each party are going to be. The winners aren’t chosen by their character or their positions on issues but by their capacity to raise enough money to run intense national campaigns for a few weeks in February and March.”

JIM BENNETT
ALABAMA SECRETARY OF STATE, IN PRESS RELEASE
JULY 14, 1999

A *CBSNews.com* article notes that “Plan backers say it will preserve the ‘retail’ side of politics, keeping candidates down on the ground talking to people where they live and work, not just up on the airwaves through expensive television ads.”²⁰ It could extend the direct attention of grassroots campaigning enjoyed by citizens of Iowa and New Hampshire to the other small states in the nation.

Having several small states in which to mount grassroots campaigns gives more candidates a chance to post a win in the first pod. However, having thirteen small, geographically separate states in the first grouping makes it very difficult to wage a sizeable effort in every state. This may force candidates to choose a few markets deemed more viable, leaving other states out in the cold.

The Delaware Plan aims to lengthen the process, giving voters a chance to observe and follow the candidates through a period of three or four months instead of a quick five or six weeks. Plan supporters argue that candidates will have a chance to prove their mettle because only 9 percent of all delegates (in the GOP plan) would be chosen in the first round. This means it is likely that the eventual winner would not be decided until the later rounds, maybe even in the final round, which determines 50.5 percent of convention delegates, according to Sansonetti.²¹

Opponents argue that money will still play too large a role in the selection of a nominee for president. Even the first rounds, with relatively small states spread across the nation, may prove expensive. Candidates will have to last longer in the race, from a five- or six-week scrimmage to a three- or four-month marathon; therefore, the key to staying in the race is money. However, an extended race could help lesser-funded candidates by giving them time to build on any momentum they can muster in the small states. Often candidates drop out despite voter interest and a good early showing in the polls because there was simply not enough time to fundraise and organize for later contests. The Delaware Plan may address this time-crunch problem.

Delaware Plan proponents argue that instead of just one winner, there could be multiple winners in the Plan’s first contests. Because a win in New Hampshire or Iowa could propel a candidate’s campaign into high gear, having several New Hampshires and Iowas could elevate more dark-horse candidates in the beginning of the nominating season.

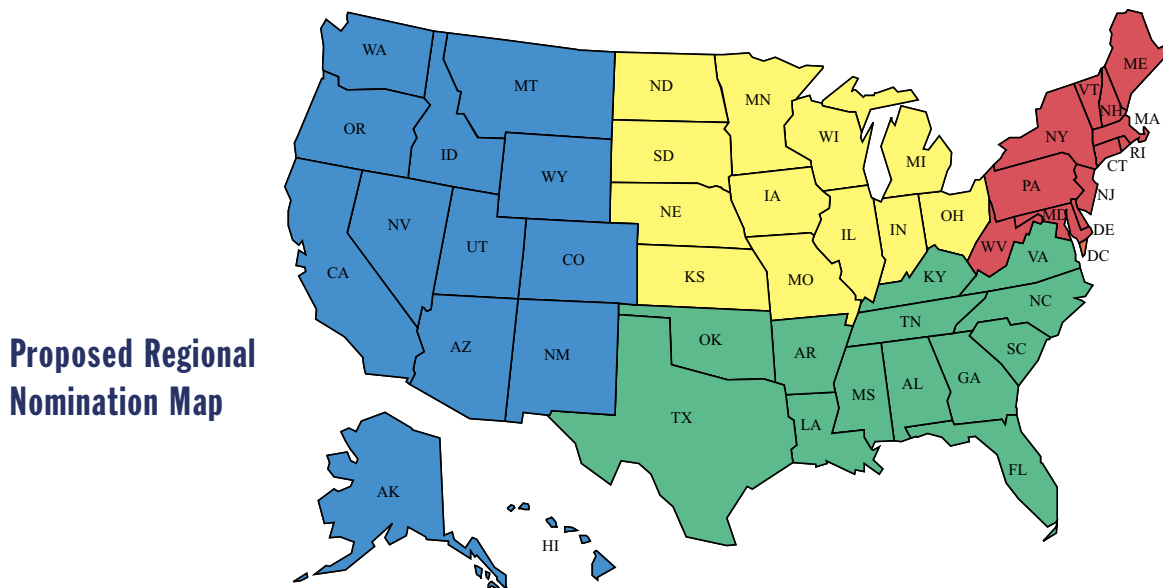
New Hampshire and Iowa presently dominate the news circuit. With the addition of ten or twelve states, the media’s attention will spread out, possibly to include candidates that would otherwise be invisible under the current system.

One of the main problems with the Delaware Plan is that it might create four mini-national campaigns. Each grouping of states is spread out across the country, making it very difficult to have a concentrated effort anywhere. This plan would likely increase the wear and tear on candidates or the media. Moreover, having more than one or two small states at the beginning of the schedule would force candidates to choose among the group for more viable markets and opt to disregard others. Thus, candidates would probably end up saturating the other states with television ads and direct mailings to compensate for the lack of personal appearances. It is already very expensive waging a media campaign in the two major media markets reaching New Hampshire—Manchester and Boston. Imagine doing so in all of the states in the first pod.

This plan may also favor east coast states as a result of the news cycle. “If you have a choice between Washington state and a smaller state on the east coast, and you can only play one of them, you are playing the one on the east coast because you can make the news cycle as opposed to the west coast,” Craig Smith told the Symposium. “If they are the same day as east coast states, east coast states are getting the attention because the news cycle moves on the east coast time as opposed to the west coast time.”²² Under the Delaware Plan, geographically disparate states could hold their primaries on the same day, such as Alaska and Delaware. Because Delaware will make the six o’clock news, it is most likely that Delaware will be considered more newsworthy.

3. Rotating Presidential Primary Plan

The National Association of Secretaries of State (NASS), comprising of chief election officials across the nation, believes the nominating system today is unworkable and is pushing to scrap the front-loaded primary calendar. In 2000, the NASS recommended the Rotating Presidential Primary Plan and suggested that it be in place before the 2004 primaries.²³ Under the proposal, the United States is divided into four regions—Northeast, Midwest, West, and South—having roughly the same number of votes in the Electoral College, based upon the 1990 census. The Northeast region (in red) has a total of 13 states and 127 electoral votes. The Midwest grouping (in yellow) has a total of 129 electoral votes in 12 states. The 13 western states (in blue) have 119 electoral votes. The South is the largest region (in green) with 163 electoral votes in 13 states.



Primaries to select national convention delegates would be grouped by region: Eastern states will hold their primaries in March, the South in April, the Midwest in May, and the West in June. Primaries in each state would be scheduled on or about the first Tuesday in March, April, May, or June, and not all states in a given region would hold their primaries on the same date. The regions would then *rotate* starting in 2008. The South moves up to first, followed by the Midwest, West, and East. But there is a critical caveat under this plan: Iowa and New Hampshire retain their leading positions in the presidential sweepstakes.

“Front-loading the presidential primary process is forcing candidates to begin campaigning earlier than ever,” said Secretary of State Joyce Hazeltine, former president of NASS and South Dakota Secretary of State. “By implementing the rotating regional primary plan, we can more clearly define the presidential campaign season and provide voters and candidates with the opportunity to focus more intently on candidates as they discuss issues relevant to each region.”²⁴

The Rotating Presidential Primary Plan shares some of the advantages of the Delaware Plan. Like the Delaware Plan, this regional plan also aims to extend the race and eliminate frontloading, therefore allowing voters the chance to observe candidates in a longer period of time and giving dark-horse candidates some opportunity to build upon momentum.

This plan also addresses some of the weaknesses in the Delaware Plan. Candidates can conduct regional campaigns, which allows them to concentrate on regional issues and possibly save money by focusing their media buys. This ability to camp out would likely reduce wear and tear on the candidates, the staff, and the media, and promote meaningful interaction between candidates and voters. Candidates will be exposed more than ever before to the concerns and complaints of regional voters. They will hear about the no-tax pledge in New Hampshire and ethanol policy in Iowa, but also about union concerns in the Great Lakes or cotton prices in the South. “They might actually get to know something about the states instead of just the airports in the states,” Sabato said of regional plans.²⁵

One issue not addressed by the Rotating Presidential Primary Plan is the propensity of candidates to homestead. For starters, this plan fails to break up the Iowa-New Hampshire monopoly. As a result, these two states will continue to set the tone for the entire race, and the candidates will continue to camp out in these states, preserving the permanent campaign. Homesteading may actually become more prevalent under such a plan. Because campaigns will know decades in advance which region will go first in any given election year, they may choose to spend even more time pandering to voters in an entire region. This predictability will likely dictate the timing of presidential bids by certain candidates, as they await a year in which the regional order benefits them. It may actually extend homesteading over several election cycles, rather than just years.

“No one benefits when states play the quadrennial game of presidential primary leapfrog. We must impose order on the process.”

BILL JONES
CALIFORNIA SECRETARY OF STATE, IN PRESS RELEASE
JULY 28, 1999

4. Regional Lottery System

During the Symposium, Center director Larry Sabato proposed the Regional Lottery System. This plan divides the United States into four regions (identical to those in the Rotating Presidential Primary Plan). States in each region hold their nominating events in successive months, beginning in March and running through June. It is similar to the Presidential Primary Plan proposed by the NASS, but there are two key differences: the order of regions holding nominating events is determined by a lottery, and there are no lead-off states.

An American Election Lottery determines the order in which the four regions will participate in the process. Run by a five-member nonpartisan part-time election lottery commission appointed by an organization such as the National Association of Secretaries of State, the new lottery could become the Powerball of politics. On a predetermined date approximately six months prior to the first contest (so as to allow the regions ample time to prepare for an election) a lottery with four colored balls representing the four regions on the color-coded primary map will be drawn, with the first region drawn going first and so on down the line.

Because it is a state-based system, each state will have the *right* to choose between a primary election and a caucus. To encourage the caucus system, which is cheaper to organize and assists in party-building, Sabato proposes that caucus states be first out of the gate—on the first of the month, followed by primaries on the fifteenth.

The Regional Lottery System also enjoys many of the same advantages as the Rotating Presidential Primary Plan, but the key to this plan is the lottery used to determine the order each region will participate in the nominating process. Because candidates are unable to know more than a few months in advance which region will lead off the calendar, homesteading is eliminated and candidates are forced to focus equally on all areas.

The lottery plan also contributes to the development of a primary campaign that retains its competitiveness while pushing the campaign itself closer to the national convention to sustain voter interest throughout the process. The lottery could also insert a degree of excitement into the nominating process. Over the long term, it gives more states, based upon the law of averages, the opportunity to be one of the first contests and have a substantial impact in candidate selection.

The nomination calendar kicks off in March and continues until June under this plan, giving the voters and candidates breathing room and reversing the trend toward front-loaded contests. “The American people might like it. It might reduce costs. It certainly would reduce wear and tear. It makes more sense to most people. It encourages focus on regional issues. And it certainly shortens the permanent campaign,” argued Sabato.²⁶

While Sabato’s plan does address some flaws of the NASS plan, it does not deal with the fact that regional events may approach the scope of a national campaign and force an over-reliance on the media to commu-



Larry Sabato

nicate with the public. The four regions are still very large areas, which would likely favor candidates with a large amount of money or outstanding name recognition at the very beginning of the campaign. Also, because candidates will not know until very late which region will go first, they may be forced to begin national campaigns years in advance.

REFORM RECOMMENDATIONS

The Center Advocates Sabato's Regional Lottery System, but With a Few Significant Twists

First, the Center does not believe that the comparative advantages of caucuses or primaries warrant creating a scheduling incentive favoring one over the other. The parties and states should determine their own priorities in this regard.

Secondly, the Center wishes to enhance Sabato's original proposal with an addition suggested by Craig Smith during the Symposium. Smith recommended creating a second lottery to pick two small states to begin the contest, as Iowa and New Hampshire do now. Under this composite plan, the months prior to the nominating contests would feature an initial lottery to determine assigned months for the regional primaries and a second lottery to pick from among the smallest states, for two lead-off contests to be held in February. The choice between holding a primary and a caucus will be left to the two states picked in the lottery. This lottery would include all states and the District of Columbia with electoral votes no greater than a predetermined number—for example, seven—but it would not include island territories.²⁷ While we are not particularly wedded to this number, it does make nearly half of the states eligible in 2004 and 2008 and allows both Iowa (7) and New Hampshire (4) the possibility of being selected. The Center believes this proposal provides an alternative to front-loading and injects greater excitement and variety into the nominating process by way of a lottery. It also incorporates most of the goals for reform without creating a new set of problems or simply transferring the problems of the current system to a new location. Most importantly, the Center believes that this sort of system will increase the total number of citizens participating meaningfully in the nominating process.

The Challenge of Change

As a general point, the Center calls upon the parties and the states to work together in seeking solutions to the diminishing involvement of voters in the nominating process. The Center believes parties and states should bear much of the responsibility in utilizing the nominating process to encourage and promote voter participation in the political process. It is our hope that the discussions of the Symposium and this report serve to encourage this sort of leadership.

Given the difference of opinion between large and small states, plus the unpredictability of population shifts, dividing the map into regions suitable for all states will be a daunting task. Moreover, trying to effect change in all fifty states will be challenging. This requires coordinating party policy with state laws, both of which tend to become mired in political jockeying.

States will have mixed reactions to any reform proposals. Large and small states have conflicting interests that will most likely cause gridlock in any reform action. Iowa and New Hampshire will not welcome reform with open arms if their status would be diminished in any way. "Each state needs to work together to place our

national interest ahead of individual state interests so we can resolve the crisis that has evolved in the presidential nomination process,” said Massachusetts Secretary of the Commonwealth Bill Galvin, chair of the NASS Committee on Presidential Primaries.²⁸

The Republican and Democratic parties are also hesitant to enact drastic change. Any reform effort will require cooperation between the parties. One party is unlikely to move without the other, for fear of creating a strategic disadvantage for its candidate. Furthermore, the parties have to balance competing objectives: the interests of the party and the interest of the general public. Parties only wield influence and power when their candidates are elected. They do not get anything for a good effort. Therefore it is not necessarily in the interest of the party to extend the nominating process. However, the burden of increasing accessibility to the process and encouraging voter participation has more and more fallen on the shoulders of the parties. Energizing voters through party-sponsored activities and mobilizing voters to the polls are inevitably in the interest of the parties. This would allow parties to create stronger bases and wider support. Yet, it is questionable whether parties will bare the opportunity costs of extending the nominating process. This directly translates into giving up some control of the party’s nominee. But for the good of the republic, parties should take a step back and re-examine their role in promoting the health of our democracy.

VOTING PROCESS



“The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.”

