

## Possible voting reforms in the United States

Since the disputed 2000 Presidential election, there have been numerous proposals to improve how elections are conducted. While most proposals have attempted to focus upon the voting machines the election also helped revisit numerous questions about the anachronism of the Electoral College and whether further radical reform of the plurality based voting system to another system entirely. The first class of reforms involve changes in the electoral college, and those that move from the current plurality election method system without a runoff election to another election method that more accurately reflects voter opinions.

### **Electoral College related reforms**

One of the biggest criticisms of the US Presidential elections is that the winner of the popular vote does not always win the Electoral College. Since the Electoral College was established in the 1787 US Constitution, there have been numerous attempts to change the system. Other than the Twelfth Amendment, which changed the process for when no candidate achieved a majority of the votes in the electoral college and put the Vice President and President on a slate together, and the Twenty-third Amendment that gave the District of Columbia there have been no constitutional revisions to the electoral college since the Federal Constitution of 1787. Clearly changing the federal constitution on this matter is very difficult, but it doesn't stop people from making suggestions for constitutional revisions.

There are also some changes that could be made at the state level. The move towards using the popular vote to determine the allotment of electors was a state level change not a national change. Most, but not all states originally did not use a popular vote to determine the winner of the electors, but rather through the state legislature. Contrary to popular belief the popular vote was not instituted by constitutional revision, but rather through state legislatures changing their election codes to change how presidential electors were determined.

### **Elimination of the Electoral College**

This was a perennially popular suggestion after the 2000 Presidential elections. The arguments for this are clearly obvious in that it would eliminate the indirect nature of US Presidential Elections. It would ensure that the winner of the popular vote would win every election unlike the several occurrences in US History in which the electoral votes did not match the popular votes. It would eliminate the weighted vote advantage that smaller states have by the unproportional two votes that every state receives by the status of having two Senators. It would also encourage Presidential candidates to campaign outside of the "so-called swing states" and to campaign in any place where they could garner more votes for themselves. U.S. Senators Hillary Clinton and Arlen Specter both called for the abolition of the Electoral College in 2000 after the electoral debacle, but this motion never faced serious consideration.

There are the obvious criticisms of the elimination of the electoral college in that were there to be a closely contested election (1960 and 2000 elections) one could have

protests in any county in the United States. There could be a nationwide recount with possibly legal disputes in every state. The Electoral College limits recounts and disputes to a few counties in a few disputed states. Furthermore, the elimination of the Electoral College would require a constitutional amendment that would likely not be able to pass in the state legislatures of smaller states that receive greater power under the status quo. In addition, there are several reforms that could be implemented without a constitutional amendment.

### **Proportional vote**

One proposal that has been considered is having states select their electors proportionally to the vote margin that they garner. Colorado's Amendment 36 would have instituted a proportional representation of their electors in the state of Colorado. There were legal questions about the initiative that would have likely prevented the implementation including the post de facto implementation affecting the 2004 election and of course the constitutional question of whether voter initiatives can even constitutional remove that power from the state legislature where it currently resides, but any state legislature could implement such a plan without an amendment to the US Constitution.

### **Maine-Nebraska method**

The states of Maine and Nebraska both allot their two electors representing their Senators are given towards the winners of the popular vote and the other electoral votes go towards the winners of each individual congressional district. Obviously, this allows a presidential candidate to not entirely ignore a state for which the candidate believes that they will lose if they still stand a chance to garner additional electors through the congressional district electors. Other states could use this system, but the problem much like the proportional system voters probably wouldn't support their state legislature changing towards this system because it would decrease the attention that their state might receive from candidates. Furthermore, the problem of greater representation amongst less populous states would remain.

### **Abolishing the non-proportional electors**

Amongst the final major Electoral College changes is to eliminate the non-proportional electors, those representing the two Senators that every state has in the US Senate. This plan would eliminate the unfair bias towards the smallest states in the union. Such a reform would require a constitutional revision to eliminate these non-proportional electors, which would make passing such a measure through the US Senate difficult if not impossible. If combined with proportional representation of electors within states it would be almost impossible for the winner of the popular vote not to win the presidency.

## **Election methods**

Most people think that developing a system of voting that accurately reflects voter

opinions is a simple process, but that isn't always the case. If there are two options one will always have a clear winner. There are only two options and the winner is the person whom receives the most votes, but the process becomes far more complicated when the number of options increases to three. The possibility that a candidate fails to receive a majority of the votes becomes a possibility and the chance that this occurs becomes even more likely for every additional option above three. In most elections in the United States, except for Louisiana and some municipal elections, there are no runoff elections therefore whomever wins the plurality is declared the winner of the contest. This system is called the plurality election method and while rather popular in the United States has considerable criticism amongst voting theorists. Donald Saari, a mathematics professor at UC Irvine, notes that CIA repeatedly aided left wing parties in Chile to run candidates in order to divide the vote amongst left wing parties to ensure the defeat of all of the left leaning or socialist candidates in favor of a more palatable right wing candidate.