CHIEF JUSTICE EARL WARREN, *REYNOLDS v. SIMS*, 1964

INTRODUCTION

The most vivid memories of Election 2000 are not of the presidential candidates shaking hands on the campaign trail. They are not of the contestants delivering speeches on the stump, nor are they of victory night celebrations. More than anything, the 2000 presidential election will be remembered for its chaotic aftermath—glib lawyers arguing cases in court, angered African Americans protesting alleged disenfranchisement, confused election officials arguing over the validity of a vote based on a dimple on a punch-card ballot. These enduring images are reflective of fundamental questions raised by the election about the way in which votes are counted on (and after) Election Day.

Officially in Florida, George W. Bush defeated Al Gore by a mere 537 votes, the certified result by Florida’s GOP Secretary of State Katherine Harris. In the end, however, a true verifiable Florida vote count may never be established, though many news organizations have tried. One study by the *Miami Herald*, *USA Today*, and Knight Ridder of more than 176,000 Florida ballots rejected by counting machines found that the “agonizingly tight 2000 presidential election still ends in a virtual tie,” depending “on how you count the ballots.”¹ A ten-month investigation involving the *New York Times*, *Washington Post*, *Chicago Tribune*, *Wall Street Journal*, CNN, Associated Press, *St. Petersburg Times*, and *Palm Beach Post* was scheduled to be published in mid-September but was delayed after the events of September 11. According to this study, which was published in November 2001, George W. Bush “still would have won Florida and the presidency last year if either of two limited recounts had been completed.” The study showed that Bush would have held his lead over Al Gore, “with margins ranging from 225 to 493 votes, depending on the standard.”²

Overall, an estimated 2 million of the 100 million votes cast nationwide on Election Day 2000 were never counted for a variety of reasons, from machine malfunction to voter error.³ In an election where a handful of votes in several states, including New Mexico, Florida, and New Hampshire, could have changed the course of history, it is hard to accept that so many voters of a variety of political stripes lost or forfeited their political voice.

Election 2000 has left little doubt as to whether our voting process is in need of reform—the question is how to proceed. The Center for Governmental Studies believes that while efforts to improve the accuracy and

accessibility of the voting process are necessary, it is also important to keep in mind that the main goal of any reform effort should be targeted at rejuvenating the public's confidence in our political process. Election 2000 has undermined the confidence of the American people in the way votes are counted and, more importantly, the way the political process works.

Legislation aimed at streamlining registration (such as the Motor Voter Act) or ease of voting (such as absentee ballots) have not had a significant impact on increasing voter participation. Since the 1960 presidential election, voter turnout has declined steadily from 63.1 percent to the 1996 low of 49.1 percent. Turnout rebounded slightly in 2000 to 51.3 percent, but the rate is still extremely disappointing.⁴ The underlying issue is that Americans have lost faith in the process and do not believe their votes matter. The Center on Public Attitudes has shown a decline in the public's trust in the government from 1964 to 1997. Seventy-five percent of people surveyed in its study "Expecting More Say" believed that "the government is pretty much run by a few interests looking out for themselves."⁵

The House Judiciary Committee recently released their report, "How To Make Over One Million Votes Disappear: Electoral Sleight of Hand in the 2000 Presidential Election," and found serious flaws in the election systems of a majority of states. The investigation into the irregularities of Election 2000

"can leave no doubt that serious deficiencies exist in the conduct of elections of virtually every state and that these deficiencies block voters from exercising their constitutionally protected right to vote. What this investigation uncovered was that Florida is just the tip of the iceberg. Lying underneath the water are dozens of states which could find themselves unable to determine the victor of a close election. If any of these states were decisive in a presidential election, our nation could once again find its electoral system thrown into chaos and, in turn, public confidence in democracy would—once again—be seriously undermined."⁶

The thought of another state repeating the chaos in Florida initially sent Congress and state legislatures into reform mode. There are numerous bills in the House and Senate to address different aspects of how elections are run. A select committee in the U.S. House to find ways to combat problems with the fairness and accuracy of elections never got off the ground after talks between Speaker Dennis Hastert (R-Illinois) and



Trevor Potter, George Terwilliger, Ronald Klain, Doug Lewis, and Robert Montjoy

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Minority Leader Richard Gephardt (D-Missouri) collapsed this spring into partisan bickering. As time goes on, the reform momentum has decelerated, and the political climate favoring election reform has also changed, especially in light of the increasing emphasis on domestic security and the war in Afghanistan. Election reform bills have been set aside, and efforts to revive the bills and move them through the legislature are stagnating on Democratic and Republican party lines. Every proposal will have a tangible impact on which party will likely receive more votes, so the battle over reform continues to be politically charged and quite divisive.

The state at the center of the storm, Florida, led the way and tried to save face from the humiliating chaos of November 2000. After hearing authoritative testimony and thirty-five recommendations from a twenty-one-member Elections Task Force, the Florida legislature quickly implemented \$32 million in sweeping election reforms in time for the 2002 elections for Governor and other offices. Many of the extensive amendments to the voting process passed by the Florida legislature and signed into law by Governor Jeb Bush on May 9, 2001, can be viewed as models of reform for the nation. Among other things, the Florida law:

- ▶ Outlaws the controversial "butterfly" ballot, replacing it with a statewide uniform ballot that, in Governor Bush's words, will be "unambiguous." The infamous "butterfly" listed candidate names on the right and left and contained a column for voters to punch down the middle. According to the Gore campaign, some Florida voters punched Gore, but were unsure how the ballot worked, so they wrote in Gore as well. Those ballots stayed uncounted. A study by the *Palm Beach Post* found that "new voters did not have a harder time" with the butterfly ballot, but precincts "with high minority and elderly populations" had high rates of error.⁷
- ▶ Allows for provisional ballots, permitting a voter to cast a ballot if eligibility is in question.
- ▶ Allocates \$6 million to Florida counties to conduct poll-worker recruitment and training and voter-education initiatives.
- ▶ Requires the state's Secretary of State to devise new rules to determine voter intent, as well as create uniform recount provisions and a statewide voter-registration database. The U.S. Supreme Court decision in the Florida recount could affect at least half the states, where there are no specific standards on recounting contested elections. In some states, recount procedure merely requires a "clear indication of voter intent" and nothing more. The most widely used standard requires two corners of the "chad" to be detached. The strictest standard would throw out a vote if a punch is not completely clean.

Other states have jumped on the election-reform bandwagon with legislation that will help reduce Election Day problems with voting technology, registration, fraud, and vote counting and recounting. According to the National Conference of State Legislatures, more than 1,700 election reform bills or studies have been introduced so far this year in legislatures across the country, and more than 250 have been signed into law.⁸

Most bills focus on distinct, yet interrelated facets of the electoral system, including

- ▶ Absentee voting;
- ▶ Ballot design;
- ▶ Modernizing voting equipment;
- ▶ Vote count and recount standards;
- ▶ Poll-worker training and pay;
- ▶ Requiring voter identification; and
- ▶ Alternative voting methods.

Examples of positive steps toward voting reform can be found throughout the United States as state legislatures work to improve their laws and fill in gaps in their statutes. In addition to these bills, numerous commissions, reports, and proposals by organizations across the country have sought generally to improve the way that ballots are both cast and counted. Reports by the Election Center, CalTech and MIT, the National Commission on Federal Election Reform, and the Constitution Project have utilized the best minds in politics, law, and technology, and they have proposed a variety of reforms. Some reports focus very narrowly on singular topics such as the technological advantages of particular balloting machines, while others are more ecumenical and suggest numerous changes that would in theory improve fairness and confidence in the voting process.

ISSUES AND PROBLEMS

The Center for Governmental Studies supports many of the recommendations espoused by various reform reports and commissions, yet our focus in this report is not to push specific suggestions on improving the mechanics of elections. Instead, the Center wishes to raise public awareness of potential benefits and pitfalls of reform efforts, and also encourage policymakers to address specific issues that will boost public confidence in our voting process. This section will briefly discuss five of the most pressing problems that face the voting process and the efforts for reform.

1. Ambiguous Election Rules and Standards for Vote Counts and Recounts

The Florida debacle would have been solved faster had there been consistent, statewide regulations that were less open to legal interpretation for the counting and recounting of ballots from all the state's 4,500 precincts. Trevor Potter, former chairman of the Federal Election Commission, assessed the 2000 dispute bluntly when he told the Center's National Symposium on Presidential Selection that "there were some real gaps in the Florida [election] statutes, and the laws that they had in place made this as bad as it was."⁹

Ronald Klain, general counsel to the Gore campaign and a central figure on the Gore recount team in Florida, could not believe that "all 67 counties in Florida were handled differently. [Overvote] ballots ... were counted in some places as votes and not counted in other places as votes. ... You had a plethora of processes ... well-intentioned efforts to make this system work ... all wound up with a multiplicity of results."¹⁰ Bush legal advisor George Terwilliger argued that elections administrators and judges were making up the rules as they went along because Florida's "will of the voter" standard for determining what counts as a vote was flawed and open to interpretation.¹¹

2. Poor Pay and Training for Poll Workers

Elections are undoubtedly a complex enterprise. But as shown by the errors in Florida, many state, county, and federal officials recognize that ensuring every citizen's right to vote has lost out to other more pressing political and economic concerns. During the 2000 election in Florida "we heard an awful lot about long lines at polls. Voter officials being harried, being unable to give people advice because they didn't know the answer," said Potter at the Symposium. "And if you look behind that, you are going to find very dedicated poll officials who are understaffed, underpaid, and in some cases undereducated about the specifics of the law."¹² Most election registrars in Florida last year, according to Potter, had no idea the six-year-old federal Motor Voter Act (which allows voters in 44 states to register while renewing a driver's license) allowed voters to cast a "challenged" ballot (which can be counted later if the voter can prove his or her identity) if they are not on the registration list. "You can't do it," Potter said, "if you have a huge line going out the door and you are feeling under time pressure."¹³

Professor Robert Montjoy of Auburn University stated at the Center's Symposium that "we desperately need to help professionalize and improve the pay and education of this group of dedicated people so that they are able to deal with all problems in the future."¹⁴ Klain tells of how two northern Florida counties, next-door neighbors, both using optical-scan ballots instead of punch cards, provided very different results during the recount battle. "In Gadsden County," Klain told the Symposium, "over 2,000 votes out of 18,000 cast weren't tabulated, about one in eight. In Leon County (which includes Tallahassee), 150 votes out of 103,000 weren't tabulated, about one in 680."¹⁵ What accounts for the difference? According to Klain, a dedicated election administrator in Leon County, Ion Sancho, devoted significant time and energy into putting together voter-education programs and ensuring the proper technology was in place so the contest in his county was as well-run as possible.

Nevertheless, poll workers continue to lag far behind other segments of the democratic system in pay and training. Precincts throughout the country have had trouble recruiting younger officers, so the majority of poll workers remain older, retired citizens with high levels of civic participation. The pay of full-time elections administrators lags far behind workers with similar skills in the private sector, and election administrators make even less in rural counties. Despite the long hours, poll workers in the poorest counties in the country earn \$75-\$95 on Election Day, often less than minimum wage.¹⁶ In addition, many counties, short of funds, prohibit allowing election workers to travel out of state for training programs, further exacerbating the problem.

3. Technological Problems

U.S. citizens can generally trust and use ATM machines, the Internet, cell phones, and other devices with relative accuracy and security. But outdated, substandard voting-machine technology can instantly take away their franchise and greatly reduce their confidence in our democratic process. While it is important that citizens and legislators realize that technology is not the only cure for the diseases infecting the voting system today, technological solutions are likely the first, most immediate defense to maintaining the integrity and fairness of elections nationwide.

One study by Congressman Henry Waxman (D-California) of Election 2000 in Detroit showed that the number of invalidated ballots dropped by almost two-thirds after the city, with one of the nation's highest pover-

Election 2000 has undermined the confidence of the American people in the way votes are counted and, more importantly, the way the political process works.

ty rates, changed from punch card systems to optical-scan systems (such as inking a circle on a standardized test) that detect errors and allow an immediate re-vote.¹⁷ The study documents how a change to newer technology can affect election results. Punch cards were used in 1996, and Detroit experienced a 3.1 percent error rate in voting. That fell to 1.1 percent with optical scan in 2000.

Maryland's Secretary of State John T. Willis made these observations before the U.S. Senate Governmental Affairs Committee in May: "Despite the size and scope of election activity, and the important consequences for citizens, the infrastructure for the administration of elections lags far behind the support systems for routine personal, commercial, governmental, and social interaction in our nation and respective states. U.S. citizens with a high degree of confidence and satisfaction conduct billions of transactions utilizing modern technology every day. Citizen-voters should have the same level of confidence ... to exercise the most fundamental right—the right to vote."¹⁸

The need to upgrade outdated voting machines is tempered somewhat by the burden on voters to learn to use new, potentially complicated voting machinery. "Voter education certainly came into the full in this election, and that was not something that we really knew about before. The fact that voters simply do not know how to vote in the voting booth ... this is something that we are going to have to find a way to do in three minutes or less inside the polling place without calling attention to the fact that the voter doesn't know what he or she is doing. We are going to have to make it so that they do not have to embarrass themselves to participate in this process," said Doug Lewis, executive director of the Election Center.¹⁹ Senator Tom Harkin (Iowa) could relate to this on a personal level. He recounted his Election Day experience in a *Washington Post* article: "There were blinking lights, push buttons, a roll-up page, then more blinking lights ... and more roll-ups," he said. Neither he nor his daughter knew how to operate the unfamiliar machine. "I was too embarrassed to ask," Harkin said, and his daughter had to go to an election official for instructions.²⁰

4. Voter Fraud

The American electoral system today, according to University of Virginia professor and director of the Center for Governmental Studies Larry Sabato, is a trade-off. "To the extent that we keep expanding the participation rate and make it easier and easier for people to register and vote," Sabato told the Senate Governmental Affairs Committee, "we almost certainly increase the chances for voter fraud."²¹ Finding a balance between these two objectives is essential to maintaining a fair and free democracy.

Fraud was detected in twenty-five of sixty-seven Florida counties in the November 2000 deadlock, as more than 2,000 illegal ballots were cast by Florida residents in Election 2000.²² Poll workers, busy with a hectic turnaround, probably never checked their names against the voter registration rolls.

In Wisconsin, where the Bush-Gore contest was especially close, at least 361 felons voted illegally, according to the *Milwaukee Journal Sentinel*.²³ Irregularities in St. Louis were also egregious by many accounts. Missouri Senator Kit Bond (R) worries that his hometown may become a laughingstock because of voter fraud. The Senator told colleagues at an election-reform hearing that “dead people and dogs registered by mail,” and about “fake people registering ... [and] addresses which are vacant lots.”²⁴ The voter rolls were so “clogged with incorrect or fraudulent data” that legal voters are shortchanged. The Missouri Secretary of State also found that one of ten voters registered in St. Louis is also registered elsewhere in the state—about 24,000 people. According to Senator Bond, the most glaring example of St. Louis’ broken registration and sloppy voter rolls is the fact that the city has more voters on its voter rolls than the voting age population of the city.²⁵

Florida, Wisconsin, and Missouri are just a few of many states reporting fraud on Election Day. Such activity likely repeated itself in state after state. Sabato’s strong suspicion, he told the Senate committee, is that “some degree of vote fraud can be found almost everywhere, and serious outbreaks can and do occur in every region of the country.”²⁶

5. Unintended Consequences

As dialogue over election reform continues, more and more ideas are brought to the table and compromise solutions are often reached. While it is important that this discussion continue and that innovative methods are sought to improve our system, the Center believes it is important to keep in mind that ideas that initially sound good can have harmful unintended consequences. The rush to reform needs to be considered deeply by legislators and policymakers, and quick fixes should not be substitutes for meaningful solutions.

SOLUTIONS

States may find a variety of ways to address these problems. There are numerous proposals and task-force recommendations available and waiting for enactment. The Center for Governmental Studies advocates several attractive, commonsense suggestions that legislators should keep in mind while attempting to confront these problems. In addition, we also recommend a few safeguards that will help citizens and legislators better ensure the fairness and integrity of the voting process.

“To the extent that we keep expanding the participation rate and make it easier and easier for people to register and vote, we almost certainly increase the chances for voter fraud.”

LARRY J. SABATO
DIRECTOR OF THE CENTER FOR GOVERNMENTAL STUDIES,
TO SENATE GOVERNMENTAL AFFAIRS COMMITTEE
MAY 3, 2001

1. Establish Clear, Unambiguous Rules Before an Election

In 2000, local election officials and lawmakers in Florida could not have imagined such a multi-county recount fight over the state's twenty-five electoral votes. "There wasn't a statewide system for dealing with this," stated Potter. "The laws were written with the assumption that if you had a close election, it was going to be for Sheriff or County Commissioner or something within a single judicial unit."²⁷ To prevent a repeat of the down-to-the-wire 2000 challenge, states should establish clear and unambiguous rules prior to an election so that a recount is essentially put on autopilot in a close, contested election.

With images of election officials holding disputed ballots fresh in his mind, Terwilliger recommended that discretion of judges and officials in recounts be avoided at all costs. "It is fundamentally inconsistent with the privacy and objectivity of voting," Terwilliger told the Symposium, "to entrust anybody, whether it is a judge, a local election official, or Mother Teresa for that matter, to take this thing [a ballot] and hold it up to the light and decide, 'Well I think they intended to vote for Bush.' That is not what elections are supposed to be about. ... We need statewide reasonable standards for what counts as a validly cast vote and what doesn't."²⁸ However, one should keep in mind, as pointed out by Klain, that humans are fallible as a matter of course, and the input of judges is sometimes necessary to make tough calls when an election margin is razor thin. In these cases, one judge would likely make the same ruling as the next if clear rules and regulations were in place.

2. Emphasize Poll-Worker Recruitment and Training

States are confronted with a persistent challenge to find and maintain a strong, enthusiastic pool of election workers who will return to election work year after year. The hours remain long (usually a fourteen-hour day), and in addition, the duties of poll workers have increased, as has the complexity of the voting process. It takes time and money to find and train election workers, and most counties are running short of both in the elections process.

Lewis addressed the problem well when he told Congress in May 2001 that "whether you measure by population growth; or by the increasing complexity of laws and rules affecting elections; or by comparisons of functions and staff with other governmental units; or just by the enormity of the task, our elections offices have remained understaffed and under-funded in most of America."²⁹

In Florida this year, the fifth recommendation of the state's Elections Task Force to state leaders was to recruit more qualified poll workers after it was found that many poll workers were on duty for the first time with minimal training. Florida's Collins Center for Public Policy found that one county, Hillsborough, had to hire 1,200 new poll workers just for the 2000 race. According to the report, the average poll worker in that county is sixty-seven years old, receives three hours of training, and works for fifteen to sixteen hours on Election Day.³⁰ Naturally, turnover is becoming increasingly high from election to election, and mistakes are common in Florida and in other states. Voters trust that election officials will be informed and able to answer their questions. In addition, the longer it takes poll workers to close a precinct on election night, the longer it takes to certify an election, whether it be for a county position or for president.

The Center believes there are several ways to expand the pool of qualified workers:

- ▶ **High school/college students can be enlisted as part of a community service drive.** In 1994,

Yolo County, California, (in the Sacramento area) recruited eighteen-year-old high school seniors who were registered to vote to staff polling places. According to the California State Association of Counties, the project “provides hands-on, real-world experience in the election process to high school seniors; and provides visible role models of high school voter participation for other high school students in the county.”³¹ The polling places run by the students in Yolo County ranked among the best run and most efficient in the county.³² One of the provisions in the Help America Vote Act of 2001, introduced in the House in November 2001 and sponsored by House Administration Committee chairman Robert Ney (R-Ohio) and ranking member Steny Hoyer (D-Maryland), “would encourage college and high school students to assist state and local governments in the administration of elections by serving as nonpartisan poll workers.”³³

- ▶ **Recruit state and county employees to work the polls with a paid day off.** Assigning state and county workers to polling places would be an effective way to staff the polls. One example of this program took place in Santa Cruz, California, in 1998, a locality that was facing such severe shortages of poll workers that it was considering closing some voting precincts in previous elections. This program allowed county organizations to reassign a number of employees to work for the Elections Department on Election Day. In total, more than sixty workers were either reassigned or took a paid vacation day to work the polls. According to the report issued by the county clerk, the biggest benefit to having county employees is that they “can be relied upon to be efficient and helpful to the voters ... [T]hey are experienced in handling complex legal procedures and dealing with a broad customer base.”³⁴ While the costs of paying county workers their regular salary to work the polls is substantial, they are offset to a certain degree by not having to hire as many additional poll workers, and by the guarantee that there will be enough workers available to operate the polls efficiently and professionally.
- ▶ **Recruit businesses and/or churches to provide poll workers.** In 1998, the Board of Election Commissioners in Kansas City, Missouri, began a “Making Voting Popular” campaign that resulted in hundreds of new poll workers at miniscule cost to taxpayers.³⁵ The city asked businesses to give workers a paid day off, when possible, to help run local elections at the precinct level, or to encourage employees to take a paid day off to serve as Election Day workers. Similarly, civic organizations are invited by the city to work the polls, too, and donate their Election Day pay to their civic group or charity. Other counties could do well by following the example of Kansas City.

Once the poll workers have been recruited, the pre-Election Day training should be improved in many localities. Minnesota can be considered a “best practices” model for the nation. The state mandates training for both local election administrators and precinct officials, including a comprehensive set of training manuals and videos customized for county auditors, city clerks, township clerks, school districts, election judges, and poll workers. The state also offers redistricting training and an election-judge trainee program for sixteen and seventeen year olds. Implemented in other states, this program could go a long way to alleviate the problem of recruiting, training, and keeping poll workers.

3. Recognize that One Size Does Not Fit All

One important thing to remember is that what works in one state will not always work in another. States are cautioned not to overreact and follow the lead of neighbors without careful study and deliberation. For

instance, almost a dozen states want to replace punch cards with more advanced machinery. Yet, experts are divided on the accuracy of newer technology. Voting machines are extremely expensive to replace and require significant capital budgeting when localities may be strapped in an economic downturn. Poorer, rural counties may find it too costly to replace paper ballots or punch cards without funding from the state or federal governments. Moreover, evidence from Election 2000 suggests that the problem is not necessarily the type of voting machine used, but that voters did not know how to use the machines correctly.

Lewis said in the Symposium that most articles written after the election claimed punch cards were primarily responsible for uncounted votes. Lewis revealed, however, that “central-count optical scans had higher voter errors than punch cards.”³⁶ It is true that voter intent, says Lewis, can be more easily determined on optical-scan ballots tabulated at a central location. Still, optical-scan voting is not a cure-all. The reality, experts say, is much different from the myth of infallibility. Miami-Dade Elections Supervisor David Leahy told the *Miami Herald* that using the machines does not solve the problem. Optical scan may be “more user-friendly than punch cards, but voters can still make errors in the way they mark their ballots, and the machines will not count those votes.”³⁷

Another area where flexibility is required is voter registration. Voter-registration systems are different in every state, and mandated reform to make each system identical is neither financially nor logistically possible. What is important is not that all fifty states have the same system, but that each state has an integrated system. Networking all of its local voter registries into one integrated statewide list will increase the states “efficiency and effectiveness in adding new voters, updating the records ... and deleting outdated or inaccurate records,” stated the Common Cause report “Not Making the Grade: An Election Reform Report Card.”³⁸ A searchable statewide record (requiring computers at each precinct) will also help states reduce voter fraud while at the same time assure that voters who are registered be allowed to vote. Having this integrated list accessible at each precinct would also allow voters who show up at the wrong location to be more easily redirected.

Also of concern is the possibility that Congress would pass federal mandates that would essentially create a national election code. Once again, it is important to keep in mind that each state has different needs, and solutions are not “one size fits all.” However, it does not mean Congress should completely refrain from election reform. Congress has long deferred to the states to administer and regulate elections, but the federal government does have an integral role in ensuring the integrity and accuracy of the voting process. “Voting is a civil right, and the federal government has traditionally taken the lead in ensuring that every eligible voter in every state has the right to cast a ballot and have that vote counted.”³⁹ Lawmakers on Capitol Hill will have to balance the need to guide the reform process and provide adequate funding with the historic deference to the states on matters of voting and elections.

4. Work to Combat Voter Fraud

Fortunately, the majority of elections in the United States are conducted with problems few and far between. Lewis believes most elections are fair to the voters and that, in 2000, 98.5 percent of elections went well.⁴⁰ Yet voter fraud and corruption are a persistent cancer that can trace its roots to the founding of the Republic. “Fraud didn’t just appear during the 2000 presidential election,” Sabato told a Senate committee in May 2001.⁴¹ The sanctity of the democratic process has been stained by numerous examples, including absentee-ballot fraud in Alabama and Philadelphia, phony registrations in California, illegal votes in New Jersey, and stolen votes in Texas.

Potter told the Center’s Symposium that he supports “requiring ID at the polls, which is controversial, so that at least people know you are who you say you are.”⁴² Terwilliger agrees that a computerized registry would also help overworked elections registrars keep tabs on voter whereabouts. “Widespread fraud in a presidential election would be a national crisis ... At least showing identification [should be required] ... (and) if the populace were willing to accept it, we could right now use biometric identification—an iris, a fingerprint, a voice print—to prove that somebody who arrived at the poll ... is who they claim to be.” Terwilliger concluded, “There is a political process that we are going to have to go through to decide how much we are willing to [do to] avoid fraud.”⁴³

Other recommendations stemming from the Symposium and the Center’s research are listed below:

- ▶ Photo identification, including a driver’s license, is a pragmatic, simple first start to fighting voter fraud.
- ▶ Use a number unique to each citizen—a social security number or driver’s license number—to be pre-recorded on the voting rolls and then used by precinct workers on Election Day to determine the correct identity of the voter.
- ▶ Place a signature on the voting rolls to be compared to the signature on the registration form to make sure there’s a match.
- ▶ Warnings should also be given or posted in writing to the voters about the penalties for election fraud. The right to vote is diluted every time a fraudulent ballot is counted as real. There is a way to fight voter fraud and keep the privacy and sanctity of every citizen’s right to vote.
- ▶ In Motor-Voter states, motor vehicle departments should expeditiously forward registration materials to elections officials. States could also cross-reference vehicle and voter registration forms by computer. The Federal Election Commission found that twenty-three of forty-four states subject to the National Voter Registration Act reported problems with the system. “Some of the states reported voters saying they had registered at the DMV, but come Election Day, they were not on the rolls, so there was a breakdown.”⁴⁴

It is important that measures be taken to safeguard the right of those eligible to vote while respecting and protecting the honesty and reliability of our electoral process.

5. Caution and Forethought

While each of the reports and associations mentioned throughout should be saluted for recommending necessary changes and challenging citizens and public officials alike to examine the integrity of the voting process, we should again remain cautious of rushing reform efforts and not reflecting on the hazardous unintended consequences of each proposal. The Center for Governmental Studies supports many of the specific suggestions made by the various commissions, but we are also very concerned about the ramifications of some of the more divisive propositions. Below, several hot-button election-reform topics that at first sight may seem like good ideas are discussed. The Center argues that these “solutions” would actually be unlikely to solve our current election woes, or worse, they might create more problems.

- ▶ **Avoid combining Veterans Day and Election Day into one national holiday**—One such example of a proposal with both clearly foreseeable problems, as well as likely unintended consequences, is the appeal to combine Election Day and Veterans Day into one national holiday.

Proponents argue that merging the two would increase turnout because citizens with a day off would have fewer obstacles and more time to go to polls. Some would also argue that having elections on Veterans Day would be an ideal way to celebrate the valiant sacrifices that veterans have made to secure our democracy. Many veterans, however, strongly disagree. Former senator, presidential nominee, and decorated WWII veteran Bob Dole wrote, "Under no circumstances should Veterans Day be hijacked for national elections."⁴⁵ Dole argues further that uniting the two days would be offensive because "every two years, the nation's focus on November 11 will be on projections not remembrances, on political conflicts not military conflicts, and on candidates not veterans. Cameras will film the president voting rather than laying a wreath at Arlington Cemetery."⁴⁶

In addition to the loud objections voiced by veteran groups, making Election Day a national holiday would likely have unintended consequences that should be fully examined. First, there is very little indication that this reform would have any substantial impact on voter turnout. In fact, it is very likely that Election Day would evolve into a four-day weekend, with many Americans taking off from work on Monday and leaving town or doing other vacation activities. It is even conceivable that this could lower turnout, especially if people choose to travel on that day.

- ▶ **Avoid using federal money as incentive for states to enact mandated electoral reform**—As mentioned earlier, another proposed measure that is gaining momentum among some legislators is making federal money for election reform available for states that meet federal mandates. This is problematic in the sense that elections are a state-supervised activity, each having its own set of rules and regulations. Mandated solutions therefore should not be "one size fits all." Imposing uniform standards will also curb creativity in the search for innovative solutions. The classic "stick and carrot" method would undermine federalism and impinge on states' sovereignty if the federal government were to establish mandates.
- ▶ **Avoid moving too quickly to Internet voting**—The rapid growth of the Internet and its pervasive use in our everyday lives has given birth to a movement toward using this tool as a means to cast ballots on Election Day. "Internet voting is seen by many as a logical extension of Internet applications in commerce and government," states the Report of the National Workshop on Internet Voting released by The Internet Policy Institute.⁴⁷ Proponents of Internet voting argue that such a system would "in the long run, reduce the costs of elections," as well as "increase voter participation, especially among youths, overseas personnel, and business travelers."⁴⁸ These claims, however, remain largely untested.