While the United States doesn't routinely have this spoiler effect problem (many contests are one sided) there have been several examples in which less popular candidates have encouraged voters to vote for the lesser of the two evils. The recent examples include: the 1992 Presidential Election, the 2000 Presidential Election, and the 2003 California Recall Election. In the 1992 election, Ross Perot ran as an independent and garnered 19% of the popular vote and hence denying Bill Clinton or George H.W. Bush the ability to receive a majority of the popular vote. Hence, had there been a runoff election the voters for Perot could have easily shifted the election towards Bush instead of Clinton. Four years later Perot garnered only 9%, but still denied both Clinton a majority of the popular vote. In 2000, Ralph Nader acted as a spoiler in Florida according to Democrats because his vote exceeded the slim margin of victory for George W. Bush. While it is difficult to be completely certain that Nader voters would have bothered to vote and to have voted for Gore had Nader not been on the ballot the possibility that Nader shifted the election towards Bush is widely accepted by many Republicans and Democrats alike.

In the 2003 California Recall election 135 candidates ultimately qualified for the ballot due to the the low ballot qualification standards<sup>1</sup> combined with the media frenzy that noted that theoretically a candidate might win with as little as 10% of the vote. Superior resources ultimately reduced the number of major candidates to three major candidates: Lt. Gov Cruz Bustamante, State Senator Tom McClintock, and Arnold Schwarzenegger. Both McClintock and Schwarzenegger are Republicans and despite Schwarzenegger's stronger polling numbers McClintock refused to leave the contest. Hence, Republicans became divided and the possibility that McClintock could throw the contest to Democrat Cruz Bustamante became a real possibility. While ultimately Schwarzenegger won ~48% of the vote and McClintock merely ~13%<sup>2</sup> one wonders whether Schwarzenegger won merely because of his early opinion polling success encouraged undecided and more pragmatic Republicans to vote for Arnold or whether Arnold really was more preferred by voters. Since McClintock had the highest approval rating amongst candidates one has to wonder whether early success in opinion polls skewed the results towards Schwarzenegger.

Thanks to these examples and others many critics of the plurality based voting without a runoff election believe that the United States ought to move towards a non-

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1 See: [http://en.wikipedia.org/wiki/California\\_recall\\_election#Recall\\_election](http://en.wikipedia.org/wiki/California_recall_election#Recall_election)

2 See: [http://www.ss.ca.gov/elections/sov/2003\\_special/sum.pdf](http://www.ss.ca.gov/elections/sov/2003_special/sum.pdf)

plurality based voting system. The other major election methods include plurality with runoff elections, approval voting, preferential voting (sometimes called Instant Runoff Voting (IRV)), the Borda Count method, and finally the Condorcet method.

### **Plurality voting with runoff elections**

Amongst the least radical election method that the United States could move towards would be a plurality election system with a runoff election. While most US elections don't have runoffs, some local elections (San Francisco until 2004) and Louisiana's state elections do utilize runoff elections. Several foreign countries utilize runoff elections notably France and Russia. While this ensures that the winner receives a majority because runoffs usually only have two candidates it doesn't ensure that the most popular candidate amongst voters wins. The candidate that is the most popular amongst voters may ironically be eliminated in the first round. Two extremist candidates are the more likely to advance than two moderate candidates. A candidate that most voters don't like such as Jean-Marie Le Pen<sup>3</sup> can advance into the runoff over a candidate that may be closer to the majority of the voters. Another criticism of this plan is that there is a significantly higher cost to running runoff elections. The 2003 California Recall Election cost the state and counties an aggregate of \$59 million dollars. While the 2003 California Recall Election was an unusual election in the large number of candidates (135) running an election costs millions of dollars and hence many voters may not support spending millions of dollars even if it would result in a more popular candidate being elected.

### **Approval Voting**

The Approval Voting method is a bit different from the status quo, but still rather simple to understand. In Approval Voting every voter votes for as many candidates as they approve to do the job. Approval voting is currently used by the United Nations to elect their Secretary General and also by the National Academy of Sciences. Because most major candidates have approval rates that exceed 50% the winner of such a race would be the candidate that was the least disliked candidate. As a added side effect it would discourage dirty campaigning because candidates whom attack opponents not only harm their opponents, but also frequently harm their own approval ratings.<sup>4</sup> Therefore, in order to prevent some third candidate from winning most candidates would probably try to stay away from any type of advertising that might backfire as being too negative. Furthermore, in most cases there would be little cost in implementation of approval voting because most current voting technologies can easily support this voting method. There is the obvious criticism that approval voting does not give voter the option of giving preference of one candidate over when one approves of multiple candidates. In addition, the winner is likely to merely be the least disliked not necessarily any voters first choice.