There is no indication that instituting Internet voting as a mechanism to increase voter turnout will in actuality boost voter participation. "As past reforms designed to make voting more convenient—simpler registration procedures, voting by mail—have demonstrated, increasing accessibility does not immediately translate to increase voter turnout."⁴⁹

"For Internet voting to become a reality, it must be able to meet the same requirements that current public elections are required to meet—guarantee of ballot secrecy, guarantee of ballot sanctity, and universal availability," said Deborah Phillips, president of the Voting Integrity Project. "One of the principal problems with election integrity today—the large number of unqualified

and fraudulently registered names on voter-registration records—would not be addressed by any of the current Internet voting models. In fact, when vote thieves can avoid in-person voting, they can more easily avoid detection and more easily commit fraud.⁵⁰

In addition to addressing the risks of Internet voting, the E-Consumer Confidence Study conducted by Harris Polling and commissioned by the National Consumers League indicated a large percentage of Americans are concerned about security and privacy issues in dealing with the Internet. Fifty-three percent of those surveyed are “very concerned” that their “financial or sensitive information may be stolen during transmission to a website.” The lack of confidence in Internet safety is reflected in the high percentage of people surveyed (71 percent) who reported placing between zero and five orders within a twelve-month period. Reasons for not buying anything online within a twelve-month period include “concerned that my personal information may be abused” and “worried that sellers may be fraudulent.”⁵¹

This survey indicates that a large number of Americans are apprehensive about transmitting personal information over the Internet. This uncertainty and skepticism regarding privacy and security on the Internet represents the greatest challenge to Internet voting in the immediate future. Voters need to have confidence in the system and in the results of Internet voting before it can become a reality. This is true even if the public’s concerns about the Internet are justified, especially as they relate to online voting. It is unlikely that online voting will gain widespread approval or restore any confidence in the electoral system until the security, as well as the perception of that security by the general public, are greatly improved.

It is also important to realize that casting ballots over the Internet would alter the ideals of our democracy. “The act of voting in the United States is more than simply a means by which to elect officers of government; it is a constituent element of representative democracy,” states the Report of the National Workshop.⁵² Speaking to the Center for Governmental Studies Symposium, former governor of Massachusetts and one-time Democratic presidential candidate Michael Dukakis said he believes going to the polls on Election Day “is one of the most important, symbolic aspects of American citizenship.”⁵³

One could argue that the use of the Internet for voting will be an inevitable reality of the twenty-first century. One possible way that Internet voting may be explored and tested is through allowing the men and women who serve our country in the armed forces to vote online. In doing so, the election officials and lawmakers—and the broader policy community—will hopefully be able to begin resolving the many issues that confront Internet voting in order to make sound decisions that preserve and enhance the quality of the electoral process.⁵⁴

CONCLUSION

The purpose of the National Symposium on Presidential Selection was to initiate constructive dialogue among political practitioners, academics, lawmakers, and citizens. We firmly encourage states to come up with reasonable, creative, and carefully thought out solutions and implement them in the manner that will yield the most productive results.

The intense media and public scrutiny of election laws that has gone on since the presidential-election of 2000 has clearly placed pressure on legislatures to move toward reform. While it is encouraging that some states have implemented changes and modifications, it is frustrating that the reform efforts have generated a great deal of talk but very little action. The most common reaction to the presidential election dispute has been the formation of task forces and commissions to study how Americans vote and how their votes should be tabulated. However, many states are finding that the issue is broader and more complex, and that solutions are more expensive than they initially thought.

One elections expert, Tim Storey, stated, "Without federal funding, there will not be broad, across-the-board modernization of voting equipment."⁵⁵ Many election officials are challenging Washington to come up with more funding, particularly since an economic slump has left many states, counties, and cities with lower tax revenue. Florida's Secretary of State Katherine Harris testified to Congress before the Florida reforms were signed into law that "we have the will but not the financial wherewithal [to enact reforms]. Words of encouragement ... will fail to make our system of elections fairer, freer, more accurate, and more accessible."⁵⁶ The costs of election reform are estimated to be in the billions of dollars. In addition, obtaining political support for changes may be difficult because state legislators may have differing views on how to best balance competing objectives, such as promoting voter participation and ensuring the integrity of the voting process.

In light of the events of September 11, 2001, we have been forced to evaluate the basic tenets and true meaning of our democracy. Fundamental principles of our lives and government have fallen under attack from outside agencies that do not share our conception of individual freedom and free speech. Although our country is currently and rightfully focused on issues of security and stability, both domestic and foreign, we must make sure that election reform does not fall by the wayside.

THE ELECTORAL COLLEGE



The Center’s examination of the Electoral College through the National Symposium on Presidential Selection has turned into a preemptive analysis of a topic that narrowly escaped the spotlight in 2000.

One of the most historically notable aspects of this election—the divergence between the popular vote and Electoral College outcome—has been remarked upon far less than one might expect. This relative oversight results from a variety of factors, such as a lack of strong feelings in favor of one candidate or the other. Above all, though, the media and citizenry’s limited attention span was consumed by the goings on in Florida. This nation may have come a few dimpled, hanging, and pregnant chads away from a major new push to abolish or reform the Electoral College. While Florida brewed, both sides paid homage, or lip service, to our current constitutional system, and people gradually became accustomed to the notion that Florida’s electors would be decisive, and that the popular vote does not choose the president. As a nation, we never really seized upon the opportunity to contemplate the Electoral College.

Without the Florida buffer, one of the most mysterious and consistently (albeit mildly) unpopular institutions of our presidential selection process could have been demagogued into public enemy number one. It is true that abolition or even reform efforts stand very little chance given the difficulty of amending the Constitution. However, one can easily imagine the right circumstances in a future election amplifying the steady anti-Electoral College hum into a deafening chorus. What if no controversy arose surrounding elections in particular states? What if the popular vote was more decisive than this year in favor of the Electoral College loser? What if one side or the other mounted a serious, and perhaps successful, campaign to steal away electors? What if more than one election within a few cycles turned out like this one? No matter what the impetus, this nation may in fact face a time when the political climate spawns a serious discussion of the Electoral College. For this reason, the Center has called for a meaningful, thoughtful analysis of this unusual, yet fundamental, aspect of our presidential selection process.

BACKGROUND

Adopted in 1789, before the firm establishment of political parties or opinion polls and before most citizens had the right to vote, the Electoral College was established for a variety of reasons—some purely political, others based upon principle. A great deal of compromise produced a system designed to give all states a voice in the selection of the nation’s leader. The men drafting the Constitution found it very difficult to believe that a national mandate, like that of George Washington, would be attainable for candidates in the future. Author Frederick D. Schwarz points out in *American Heritage* magazine that the Framers also intended for the Electoral College to serve as an intelligent gatekeeper, a “nominating committee” that would send the top

vote-getters to the U.S. House for a final choice far away from the *hoi polloi*. Virginian George Mason, quoted in James Madison's notes, "conceived it would be as unnatural to refer the choice of a proper character for chief Magistrate to the people, as it would, to refer a trial of colours to a blind man. The extent of the Country renders it impossible that the people can have the requisite capacity to judge."¹

Once instituted, it did not take long for the Electoral College to stir controversy. In 1796, John Adams edged out Thomas Jefferson by just three electoral votes. In 1800, Jefferson, the sitting vice president as a result of his second-place finish four years earlier, ran again, this time against incumbent President Adams. This time around, Jefferson, and his ticket mate, Aaron Burr, came out on top in the Electoral College. At that time, each elector voted for two men, and the top two vote getters would serve as president and vice president. The Jefferson electors had voted for both men, so Jefferson and Burr each had 73 of 138 electoral votes. While Burr had clearly been the choice for vice president and not president, his political ambition kept him from stepping aside. As things turned out, it took 36 ballots in the U.S. House of Representatives—with votes cast by state delegations, not by individual members—to select Thomas Jefferson as our third president. This fiasco prompted the Twelfth Amendment, which, among other provisions, requires electors to vote for presidential and vice presidential candidates separately. This marks the most significant change to the Electoral College. In the 1960s, the Twenty-Third Amendment granted three electoral votes to the District of Columbia. Others have followed, but they have primarily altered the timing of the electoral vote tabulation and the way in which individual states choose to allocate their electors.

In 1824, the College took center stage again, as four candidates received electoral votes, none a majority, leading to infamous backroom bargaining that sent John Quincy Adams (who had received fewer electoral votes than Andrew Jackson) to the presidency. In 1837, while the presidency was not contested, the Electoral College was unable to select a vice president, and the Senate was called upon to choose between the top two vote-getters. In 1876, neither New York Governor Samuel Tilden nor Ohio Governor Rutherford B. Hayes managed to secure the necessary number of electors, because the results in four states remained contested. Tilden's total stood at 184 undisputed votes, just one shy of the total needed at that time, and Hayes had 165. To resolve the dispute, a fifteen-member Electoral Commission (five members from the Republican

"One prediction I think I can make with a certain amount of confidence is that we won't scrap the Electoral College over the next four years. And I think there are a number of reasons for that. And one simply is the result of the way the 2000 election played out. Which is to say that if the result in Florida had been a bit more decisive, if George Bush had won by say 10,000 votes, then I think, in the aftermath of the election, you would see an awful lot of anger and attention and discussion on the institution of the Electoral College. As it turned out, the Electoral College really got a free ride."

WILLIAM MAYER
PROFESSOR AT NORTHWESTERN UNIVERSITY, TO CENTER SYMPOSIUM
MARCH 26, 2001

Senate, five members from the Democratic House, and five from the Supreme Court) was convened. The Electoral Commission voted 8-7, along party lines, to give the electoral votes in each of the four disputed elections to the Republican Hayes, granting him the necessary 185 votes. Since that time, the College has also survived multi-party elections in 1912, 1924, 1948, 1968, and 1992, as well as extremely close elections in 1960 and 1976.

An examination of the intentions of the Constitutional Framers in establishing the Electoral College is quite useful for gaining historical context, something that deserves full consideration whenever reform is discussed. A great deal of literature exists and speculation abounds regarding both the origins and historical evolution of this institution. However, more important for the purposes of this report is what the Electoral College has become.

Speaking to the Symposium, former Massachusetts governor and 1988 Democratic presidential nominee Michael Dukakis pointed to the Electoral College's origins in calling for its abolition. "Today, nobody in his right mind would ever suggest that we pick a president that way," Dukakis argued.² It is almost certainly true that an idea as convoluted as the Electoral College would be an unlikely result of any Constitutional Convention held today. In fact, a strong argument can be made that many of the initial intentions of those establishing the Electoral College were somewhat anti-democratic and that the College as it is applied today bears little resemblance, in some important ways, to the institution the Founding Fathers thought they were establishing. The Electoral College may not be exactly what the Founders expected, but that does not necessarily diminish the value of what it has become. Through a combination of foresight and good fortune, the Framers may very well have created, or simply stumbled upon, a system with many benefits.

Whatever one thinks of its origins, the Electoral College has become a fundamental component of our democratic system. Presidential campaigns base their strategies upon it, but its impact extends far beyond presidential politics. The Electoral College buttresses the two-party system, and has a profound impact on who participates in the national discourse. Should the nation ever seriously ponder altering or eliminating this system, it must carefully examine the true benefits and downsides of our current system versus the potential intended and unintended consequences of any reform proposals. Our report seeks to launch this discussion in an atmosphere divorced from the heat of the political moment, yet not impervious to political reality.

ADVANTAGES OF THE ELECTORAL COLLEGE AS IT EXISTS TODAY

The Electoral College has served as a stabilizing factor in American politics by limiting the emergence of multiple parties.

This benefit only exists because of the winner-take-all allocation of electors in all states but Maine and Nebraska, neither of which have ever split their votes. Many would dispute the classification of this as a benefit. However, the Center believes that forcing consensus and coalition building at the party level has protected our system against the fragmentation often seen in other nations. When multiple parties develop, they often do so along single-issue, ethnic, socioeconomic, religious, or regional lines. This could prove quite divisive, especially in a very heterogeneous nation such as this one. Also, when many small parties or factions participate independently in the process, majorities are very difficult to build, and small groups often attain disproportionate power, because they are the key to a coalition. If small parties were suddenly able to play a role in presidential politics, they would likely begin to see greater success at the local, state, and national



Steve Forbes

levels, perhaps changing the face of our Congress and transforming the legislatures in all of the states.

Candidates are not able to run campaigns focused entirely on population centers.

Without the Electoral College, states like Wisconsin and Nevada would stand little chance of competing for attention with large cities like New York and Los Angeles, where candidates can shop for votes much more efficiently.

The Electoral College undergirds federalism and reinforces the role of states in our representative democracy.

The College defers power to states in one of the most important acts of our political process. Although the Electoral College is arguably a ceremonial body, which convenes at the end of an election after the president-elect has been known for some time, it symbolizes the integral role

the fifty states play in our democracy. In the current system, all matters concerning elections, from setting a primary date to selecting electors, rest with the states. The College forces candidates to pay attention to all fifty states. It compels candidates to “pay more attention to local issues” and “wage a national campaign,” said former GOP presidential candidate Steve Forbes at the Symposium.³

PROBLEMS WITH THE ELECTORAL COLLEGE AS IT EXISTS TODAY

The winner of the popular vote does not necessarily win the presidency.

Some do not see this as a problem, while others feel it makes the Electoral College fundamentally undemocratic. Principle aside, this clearly represents the most significant and persistent public-relations problem for the College.

When it comes to the presidency, the votes of individuals in each state do not count equally.

The basis of the Electoral College (much like the foundation of the U.S. Senate) is a far cry from “one person, one vote.” Many find this difficult to accept and, once again, essentially undemocratic. The Framers, of course, were not concerned with popular votes. They assigned the responsibility of allocating electoral votes to the state legislatures. Under our current system, individuals do not really vote for president; state electors do.

States that lean heavily to one party or another in general, or to one candidate or another in a particular race, do not feature prominently in a campaign.

This phenomenon often dictates which issues attract attention. This potentiality can also impact the enthusiasm of voters, who may believe that their vote is essentially already cast.

“Faithless Electors” can cast votes that do not correspond with the results of the election in their state.

This is historically rare and has never played a role in deciding an election. However, one can easily imagine a situation in which a group of such electors could significantly impact a close election. This prospect is especially troubling, considering that most voters do not even know the names of the electors they choose, let alone trust in their judgment to select the president. A few examples: a Washington, D.C., elector cast a blank ballot in 2000 to protest the lack of voting rights in the District of Columbia; a West Virginia elector once cast her ballot backwards, picking Lloyd Bentsen for president and Michael Dukakis for vice president—a switched ticket to indicate her personal preference; and in 1969, a North Carolina man cast his vote for Alabama Governor George Wallace instead of Richard Nixon.

The College is susceptible to a tie.

There are numerous ways that the Electoral College can tie, and as trends across America show increasing regional differences in party voting, it is indeed likely that a tie will occur. In that case, the House would select the president, which most Americans would probably find an unpalatable way to choose our chief executive. Although there is no way to say for sure how the representatives would vote, one would have to assume that the selection of the president would rest in the hands of whichever party controls the House of Representatives. This is not a clear-cut weakness of the Electoral College. The Framers would likely have seen nothing wrong with a tied College vote being sent to the House.

REFORM APPROACHES THAT “END IT”

Many groups and individuals, including the League of Women Voters, John Anderson, and Michael Dukakis, believe strongly that the Electoral College should be abolished altogether, in favor of a direct popular vote. Polls since the 1970s consistently show approximately 60 percent of Americans agree with this assessment.⁴

At first glance, the notion of switching to a direct popular vote for president certainly seems to address the problems associated with the Electoral College. Most people would find it implicitly more democratic—all voters would know that their vote was counted equally—and the notion of “faithless electors” would be soon forgotten. Former ten-term congressman and independent presidential candidate John Anderson, who serves as president of the Center for Voting and Democracy, argues that the American presidency “is the one

The Electoral College may not be exactly what the Founders expected, but that does not necessarily diminish the value of what it has become. Through a combination of foresight and good fortune, the Framers may very well have created, or simply stumbled upon, a system with many benefits.



Chuck Todd

national office for which all the American people ought to be involved and select. And they ought to do it on the basis where their votes are weighted equally. The Electoral College is not this fundamental pedestal that is holding up the whole federal system.”⁵

Perhaps Anderson is correct in his assessment that a direct vote for president would not entirely alter the political balance in this country. However, defenders of the Electoral College believe abolishing the system would, in fact, lead to a great deal of fundamental, and unpredictable, change in our political system. Speaking to the Symposium, Brown University’s Darrell West made what is perhaps the most common case in favor of the *status quo*: “If we got rid of the Electoral College and moved to direct popular voting, it would clearly change the strategic arena of presidential campaigns. It would lead to a much greater emphasis than what is currently the case on large states, because candidates would go where the votes are. ... And certainly the current system represents a very careful balance between small, medium, and large states. I think that is very important for our country. It is one of the reasons we have survived 200-plus years now.”⁶ Candidates would be inclined to run “tarmac”

campaigns, going from population center to population center and focusing advertising dollars on large cities with many voters, virtually ignoring vast swaths of the nation where there are few voters. This would tend to favor candidates with appeal in urban areas and would force all campaigns to cater their message to urban and suburban voters.

Chuck Todd, editor of *The Hotline*, notes that given the current breakdown of the electorate, a direct vote will also exacerbate the urban/rural split between Republicans and Democrats: “Where is Al Gore going to campaign? New York City, Philadelphia, Atlanta, Miami, Los Angeles, San Francisco. And where is George Bush going to campaign? In the center of the country and in the West.”⁷

Anderson does not believe eliminating the Electoral College would alter the balance between large and small states, since that balance is preserved in other institutions. “The states are protected by having two senators,” Anderson noted. “Cheek by jowl sit Nevada and California. They [senators] are not in danger of disappearing.”⁸ While senators would still be in place to make the case for issues impacting the smaller, less-populous states, much of our national policy discourse is still dictated by presidential politics.

However, despite Anderson’s sentiment, and the fact that a direct popular vote would address many of the weaknesses of the current system, there are many potential problems associated with this reform approach. For starters, since it would require a constitutional amendment, it has very little chance of succeeding, especially given that the amendment methods are weighted among the states in almost the same disproportion as the distribution of electoral votes. Beyond this prohibitive obstacle, there are a number of practical and philosophical reasons to caution against a direct vote.

Strong arguments also exist that a direct popular vote would have one critical consequence that could drastically alter the way our democracy works. “The thing that I fear the most about moving to direct popular voting for president is the way in which it would fundamentally alter the nature of presidential elections,”

West said. "I think it would lead to basically a multi-party system. ... I think we would end up with at least seven or eight presidential candidates on the general election ballot."⁹

Given this likelihood, any system of direct popular vote would require provisions choosing among multiple candidates. Many systems have been proposed, but, as is usually the case with such vast systemic changes, the devil can be in the details.

- ▶ **Direct Popular Vote**—In this case, the ticket with the highest vote total wins the election, no matter how small the percentage. This system would rarely establish a mandate for the winning candidate. It is very likely that third-party and extreme candidates with solid, dedicated bases, would have more success with direct popular voting, even though they may not share the views of the general public.
- ▶ **Popular Vote with Congressional Fallback**—If no candidate receives more than a certain, pre-set percentage of the vote, the election is thrown to the House, Senate, or Joint Session, where the members would choose from among the top candidates. Oddly, this would probably result in a situation very similar to what the Framers envisioned for the Electoral College: except for the rare instance when one candidate managed to secure a national following, the president would be selected in Congress.
- ▶ **Popular Vote with Runoff**—The top vote-getters in the general election are included in a runoff a few weeks later. It is difficult to determine how many candidates to include in such a runoff. Depending upon the dynamics of the particular election, and the number of candidates running, this could lead to a runoff between two or three tickets, none of which have broad popular appeal. On a more practical level, the costs associated with this are high, and voter turnout in runoffs tends to decline from the general election.
- ▶ **Popular Vote with Instant Runoff**—Each voter ranks several choices for president. You eliminate candidates based upon first choices. In the case of ballots listing a defeated candidate as first choice, the vote will be cast for the citizen's second, third, and fourth choice, and so on. This allows election officials to conduct a runoff election without the voter returning to the polls and without delay. Like the simple runoff option, this approach also allows the election of candidates who lack broad appeal. Also, the logistical problems associated with filling out very complex ballots would undoubtedly cause nightmares.
- ▶ **Ranked Popular Vote**—Each voter ranks the candidates, similar to an instant runoff, except all the votes are counted immediately, with candidates receiving more votes for higher rankings and fewer votes for lower rankings. This would create perhaps the most complicated ballots among the various popular-vote options.
- ▶ **Yes Vote**—Each voter simply votes yes for all candidates they find acceptable, and the candidate with the most total yes votes wins. It is difficult to tell exactly how this might play out with multiple candidates. This may lead to candidates winning about whom very few voters had any strong positive or negative feelings. Again, the complexity of tabulating the ballots is daunting, especially given the level of available voting technology for the foreseeable future.

All of these systems for dealing with multiple candidates would make it very difficult for any president to enjoy a truly broad popular mandate. The most significant impact, though, could come in the fragmentation

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of the electorate. Where voters today identify themselves, for the most part, as Democrats, Independents, or Republicans, party affiliations under a direct vote could break down on the basis of demographic associations such as race, ethnic background, religion, sexual orientation, geography, socioeconomic status, and age. Furthermore, in a system that removes the power of dominant parties to build an electoral consensus, it becomes more and more appealing to use fame and fortune to do so. Todd predicts that the candidate who “emerges as the top one or two [will be] either someone with a famous name or someone with a lot of money. If you thought that this system of fundraising and campaign spending was obnoxious,” Todd concludes, “it would be that and then some” if the Electoral College were abolished.¹⁰

REFORM APPROACHES THAT “MEND IT”

Some political experts believe the Electoral College should not be abolished wholesale, but that we should tinker with components of it so as to both improve the College and, hopefully, make it less vulnerable to public opinion. These “mend it, don’t end it” proposals could become potential compromise solutions should popular sentiment ever build strongly against the current system. It is essential to analyze their likely impact, especially since some of these changes have more significant chances of being implemented.

- ▶ **Eliminate “Faithless Electors”**—In the course of his remarks to the Symposium, Todd called for one of the more commonly proposed Electoral College reforms: “If we at least dehumanize it so that if you win Florida, you get twenty-five ... the electors are just these elements or figurines or whatever you want to call them. But, they are not actual human beings that are liable to all sorts of shenanigans that people were speculating about during the whole Florida mess.”¹¹ While faithless electors have not previously posed a serious threat to the electoral process, just one could throw a wrench into the machinery in a close election. Sabato and other experts have suggested a possible improvement to this reform option that preserves the benefits of dehumanizing the electors, while maintaining the party building advantages of human electors: Make the position of elector a strictly honorary one. The political parties can still offer these posts to their staunchest members, but the individuals need not make a trek to the statehouse (except perhaps for some sort of ceremony), and they will not have the ability to cast an actual vote. One obstacle in this idea’s way is the fact that it requires a constitutional amendment, but this proposal would create much less controversy than other reforms. But unless a significant problem arises in a future election, it is difficult to imagine enough popular concern arising over “faithless electors” to push forward a change to the Constitution. Nonetheless, if a zest for reform ever takes hold, this idea should be strongly considered.

The Electoral College: If The Voting Were By District

Election	ACTUAL ELECTORAL VOTE				WITH DISTRICT PLAN				CHANGE USING DISTRICT PLAN		
	Dems.	Reps.	Others	Winner	Dems.	Reps.	Others	Winner	Dems.	Reps.	Others
1960	303	219	15	Kennedy (D)	252	280	5	Nixon (R)	-51	61	-10
1964	486	52		Johnson (D)	466	72		Johnson (D)	-20	20	
1968	191	301	46	Nixon (R)	190	290	58	Nixon (R)	-1	-11	12
1972	17	520	1	Nixon (R)	62	476		Nixon (R)	45	-44	-1
1976	297	240	1	Carter (D)	269	269		TIE	-28	29	-1
1980	49	489		Reagan (R)	141	397		Reagan (R)	92	-92	
1984	13	525		Reagan (R)	69	469		Reagan (R)	56	-56	
1988	111	426	1	G. Bush (R)	161	377		G. Bush (R)	50	-49	-1
1992	370	168		Clinton (D)	323	215		Clinton (D)	-47	47	
1996	379	159		Clinton (D)	345	193		Clinton (D)	-34	34	
2000	266	271	1	G.W. Bush (R)	250	288		G.W. Bush (R)	-16	17	-1

Source: *The Rhodes Cook Letter*, May 2001

- **Congressional District Allocation**—This is another fairly common and popular reform proposal, and it applies the current distribution process in Maine and Nebraska nationally. Electors would be apportioned according to congressional districts, with the two extra votes going to the statewide winner. Todd favors spreading the Maine-Nebraska paradigm in this way. He argues such a change would alleviate a major problem with a popular-vote scheme: the loss of political and electoral power by small, under-populated states. Todd points out that there are thirty to sixty swing congressional districts from coast to coast that could go for either party. “All but about seven to ten states have a swing congressional district,” Todd says, “which means you would get what you want if you had a direct popular vote. ... You would get Al Gore campaigning in Kansas. ... George W. Bush would have campaigned in Long Island. ... You expand the playing field.”¹² Interestingly, an earlier version of the 12th Amendment, which barely failed ratification, called for electors to be allocated by “electoral districts.”

The congressional district method of assigning electors has several benefits. One appealing, though not particularly significant, benefit is that it would make it next to impossible for the television networks and the Voter News Service to design and fund exit polls, which became the source of such controversy and finger pointing on Election Night 2000. This approach could technically become the standard without a constitutional amendment. All of the states could voluntarily assign their electors this way, although the larger states have no interest in diluting the impact of their votes by doing so. One benefit discussed by Todd is the increased scrutiny such a plan would have on the redistricting process each decade. This, however, is at best a mixed bag. More national attention does not necessarily translate into better districts.

Overall, this plan may create more problems than it solves. The impact it would have had on previous elections is mixed. Would Gore supporters who blame the Electoral College system jump for joy if electors were counted by congressional district? Hardly. A study by independent analyst Rhodes Cook found the winner to be ... George W. Bush ... with a clear-cut 288 to 250 Electoral College win. The distribution of Republican votes helped Bush because it is spread throughout the country. Gore, for example, won all twenty-two Illinois electors. But under the district plan, Bush would have picked up nine of those twenty-two votes.¹³ Richard Nixon would have won the 1960 presidential election if the electoral votes were allotted under this plan.¹⁴ More importantly, this plan could alter the future dynamics of our political system in unexpected ways. Lowering the winner-take-all bar from the state level to the congressional district level might allow more parties to win electoral votes. Should this happen, the nation might be faced with the two major candidates engaged in post-election pandering to smaller parties in order to secure the minimum number of electoral votes. Also, imagine the Florida-type disputes that would arise in a close race as campaigns jockey for individual electoral votes by contesting tallies district by district.

- ▶ **Proportional Allocation**—This proposal would have each state’s electoral votes divided in the same proportion as that state’s popular vote. This method of distributing electors presents a few benefits, but those are tempered by some significant drawbacks. Depending upon the exact method of implementation, this plan could have the effect of forcing candidates to campaign in places they currently ignore. It would certainly make decisions by the campaigns about where to stump much more complex. Unlike allocation by congressional district, this option could also boost voter enthusiasm, even in areas that lean heavily toward one party. Overall, however, this approach is even more problematic than the congressional district method. This, too, could possibly be applied without amending the Constitution, but that prospect is actually quite troublesome. Even just a few smaller states choosing this route might lead to something resembling a parliamentary system. Multiple parties could get into the mix by garnering even just a handful of electors. In elections without a majority winner, the College would then either come to some consensus (though never convening), or send the election to the House of Representatives. On a more practical note, rounding errors produced by converting popular-vote percentages into smaller electoral-vote totals could cause significant problems in such a system. (How are three votes split in an election where both candidates get close to 50 percent, or in an election with multiple candidates?) The rounding problem could be remedied somewhat by increasing each state’s number of electors by some factor (ten, for example), but that would require a constitutional amendment.
- ▶ **Electoral College with Super Electors**—Under this system, candidates would continue to compete for electors on a state-by-state, winner-take-all basis, but the winner of the national popular vote would be awarded a set of bonus electors. Center Chief of Staff Alex Theodoridis advocated this plan during the Symposium. Harvard Historian Arthur Schlesinger, Jr., had previously proposed this reform in a series of editorials published in the wake of the 2000 elections. Schlesinger suggested that 102 electors go to the general election winner—two for each state and the District of Columbia. “The number Schlesinger proposed is almost certainly too high,” Theodoridis said.¹⁵ “This sort of scheme can only work if the number is low enough to still give the traditional Electoral College framework some meaning, but large enough to make it

unlikely that the national popular-vote winner would lose after claiming the Super Electors.” Indeed, with the right number, this approach could force campaigns to focus both on battleground or swing states (in order to secure valuable electoral votes), while staying focused on their own strongholds (to boost their national-vote totals). And, even if voters do not see the impact of their votes in their own state, they might be more inclined to participate so as to impact the national totals. The difficulty of coming up with the right number is, of course, a major weakness of this proposal, as is the necessity of a constitutional amendment.

- ▶ **Electoral College Redistribution or Addition**—Center Director Larry Sabato has proposed a redistribution of Electoral College votes among the states that more closely reflects actual population (see chart). In addition to the 538 electoral votes distributed among the nation’s fifty states and the District of Columbia, this proposal gives states additional electoral votes based on their percentage of the national population.

Based upon Sabato’s plan, states are allotted one additional electoral vote for falling between 0.5 to 2.0 percent of the nation’s population. One electoral vote will also be given for each additional percentage point after 2.0. For instance, Alabama has 1.6 percent of the nation’s population. Since it falls between 0.5 and 2.0 percent, the state will be allotted one more electoral vote. Michigan boasts 3.5 percent of the national population, so it will get 3 additional electoral votes.

It is imperative that the amendment include a provision making electors honorary, since increasing the number of electors would multiply the risk of faithless electors. Although it would require a constitutional amendment and would probably face objection from the smallest states, this sort of plan might serve as a strong compromise in the face of any major abolition movement. This is the only option that specifically addresses, although not fully, the issue of votes by citizens in different states counting unequally. (This is, of course a problem that will always exist to some extent, as long as our elections are conducted via the Electoral College on the state level. No preset allocation of electors can predict voter turnout gradients from one state to the next in a given year.) This plan also decreases the chance, while not eliminating the possibility, that the Electoral College vote will contradict the popular-vote result. It allows the Electoral College to more closely reflect the popular vote. For example, in the 2000 election, Sabato’s system would have more accurately reflected the closeness of the national contest. Assuming Florida is counted in Bush’s column, the revised Electoral College sends the election to the House of Representatives with a 307-307 tie. The main obstacle to passing a plan of this sort would probably be the bickering between states for an exact formula satisfactory to them when adding electors. However, this plan as proposed stands perhaps the best chance of ratification, as it provides a direct benefit to 40 states, and ratification requires 38. The proposal offers these 40 states an enhanced sense of importance and a renewed sense of political efficacy and vitality. Citizens in larger states would enjoy an added sense of proportional representation.

Sabato's Plan in 2000

STATE	POPULATION	% OF POP	ELECTORAL VOTES	EXTRA ELECTORAL VOTES	TOTAL ELECTORAL VOTES
Alabama	4,040,587	1.6	9	1	10
Alaska	550,043	0.2	3		3
Arizona	3,665,228	1.5	8	1	9
Arkansas	2,350,725	0.9	6	1	7
California	29,760,021	12	54	11	65
Colorado	3,294,394	1.3	8	1	9
Connecticut	3,287,116	1.3	8	1	9
Delaware	666,168	0.3	3		3
DC	606,900	0.2	3		3
Florida	12,937,926	5.2	25	4	29
Georgia	6,478,216	2.6	13	2	15
Hawaii	1,108,229	0.4	4		4
Idaho	1,006,749	0.4	4		4
Illinois	11,430,602	4.6	22	4	26
Indiana	5,544,159	2.2	12	1	13
Iowa	2,776,755	1.1	7	1	8
Kansas	2,477,574	1	6	1	7
Kentucky	3,685,296	1.5	8	1	9
Louisiana	4,219,973	1.7	9	1	10
Maine	1,227,928	0.5	4	1	5
Maryland	4,781,468	1.9	10	1	11
Massachusetts	6,016,425	2.4	12	1	13
Michigan	9,295,297	3.7	18	3	21
Minnesota	4,375,099	1.8	10	1	11
Mississippi	2,573,216	1	7	1	8
Missouri	5,117,073	2.1	11	1	12
Montana	799,065	0.3	3		3
Nebraska	1,578,385	0.6	5	1	6
Nevada	1,201,833	0.5	4	1	5
New Hampshire	1,109,252	0.4	4		4
New Jersey	7,730,188	3.1	15	2	17
New Mexico	1,515,069	0.6	5	1	6
New York	17,990,455	7.2	33	6	39
North Carolina	6,628,637	2.7	14	2	16
North Dakota	638,800	0.3	3		3
Ohio	10,847,115	4.4	21	3	24
Oklahoma	3,145,585	1.3	8	1	9
Oregon	2,842,321	1.1	7	1	8
Pennsylvania	11,881,643	4.8	23	4	27
Rhode Island	1,003,464	0.4	4		4
South Carolina	3,486,703	1.4	8	1	9
South Dakota	696,004	0.3	3		3
Tennessee	4,877,185	2	11	1	12
Texas	16,986,510	6.8	32	6	38
Utah	1,722,850	0.7	5	1	6
Vermont	562,758	0.2	3		3
Virginia	6,187,358	2.5	13	2	15
Washington	4,866,692	2	11	1	12
West Virginia	1,793,477	0.7	5	1	6
Wisconsin	4,891,769	2	11	1	12
Wyoming	453,588	0.2	3		3
TOTAL	248,709,873	100.0	538	76	614

Source: Population totals from U.S. Census, 1990

CONCLUSION

The Electoral College has proven to be an enduring, yet unloved, feature of our democratic process. Though many think of it as nothing more than an election-night anachronism, it has survived numerous controversial and close elections, as well as a number of attempts to alter or discard it. Having apparently endured the 2000 elections intact, there is nothing to suggest this institution faces any jeopardy in the near future. However, as reform proposals are tossed around and as future circumstances may further challenge the College, lawmakers should avoid drastic change without intelligently considering the long-term consequences. For the time being, the Center recommends only that lawmakers consider making electors entirely honorary, with no actual ability to cast a vote. This may help protect the Electoral College from the problem of “faithless electors” deciding a close election, something that could have occurred in 2000. Furthermore, the Center hopes that the nation, and especially those who study and maintain our political process, will begin to discuss some creative reform options that can improve our current system and preempt future challenges. America should not leave decisions regarding something as fundamental as the Electoral College for a moment of crisis.

CIVICS EDUCATION



“Chapters in every community, committees to study and present in simple terms the laws under consideration, including court decisions, examine the candidacy and fitness of all aspirants for public office to make sure they would advocate and protect the fundamental principles of the Constitution and the Bill of Rights. Overcomes party politics, special interests, and educates voter; would serve to train people for civil service, and train youth; Love of country, the common good, and patriotic devotion to our Constitution and flag, is my ideal of a good citizen.”

GEORGE WASHINGTON ON ACTIVE CITIZENSHIP

Research indicates that the primary causes for the decline in civic engagement are twofold: First, most Americans—particularly young people—lack essential citizenship skills to properly engage in civic life.¹ Second, many Americans show a significant decline in their level of trust and confidence in governmental institutions, with a specific distrust for politicians and politics.² Clearly, a presidential election such as the nation endured in 2000, with its myriad problems and the high-profile, bitterly partisan battle that ensued did little to restore confidence in America’s political institutions.

To this point, we have discussed the institutions that make up the presidential selection process. Without question, these issues must be addressed adequately if public perception of the electoral process and elected officials is to improve. While correcting these monumental problems would be a welcome improvement, to address only procedural issues would ignore a larger flaw that threatens to erode civic life beyond repair.

Consider for a moment that the Election 2000 dilemma was symptomatic of a larger problem looming just beneath the surface. Yes, inadequate machinery and institutional weaknesses must bear a considerable portion of the blame for a presidential election-turned-circus. Few would disagree that human error also played a significant role in the embarrassing amateur efforts to hand-count ballots. But the more troubling aspects of Election 2000 were the errors on the part of the voters. The number of voters who went to the polls with little knowledge of how the voting systems worked is astonishing. Furthermore, too many of these voters lacked the basic skills in civics education to call upon the appropriate officials for assistance when the voting process either failed, or they encountered something they did not understand.

If procedural flaws were the ailment of a single election, America’s neglect of civics education may become the epidemic that plagues the long-term health of our republic.

How did America reach this point? Simply stated, we have abandoned our commitment to comprehensive

If procedural flaws were the ailment of a single election, America's neglect of civics education may become the epidemic that plagues the long-term health of our republic.

civics education in America. As such, the presidential election of 2000 was the first major warning sign of that neglect. The most encouraging aspect of Election 2000 is the fact that it was, indeed, just a warning. Fortunately, our ailing civic health has not yet deteriorated to a critical stage. Like an all-too-stubborn patient, if we will heed the warnings of 2000, we may avoid a more chronic situation later.

AN ASSESSMENT OF CIVICS EDUCATION IN AMERICA'S SCHOOLS

According to statistics gathered by the Center for Civic Education, more than 50 percent of all states have statutes explicitly addressing civics education.³ While all but one state has implemented K-12 content standards in at least one subject area, only three states have created separate state standards devoted solely to civics education. Furthermore the Center found that:

- ▶ Only about half of the states require that civics education be addressed in the public-school curriculum.
- ▶ Twenty-three states have an explicit section covering civics topics within their social-studies standards, while eighteen states have civics topics interspersed throughout their social-studies standards.
- ▶ Twenty-nine states require students to take a government or civics course in high school.
- ▶ While some civics topics are tested statewide in thirty-one states, only three of these states have tests dedicated to civics. Another ten states and the District of Columbia expect to begin testing in the near future.
- ▶ Only twenty-one states report that teachers of civics are required to complete additional in-service training during their careers in order to maintain their certification to teach.

To turn this problem around, every state must teach civics education through and offer a comprehensive curriculum in grades K-12. It is never too early to learn the responsibilities of citizenship.

We must also acknowledge that the role of schools goes beyond education. Like all other community organizations, schools must move beyond simply doing what is mandated. Schools serve as a powerful role model and motivational organization within communities. When a school promotes civic engagement as a priority for the good of the community, rather than just a responsibility of the job, the message has a trickle-down effect upon the entire community.

Like other positions of authority, teachers serve as a role model within the community. Statistics show that more than half of all the nation's school-age children live in a household where no one votes. As such, more often than not, teachers serve as the primary motivator for young people to learn the important responsibilities of citizenship. Couple this with the fact that a teacher's classroom lessons are the delivery point for civics-education resources and we begin to realize the importance of the teacher's role in guarding against the freefall of civic engagement in America.

But ongoing citizen involvement and true civic engagement cannot be learned in one lesson. Young people will not be motivated to participate in the democratic process by simply receiving one lesson a year. A teacher can be highly motivated, but if he or she lacks the necessary resources to keep young people engaged in the subject matter throughout the school year, interest will fade and students will not learn the spectrum of responsibilities that accompany citizenship.

According to the Center for Civic Education, every state mandates a system of public instruction, and nearly a quarter do so with an acknowledgement within their organic law that quality public instruction results in a more informed and capable citizenry, which is vital to the preservation of a free and democratic government. While many state policymakers and educators agree on the importance of civics education in the schools, in reality, state policies and school practices often fail to provide students with a quality civics education curriculum.⁴

Within the education community, schools, are deficient in content-specific standards; fail to provide civics resources differentiated in content, process, and product; and must deal with less-than-enthusiastic support in the public policy and public sector for teaching and prioritizing civics education and engagement.

STANDARDS MOVEMENT NEGLECTS CIVICS EDUCATION

In recent years, the trend within state governments has been toward the adoption of specific state standards of learning to measure student achievement in specific subjects, particularly English, math, science, and history. However, while most states’ standards include some civics topics, these standards rarely address civics education in a comprehensive manner. Fewer still provide actual resources, course units, and lesson plans to teachers to facilitate the teaching of civics.

TREATING THE CONDITION: A MULTIFACETED APPROACH

As we have shown in the first three sections of this report, the problems concerning the institutional issues facing our system cannot be addressed with a single solution. So too the problems related to civics education cannot be addressed with a single solution. While the bulk of our efforts must be toward the education



Fortunately, our ailing civic health has not yet deteriorated to a critical stage. Like an all-too-stubborn patient, if we will heed the warnings of 2000, we may avoid a more chronic situation later.

of America's youth, no segment of American society can be left out in a national program to renew civics education and civic engagement in America. As such, the brunt of our resources and efforts must be targeted at schools and other educational institutions.

Most institutions engaged in addressing the problem of civics education and civic engagement do not agree on a common definition of the terms, let alone the problem. Legitimate questions arise as to what constitutes civic engagement and how it should be measured. What does it mean to be an involved and active member of one's community? Is it an accurate measure of civic engagement to look only at voter turnout and participation in the electoral process, or is the concept of civic engagement more accurately measured through a matrix that incorporates other variables measuring such concepts as community volunteerism, corporate development, building and fostering family infrastructure, etc. If we can agree that active and engaged citizenship requires participation, the debate arises over how participation is defined.

Unfortunately, so much effort is being spent to arrive at a comprehensive and all-inclusive definition of civic engagement that little is actually being done to develop resources to address specific segments of the problem. Furthermore, there is little or no uniformity to the approaches currently being offered.

The fact of the matter is that when we look at the problems associated with the lack of civic engagement, there is no *single* solution that will address every need. The problem is multifaceted, and in some way it has impacted *every* American. As such, the solution must be addressed not just by schools and governmental institutions, but also by the corporate community, religious institutions, the media, and volunteer organizations, as well as by federal, state, and local elected officials.

Federal and State Elected Officials

There is, perhaps, no group of individuals who have any greater power to influence civic life than those persons elected to hold federal and state offices. Persons elected to office not only serve as important role models, but they also have the ability to influence and promote public policies, as well as the resources to enhance civic participation in America.

The establishment of greater civic engagement as a priority in American life does not necessarily require enormous financial resources. While funding is important, there are also other steps that elected officials should take to help curtail this decline:

- ▶ Offer, encourage, and publicize volunteer opportunities within their campaign, as well as within the public offices that they hold.
- ▶ Host public town-hall meetings, establish citizen boards and commissions, and visit local communities.

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- ▶ Facilitate opportunities for people to gather to discuss politics and government.
 - ▶ During the campaign season, offer opportunities for the public to attend debates, submit debate questions via the Internet, and, when possible, create opportunities for youth participation (introductions, debate questioners, campaign volunteers) at campaign events.

Federal and state elected officials should advance public policies that promote civic engagement by all Americans. To that end, we also encourage legislative measures to begin to rebuild public confidence in government and advance opportunities for enhanced civic engagement, including:

- ▶ Federal and/or state legislation lowering the age for young people to volunteer to assist at the polls on Election Day. Permitting adult-supervised young people to serve as poll workers will encourage youth involvement in the electoral process, offer learning opportunities about the importance of civic engagement, and increase the number of trained assistants available to voters at the polls.
- ▶ Incentive programs for states to adopt quality civics-education standards focusing on citizenship to better prepare the nation's youth for a lifetime as active and informed citizens.

Local Government

Because of the bureaucratic structure of the educational hierarchy in America, local government officials see for themselves little or no role in the process of encouraging civic engagement and civics education. This is due in part because they view the problem as one to be addressed solely by the schools. Since, in most localities, local officials lack any significant jurisdiction over matters of mandated curriculum standards, many recuse themselves of responsibility over the matter entirely.

But it is a narrow view of the problem to approach civics education as a matter left solely to the school system. To do so ignores a disengaged adult population that is all too content to skip the next election, the next town hall meeting, the next city council meeting, or the next county board of supervisors meeting. Like all other elected and/or appointed government officials, local government officials should make civics education and civic engagement a priority by creating and encouraging opportunities for enhanced citizen involvement at the local level.

Media

- ▶ Devote significant blocks during primetime to broadcast ballot returns in all elections, not just presidential election years.
- ▶ Publicize and broadcast civic-engagement opportunities within local communities.
- ▶ Spotlight individuals and organizations working to promote civics education and renew civic engagement.
- ▶ Allocate additional space to letters to the editor, guest editorials, and news stories highlighting civic-engagement opportunities; include community and volunteer spotlight segments on the evening news.
- ▶ Recognize educators that are promoting civics education and civic engagement.

Business

- ▶ Allow employees to work half days without penalty if they volunteer at the polls.
- ▶ Encourage civic engagement among the workforce.
- ▶ Support community organizations that promote civic engagement through volunteer efforts and, where possible, financial contributions.
- ▶ Allow employees to participate in civic activities without penalty.

Volunteer Organizations

Statistics have shown that young Americans are volunteering at higher rates than at any point in our history. The National Association of Secretaries of State found in its *New Millennium Project* that, “while youth today are actually more involved in volunteering than their peers were a decade ago, these volunteer activities are heavily focused on social services and one-on-one interaction within their community.” The study notes that “youth have primarily an individualistic frame of mind.”⁵

It is welcome news to see such a strong commitment among young people toward lending a helping hand to those in need. Indeed, a similar national commitment has been reflected in the aftermath of the terrorist attacks of 2001. Americans of all ages volunteered, donated blood, and made financial contributions. For the first time in nearly a generation, Americans showed a renewed commitment to community.

Many speculated that this outpouring of community assistance would translate into more active participation in other facets of civic life. Unfortunately, one need look no further than the voter-participation levels of the November 2001 elections to realize that America’s commendable “Good Samaritan” instincts and the spirit of community interest that swept the country in the months immediately following the September tragedies show little sign of translating into more broad-based civic engagement.⁶

To assist in combating the problem, we recommend that volunteer organizations take several steps to introduce volunteers to the larger community of which the organization is a part, and how the organization is affected by other civic institutions, including government and politics. In short, encourage civic engagement and promote civics education by linking volunteerism with other facets of civic life in America.

- ▶ Encourage volunteers to understand the issues affecting the organization and to participate in the electoral process to promote these issues.
- ▶ Provide volunteers with information on the organization’s funding sources, particularly if the organization is supported in whole, or in part, by public funds.
- ▶ Create opportunities for volunteers to participate in lobbying activities and other public meetings with the political community.



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- ▶ Engage volunteers in any opportunities to discuss the organization with elected officials and other community leaders and organizations.
 - ▶ Encourage volunteers to contact their elected officials to discuss the goals of the organization and support for funding.
 - ▶ Cross-reference similar community and governmental organizations in literature to provide volunteers with a better understanding of how the organization fits in to the larger community.

Religious Institutions

Regardless of the debate over church/state relations, religious institutions are community organizations that can assist greatly in connecting people with their community. Religious organizations are also one of the few societal institutions where quality inter-generational exchanges may occur. They have a fundamental, historical role in encouraging community interaction and are a key element in renewing civic interest.

ON THE HORIZON

"The torch has been passed to a new generation of Americans."

JOHN F. KENNEDY

The responsibility for addressing our national neglect of civics education falls on all members of our society. Nevertheless, the only way to genuinely effect long-term change is through schools and educators. Students from kindergarten through grade 12 need to be provided with the necessary learning experiences to enable them to become informed and active citizens. Regrettably, as the statistics show, the nation's school system is not meeting that challenge adequately.

In a 1998 study of young people ages fifteen to twenty-four, the National Association of Secretaries of State disclosed some alarming statistics concerning the nation's youngest citizens. In their study they found:

- ▶ The number of young people who vote continues to drop. Since receiving the right to vote in 1972, the number of eighteen year olds who actually participate in the electoral process continues to decline.
- ▶ Young people have a poor understanding of what it means to be a citizen and have only vague ideas about the public responsibilities that accompany citizenship.
- ▶ Young people suffer an information and skill deficit about politics and the process of voting. Their lack of understanding of citizenship prevents many from becoming more involved in the political process.
- ▶ 55 percent of young people agree with the statement that schools do not provide enough information to be able to participate in the electoral process.⁷

The U.S. Department of Education disclosed similar findings when it released the results of its evaluation of civics education in America in 1999. The assessments found that one-third of America's high school seniors do not understand the basic fundamentals of American government. The Department's study also found that

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- ▶ Only 25 percent have better than a rudimentary understanding of the American governmental system; and
 - ▶ Less than 10 percent of respondents were able to supply two reasons why it is important for citizens to be involved in the democratic process.⁸

Following a national study of civics education in America's public-school system, the National Center for Civic Education concurred with the Department of Education's findings, stating that "students often do not have the civic knowledge, are not trained in higher-order civic intellectual skills, and the civic dispositions necessary to connect civics facts and concepts to the responsibilities of citizenship."⁹

Capping these findings is the fact that only twenty-eight percent of eighteen to twenty-four year-olds voted in the 2000 presidential election.¹⁰

It has been said of youth that they have "only one conviction; that the only answer they can make is distrust. They have no ardor except for the tentative safety of the quiet suburb, an orthodoxy of indifference. They have only an overriding fear of commitment and a will to be let alone."¹¹ While many have made similar statements about today's youth, this statement was made more than forty years ago.

The popular stereotypes of young people today are not much different than they were in 1959. Ironically, this was an era that many adults might be tempted to look back on as "the good old days" with the misguided notion that somehow young people were more engaged in recent decades than they are today.

But it would be patently unfair and inaccurate to suggest that the fault for these statistics lies with America's young people. To the contrary, civic engagement and civic responsibility (particularly the act of voting) are learned social behaviors. The extent to which young people fail to engage in civic activities is a direct reflection on values and priorities of the society of which they are a part.

Simply stated, America's young people are not learning the responsibilities of citizenship because they are not being taught the responsibilities of citizenship. Furthermore, the attitudes of today's youth toward citizenship and the accompanying obligations are the product of an era of civic neglect in America.

It would be patently unfair and inaccurate to suggest that the fault for these statistics lies with America's young people. To the contrary, civic engagement and civic responsibility (particularly the act of voting) are learned social behaviors. The extent to which young people fail to engage in civic activities is a direct reflection on values and priorities of the society of which they are a part.

The most encouraging aspect of Election 2000 is the fact that it was, indeed, just a warning.

YOUTH LEADERSHIP INITIATIVE

For these reasons the Center for Governmental Studies created the Youth Leadership Initiative as its signature program in 1998. The Youth Leadership Initiative is a national citizenship education and engagement program designed to involve students in the American electoral and policymaking process, and to foster greater community awareness and participation.

The program seeks to fill a void by developing classroom resources and social studies course units that are specifically linked to each state's unique academic curriculum standards. Technology is the signature component of the Youth Leadership and the primary tool that enables the Youth Leadership Initiative to link schools and students with their counterparts in every region of a state and throughout the nation.

The goal for the program is to serve as an important tool in rekindling citizen interest and participation in our democratic process. To achieve this goal, the Youth Leadership Initiative couples academic excellence and cutting-edge technology with an *all year-every year* civic and community-participation curriculum. Using high-tech resources, the Youth Leadership Initiative also hosts community and online candidate forums, issue discussions, public town-hall meetings, and symposia to connect and engage young people.



As America begins a new century, every citizen committed to strengthening democratic principles, from our highest elected officials, civic and community organizations, and throughout our education system must renew our commitment to the responsibilities of citizenship, dedicated at every level to ensuring that we and our posterity are transformed into active and engaged citizens. To do anything less jeopardizes the foundations of our free and prosperous society.

APPENDIX



Footnotes

Executive Summary

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Schedule and Panelist Biographies

I. KEYNOTE ADDRESS

February 20, 2001

Speaker: Steve Forbes

Steve Forbes is President and CEO of Forbes and Editor-in-Chief of *Forbes* magazine. Since he entered the position, Forbes has expanded to include *Forbes FYI*, *Forbes ASAP*, *Forbes Global*, a Japanese-language edition of *Forbes*, *Forbes Brasil*, the *Gilder Technology Report*, and Forbes.com. He resumed this role in February 2000 after a leave of absence to campaign for the Republican nomination for the Presidency. Forbes ran for the Republican nomination in both 1996 and 2000 on a platform of a flat tax, medical savings accounts, a new Social Security System for working Americans, school choice, term limits, and a strong national defense.

From 1996 to 1999, Forbes was also Honorary Chairman of Americans for Hope, Growth, and Opportunity, a grassroots, issues advocacy organization founded to advance pro-growth, pro-freedom, and pro-family issues. From December 1993 until June 1996, Forbes served as Chairman of the Board of Directors of Empower America, a political reform organization founded by Jack Kemp, Bill Bennett, and Jeane Kirkpatrick.

In 1985, President Ronald Reagan named Forbes Chairman of the bi-partisan Board for International Broadcasting, where Forbes oversaw the operation of Radio Free Europe and Radio Liberty. Forbes was reappointed to his post by President George Bush and served there until 1993.

Forbes serves on the Board of Trustees of Princeton University, The Ronald Reagan Presidential Foundation, and the National Taxpayers Union, and is on the Board of Overseers of the Memorial Sloan-Kettering Cancer Center. He holds honorary degrees from Lycoming College, Jacksonville University, Heidelberg College, Iona College, Kean College, New York Institute of Technology, Lock Haven University, Westminster College, Francisco Marroquin University, Sacred Heart University, Centenary College, Pepperdine University, Lynn University, Lehigh University, and New Hampshire College. He is the author of *A New Birth of Freedom* (Regnery, 1999).

Forbes was born on July 18, 1947, in Morristown, New Jersey. He graduated cum laude in 1966 from Brooks School in North Andover, Massachusetts, and received a B.A. in history from Princeton in 1970. At Princeton, he was the founding editor of *Business Today*, which became the country's largest magazine published by students for students, with a circulation of 200,000. The magazine continues to be published today by Princeton undergraduates.

II. KEYNOTE ADDRESS

February 28, 2001

Speaker: Eugene McCarthy

Eugene McCarthy was born in Watkins, Minnesota, in 1916. McCarthy attended St. John's University in Collegeville, Minnesota, and graduated in 1935. After graduation, he enrolled at the University of Minnesota to continue his studies.

McCarthy began his professional career in the public high schools of Minnesota and North Dakota. After his graduation from the University of Minnesota in 1940, McCarthy taught economics and education at his

alma mater, St. John's University, until 1943. World War Two provided McCarthy the opportunity to work in the Military Intelligence Division of the War Department as a civilian technical assistant. Following the war, McCarthy returned to teaching and took a position at St. Thomas College in St. Paul, Minnesota, teaching sociology and economics.

McCarthy entered politics in 1949 with his election to the United States Congress. He served five terms in the House of Representatives before his decision to run for United States Senate in 1958. McCarthy served two terms in the Senate before deciding not to run for reelection in 1970. In addition, McCarthy made an unsuccessful bid for the Democratic nomination in the 1968 presidential election.

Eugene McCarthy has written several books of different genres. He has written about American politics and foreign affairs in works including *Triumph of the Innocent* (1998) and *The Limits of Power: America's Role in the World* (1968). Moreover, McCarthy delved into the issue of civil rights in his book *First Things First: New Priorities for America*. He also wrote a description of the social life and customs in Rappahannock County, Virginia, in *A View From the Rappahannock*. McCarthy's literary diversity is further exemplified with his books *Mr. Raccoon and His Friends*, *Ground Fog and Night*, and *Other Things and Aardvark*. *Mr. Raccoon and His Friends* is a series of short stories with animals as the main characters, while *Ground Fog and Night* and *Other Things and Aardvark* are collections of poems.

Eugene McCarthy now resides in Woodville, Virginia.

III. PANEL: "PRESIDENTIAL NOMINATING PROCESS"

March 7, 2001

Panelists: Jill Lawrence, Tom Sansonetti, Craig Smith, and Vaughn Ververs.

JILL LAWRENCE: Jill Lawrence is a political writer at *USA Today*. Before joining the newspaper in July 1996, she was a columnist for The Associated Press and a free-lance magazine and newspaper writer.

Lawrence has covered every presidential campaign since 1988. She won a National Headliner Award in 1995 for AP columns about Washington in the Clinton era. She has written about politics for the *Boston Globe*, the *Atlanta Constitution*, the *Washington Post* magazine, *Humanities* magazine, and other publications. She taught journalism at American University in 1997.

Lawrence began her journalism career in 1977 at UPI's Charleston, W.Va., bureau. She joined AP in Harrisburg, Pa., in 1979 and moved to Washington with AP in 1982.

Lawrence received a B.A. in music history from the University of Michigan in 1975 and an M.A. in journalism from New York University in 1976. She lives in Washington with her two sons and her husband, John Martin, who is editor of *Governing.com*.

TOM SANSONETTI: Thomas Sansonetti was recently reelected as Chairman of the Republican National Committee's Standing Committee on Rules and is also a partner in the Cheyenne office of Holland & Hart, LLP. He joined Holland & Hart in 1993 after serving as Solicitor of the Department of the Interior from 1990-1993, where he managed a \$32 million administrative budget and a 900-case legal docket and served as Interior's liaison to The White House Counsel's office and the Department of Justice.

In 1996 he was elected to a four-year term as Wyoming's Republican National Committeeman, and in that capacity was first elected as Chairman of the Rules Committee. Previously, Sansonetti was the Administrative Assistant and Legislative Director for Wyoming Congressman Craig Thomas during the 101st Congress and was appointed Associate Solicitor for Energy and Resources by Interior Secretary Don Hodel

during the last two years of the Reagan administration. He was also elected to two terms as the Chairman of the Wyoming Republican Party from 1983-1987.

Sansonetti is a “double hoo,” holding a B.A with Distinction in Foreign Affairs (1971) and an MBA (1973) from the University of Virginia. He earned his J.D. from Washington & Lee University in 1976.

CRAIG SMITH: Craig Smith has more than twenty years of political outreach and organizing experience for the Democratic Party. Most recently he served as Campaign Manager for Vice President Gore’s 2000 Presidential bid. Prior to heading up Gore 2000, Smith came from the White House where he served as White House Political Director, coordinating the political activities of the President and the First Lady. Smith had previously served as Deputy Director of White House Personnel and also served as Co-Executive Director of the 53rd Presidential Inaugural. Additionally, Smith served as Finance Director of the Clinton for President Exploratory Committee in 1991, Field Director of the 1992 Clinton/Gore campaign, Political Director of the Democratic National Committee 1993-1994, and Political Director of the 1996 Clinton/Gore campaign.

Smith formerly served as Vice President of Voter.com, and is now President of Chief Advantages, a political consulting firm in McLean, Virginia.

VAUGHN VERVERS: Vaughn Ververs is the Managing Editor of *The Hotline*. He has been with *The Hotline* since 1998. Prior to joining *The Hotline*, Ververs served as an associate producer for FOX News Sunday. Ververs’ career in politics began as a newsroom researcher/field producer with FOX News Channel and an associate producer with CBS’s Election Unit.

Ververs is a graduate of the University of Colorado.

III. PANEL: “HOW WE VOTE: THE ELECTORAL PROCESS”

March 20, 2001

Panelists: Doug Lewis, Ronald Klain, Robert Montjoy, George Terwilliger, and Trevor Potter.

DOUG LEWIS: Doug Lewis serves as Executive Director of The Election Center, a national nonprofit organization serving the elections and voter-registration profession, a position he has held since 1994. He developed and authored the Professional Education Program for elections/registration officials—named as the best continuing-education program in the nation by the National University Continuing Education Association. From 1966 to 1980, he managed campaigns for Congress, U.S. Senate, governor, and the U.S. presidency; served as Executive Director of the Democratic party in Kansas and Texas; worked as Regional Political Director in the DNC; served as Assistant to the President at the White House; and managed political affairs for former Texas Governor John Connally.

Lewis also has more than 15 years of business experience in fields such as management consulting for the petrochemical, refining, and chemical-processing industries; and in computer software and hardware.

Among his other accomplishments are the development of the first Code of Ethics for voter registrars and elections administrators, the establishment of the Joint Elections Officials Liaison Committee (JEOLC), the National Association of State Election Directors (NASSED), the National Association of County Recorders, Elections Officials, and Clerks (NACRC), the International Association of Clerks, Recorders, Election Officials, and Treasurers (IACREOT), and the International Institute of Municipal Clerks (IIMC). Lewis also established the National Postal Task Force, the National Task Force on Voting Accessibility, and the National Elections Reform Task Force to study and propose solutions to the problems of the 2000 Presidential election.

Lewis serves as the director of the Voting Systems Program for NASED, where he is responsible for managing the qualifications, testing, and approval of voting equipment in America through independent test authorities, and sits as a member of the national Voting Systems Board to develop and update the Federal Voting Systems Standards. He also serves as a member of California's Internet Voting Advisory Committee.

RONALD KLAIN: Ronald Klain is currently a partner in the Washington, D.C. office of the law firm O'Melveny & Myers LLP. He joined the firm in October of 1999. Most recently, Klain served as legal advisor to Vice President Gore during the 2000 election recount efforts.

Prior to joining O'Melveny & Myers, Klain served as Assistant to President Clinton and Chief of Staff to Vice President Al Gore. Klain also served as Associate Counsel to the President, directing judicial-selection efforts for the White House, and Counselor and Chief of Staff to Attorney General Janet Reno, advising Reno on numerous legal and policy matters.

Prior to joining the Clinton Administration, Klain served in the Clinton-Gore Campaign as Washington Issues Director and as a Domestic Policy Specialist on the Campaign's Debate Preparation Team. During the Presidential Transition, Klain was Associate General Counsel, directing the legal staff charged with reviewing candidates for Cabinet positions. Klain also served as a Law Clerk to Supreme Court Justice Byron R. White for the Court's 1987 and 1988 terms.

Klain is a 1983 graduate of Georgetown University, where he finished summa cum laude. He graduated magna cum laude from Harvard Law School in 1987, where he won the Sears Prize (for the highest grade average) in 1984-85, and was an Editor of the *Harvard Law Review*.

ROBERT MONTJOY: Robert Montjoy is Assistant Vice President for Outreach and Professor of Political Science at Auburn University. He received his bachelor's degree from Ole Miss, his masters from the University of Alabama, his Ph.D. from Indiana University, and his first academic job from the University of Virginia. Montjoy has conducted studies for the Federal Election Commission, written a number of papers and articles on election administration, developed the first comprehensive training and reference program for Alabama election officials, drafted the rules for the use of electronic voting equipment in Alabama, led his state's implementation of a federal court order requiring new training and appointment procedures for all poll workers, and led curriculum development for the Election Center's Professional Education Program. Montjoy serves on the National Commission for Election Standards and Reform sponsored by the National Association of Counties and the National Association of County Recorders, Election Officials, and Clerks.

GEORGE TERWILLIGER: George Terwilliger is a partner at White & Case LLP, and works in their Washington office. Recently he served as lead attorney on the legal team of George W. Bush. He also has litigated election-law and voting-rights cases, and served as special outside counsel to the United States Senate Rules Committee. Terwilliger served as counsel to the Contests Committee at the Republican National Convention in 1996.

Terwilliger previously served as Deputy Attorney General of the United States. Before his term in the Attorney General's office, he served for five years as the presidentially appointed United States Attorney in Vermont and in Washington, D.C.

Terwilliger has authored several books and papers, including "Netting Your Data Investigation and Discovery of Electronic Data," "Foreign Corrupt Practices Act" (co-authored with O. Forrest Morgan and Clive R.G. O'Grady), *Corporate Criminal Liability: A Handbook for Protection Against Statutory Violations*, "Drawing Lines: Localities Ponder Voting Rights Act Rulings," "Fighting Violent Crime and Terrorism,"

“Mandatory and Discretionary Debarment for Environmental Crimes,” “Corporate Response to Crime—What the Prosecutor Will Be Thinking,” and “Environmental Enforcement in the 1990s: Business’ Triple Witching Hour.”

Terwilliger received his B.A. from Seton Hall University in 1973 and his J.D. from Antioch School of Law in 1978.

TREVOR POTTER: Trevor Potter is a partner in the Washington, D.C., law firm of Wiley, Rein & Fielding. Mr. Potter returned to the firm following service as a Commissioner and Chairman of the Federal Election Commission. He recently served as General Counsel to McCain 2000.

Potter is also currently the editor of the “New Developments in Campaign Finance Law” website (www.Brookings.edu/campaignfinance) at the Brookings Institution, where he is a nonresident Senior Fellow. He held the position of Merrill Lecturer at the University of Virginia School of Law for the 1996-1997 academic year, where he taught a course on campaign-finance law. He was a Visiting Member of the Senior Common Room at Lincoln College, Oxford University, during the Fall Term of 1995, teaching seminars in Comparative Campaign Finance Law and Political Science. Mr. Potter’s previous government service was as an official at the Department of Justice (1982-1984), and as Assistant General Counsel to the Federal Communications Commission (1984-1985).

A frequent speaker on political finance law and lobbying disclosure issues, Potter has also testified as an expert on election law before Congress and in litigation. Most recently, he was an advisor to the Congressional efforts to require reporting and disclosure by 527 entities. He is an editor and author of various publications, including “Where Are We Now? The Current State of Campaign Finance Law” and “Issue Advocacy and Express Advocacy” in *The Campaign Finance Sourcebook* (Brookings Institution, 1997), and “Federal Election Law” in *Compliance with Lobbying Laws and Gift Rules Guide* (Glasser Legal Works, 1996). He also serves as a Legal Advisor to the Committee on Economic Development’s (CED) task force on campaign finance reform. He has appeared as an election-law expert on the ABC and NBC *Nightly News*, *Lehrer News Hour*, PBS, the BBC, and National Public Radio, among other news organizations.

Potter is a Chair of the American Bar Association’s Election Law Committee of the Administrative Law Section. He is a graduate of the University of Virginia School of Law (1982), where he was Editor in Chief of the *Virginia Journal of International Law*, and a graduate of Harvard College.

IV. PANEL: “THE ELECTORAL COLLEGE”

March 26, 2001

Panelists: John Anderson, James Ceaser, William Mayer, Chuck Todd, and Darrell West.

JOHN ANDERSON: John Anderson has served as President of the Center for Voting and Democracy since 1996. Previously, he served as the Chair of the Center’s Advisory Board for four years. Between 1960 and 1980, Anderson served ten consecutive terms as U.S. Representative to Congress from the 16th District of Illinois. He also served as States Attorney in Winnebago County, Illinois, for four years. Running as an independent candidate, Anderson won 6 million votes in the 1980 U.S. presidential election.

Anderson is an accomplished speaker, and his recent media appearances include the BBC, NPR, and C-SPAN, among others. He is a frequent lecturer and expert commentator on issues of electoral reform, United Nations reform, foreign affairs, American politics, and independent candidacies. He also writes regularly on the role of Congress in both domestic and international affairs.

Anderson has taught political science as a visiting professor at numerous universities, including Bryn Mawr College, Brandeis University, Stanford University, Oregon State University, the University of Illinois, the Washington School of Law, and Nova Southeastern University. He is president of the World Federalists Association.

During World War II, Anderson was a staff sergeant in the U.S. Field Artillery. While serving in the Foreign Service between 1952 and 1955, he was Economic Reporting Officer in the Eastern Affairs Division.

Anderson received an LL.M. degree from Harvard Law School in 1949, and has since been awarded honorary doctorates of law from Wheaton College and Trinity College.

JAMES CEASER: James W. Ceaser is Professor of Government and Foreign Affairs at the University of Virginia, where he has taught since 1976. He has also held visiting appointments at Marquette University, The University of Basel, Claremont McKenna College, Harvard University, and Oxford University. In 1996 he was awarded “The Joint Meritorious Unit Award for Total Engagement in the Creation of the George C. Marshall Center for European Security Studies” by the United States Army.

Ceaser is the author of several books on American politics and American political thought, including *Presidential Selection* (1979), *Reforming the Reforms* (1982), *Liberal Democracy and Political Science* (1991), and *Reconstructing America* (1997).

WILLIAM MAYER: William Mayer is an Associate Professor of Political Science at Northwestern University, having received his Ph.D. from Harvard University in 1989. He is the author of four books, including *In the Pursuit of the White House* and *The Divided Democrats*. He is currently working on a second edition of his first book, *The Changing American Mind*, a comprehensive examination of the major changes in American public opinion that took place between 1960 and 1998.

Mayer is married to Amy Logan and the father of two children.

CHUCK TODD: Chuck Todd is Editor of *The Hotline*, Washington’s daily news briefing on American politics. In more than eight years working at *The Hotline* or one of its affiliates, Todd has become one of Washington’s foremost experts on political campaigns of all levels. In ‘98, Todd put his expertise of House races to work in the creation of *House Race Hotline*, one of the newer publications in *The Hotline* family. *House Race Hotline*, launched in March 1998, hones in on the 200 most important congressional races in the country. This new publication has allowed *The Hotline* to become the epicenter of political news.

Besides *House Race Hotline*, Todd has also created two other publications in *The Hotline* family—*Hotline Weekly* and *The Sports Business Daily*. *Hotline Weekly*, as its name implies, took the best of the daily *Hotlines*, and packaged stories in an easy-to-digest format. *The Sports Business Daily*, founded in September 1994, did for the sports world what *Hotline Weekly* has done for politics. Now *The Sports Business Daily* is required reading for anyone trying to make money in the sports industry.

Todd is a native of Miami, Florida, and studied political science and music at The George Washington University.

DARRELL WEST: Darrell West is the John Hazen White, Sr., Professor of Political Science and Public Policy at Brown University and the Director of the Taubman Center for Public Policy. He specializes in American politics, mass media, and elections, and his current research focuses on campaign finance, the history of the mass media, and television advertising in election campaigns.

West is a frequent commentator on media and elections, and has been quoted in the *New York Times*, *Washington Post*, and on National Public Radio and CNN. He has served as an election consultant to local television stations in Providence since 1988.

His book publications include *Patrick Kennedy: The Rise to Power*; *Checkbook Democracy: How Money Corrupts Political Campaigns*; *The Sound of Money*; *Air Wars: Television Advertising in Political Campaigns, 1952-1996*; *Cross Talk: Citizens, Candidates, and the Media in a Presidential Campaign*; *Public Opinion in Rhode Island, 1984-1993*; *Congress and Economic Policymaking*; and *Making Campaigns Count*. His latest book *The Rise and Fall of the Media Establishment*.

West received his B.A. from Miami University of Ohio and his M.A and Ph.D. (1981) from Indiana University.

V. KEYNOTE ADDRESS

April 5, 2001

Speaker: Michael Dukakis

Michael Stanley Dukakis was born in Brookline, Massachusetts, on November 3, 1933. His parents, Panos and Euterpe (Boukis) Dukakis both emigrated from Greece to the mill cities of Lowell and Haverhill, Massachusetts, before marrying and settling down in the town of Brookline, just outside Boston. Dukakis graduated from Brookline High School (1951), Swarthmore College (1955), and Harvard Law School (1960). He served for two years in the United States Army, sixteen months of which he spent with the support group to the United Nations delegation to the Military Armistice Commission in Munsan, Korea.

Dukakis began his political career as an elected Town Meeting Member in the town of Brookline. He was elected chairman of his town's Democratic organization in 1960 and won a seat in the Massachusetts Legislature in 1962. He served four terms as a legislator, winning reelection by an increasing margin each time he ran. In 1970 he was the Massachusetts Democratic Party's nominee for Lieutenant Governor and the running mate of Boston Mayor Kevin White in the year's gubernatorial race, which they lost to Republican Frank Sargent and Donald Dwight.

Dukakis won his party's nomination for Governor in 1974 and beat Sargent decisively in November of that year. He inherited a record deficit and record high unemployment and is generally credited with digging Massachusetts out of one of its worst financial and economic crises in history. But the effort took its toll, and Dukakis was defeated in the Democratic primary in 1978 by Edward King. Dukakis came back to defeat King in 1982 and was reelected to an unprecedented third, four-year term in 1986 by one of the largest margins in history. In 1986, his colleagues in the National Governors' Association voted him the most effective governor in the nation.

Dukakis won the Democratic nomination for the presidency of the United States in 1988 but was defeated by George Bush. Soon thereafter, he announced that he would not be a candidate for reelection as governor. After leaving office in January 1991, Dukakis and his wife, Kitty, spent three months at the University of Hawaii, where Dukakis was a visiting professor in the Department of Political Science and the School of Public Health. While at the University of Hawaii, he taught courses in political leadership and health policy and led a series of public forums on the reform of the nation's health-care system. There has been increasing public interest in Hawaii's first-in-the-nation universal health-insurance system and the lessons that can be learned from it as the nation debates the future of health care in America.

Since June 1991, Dukakis has been a Distinguished Professor of Political Science at Northeastern University and Visiting Professor at the School of Public Policy at UCLA. His research has focused on national health-care policy reform and the lessons that national policy makers can learn from state reform efforts. Recently, he and former U.S. Senator Paul Simon authored a new book entitled *How to Get into*

Politics—and Why, which is designed to encourage young people to think seriously about politics and public service as a career.

Dukakis was nominated by President Clinton for a five-year term as a member of the new Board of Directors of Amtrak, The National Railroad Passenger Corporation, on May 21, 1998, and was confirmed by the Senate on June 25, 1998. He currently holds the position of Vice-Chairman of the Amtrak Reform Board.

Mike and Kitty Dukakis have three children—John, Andrea, and Kara—and are the proud grandparents of Alexandra Jane Dukakis, Harry Nicholas Hereford, and Josephine Katharine Hereford.

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