### **Preferential voting (Instant Runoff voting)**

Preferential voting is a system where the voter ranks their choices. In preferential

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3 See: [http://en.wikipedia.org/wiki/Jean-Marie\\_Le\\_Pen#A\\_controversial\\_figure](http://en.wikipedia.org/wiki/Jean-Marie_Le_Pen#A_controversial_figure)

4 See: <http://approvalvoting.org/cleaner.html>

voting the concept of the spoiler candidate is largely eliminated because one can vote for the candidate they most desire to win first and their pragmatic choice second. This election method is used by some parliamentary seats in Australia<sup>5</sup>, various student governments (Berkeley, Harvard, Stanford,...), the National Forensic League, and San Francisco municipal elections as of 2004<sup>6</sup>. Therefore, if their candidate is eliminated they still get to have some role determining the winner unlike the current plurality based voting system. In addition, unlike approval voting one can make further degradations between candidates beyond simply whether one approves or disapproves of the candidate.

Some of the criticisms of preferential voting should be somewhat obvious to anyone whom has ever used this voting system. One problem is that the system encourages individuals to put candidates that they want to lose lower than they may actually be if they were voting honest to their desires. Hence, virtually every time this system was used at the National Forensic League qualifier for Student Congress I always remember dropping those I didn't want to win off of the ballot entirely. I would pack my ballot beyond the one of two choices that I wanted to win with individuals whom I knew had no chance of winning. Therefore, the person I didn't want to win could never receive a 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, ... x<sup>th</sup> place vote from my ballot. Almost every other strategy minded voter I knew did the same. Considering this was a room of high school students I wouldn't find it a stretch of the imagination for a majority of adult voters to do the same. In addition, it sometimes forces voters to make decisions in differences where they may not obviously exist. Furthermore, much like plurality based voting with a runoff election ironically the candidate that is tolerated for the job could be eliminated in the first ballot. One candidate may be more popular amongst voters than another candidate, but be eliminated earlier merely because they received less first place votes.<sup>7</sup> Many critics of preferential voting note that the system systematically encourages disingenuous voting.<sup>8</sup> In theory preferential voting sounds good because if the voters voted honest to whom they really think would do the best in the precise order of quality the system would work great, but in practice preferential voting may not work as elegantly.

## The Borda Count

The Borda Count method was a preferential voting system devised by Jean-Charles de Borda in 1781. The Borda Count election method takes the number of candidates  $x$  and assign each place a value of  $x-p$  where  $p$  is the place. Hence a 1<sup>st</sup> place in a four candidate race would be worth  $3(4-1)$ .<sup>9</sup> It is fairly easy to see how this method can involve a candidate whom receives few or even no first place votes and still be in first place. Many sports polls and MVP voting run on a variation of this system where 1<sup>st</sup> place may be 2-3 points more than second place instead of the customary 1 point to make it harder for a team to be ranked number 1 with no first place votes. A variation of the Borda Count is used in Nauru, Kiribati, some private organizations and as noted some sporting polls use a modified version of the Borda count.<sup>10</sup> Much like preferential voting

5 See: <http://www.aussieinamerica.com/differences/preference.htm>;  
<http://www.australianpolitics.com/voting/systems/preferential.shtml>

6 See: <http://www.fairvote.org/sf/>

7 See: <http://www.condorcet.org/rp/IRV.shtml>

8 See: <http://www.electionmethods.org/IRVproblems.htm>

9 See: Saari, Donald. *Basic Geometry of Voting (Basic Geometry of Voting)*. N.p.: Springer, 1991. 6-8.

10 See: [http://en.wikipedia.org/wiki/Borda\\_count](http://en.wikipedia.org/wiki/Borda_count)

this system would encourage a voter to place a candidate they didn't want to win as low as possible even if one preferred that candidate over all others except one.

### **Condorcet Voting**

The last and probably least practical voting system is the Condorcet voting method. In this method the voter selects their preference for every single head to head on a matrix. Under this system the voter would have a great amount of power to give preferences for any head to head contest. The problem is that while many academics tout this as the ultimate voting system it would prove difficult to implement for large elections. For example had this system been used in the California Recall Election there would have been a matrix with 18,090 head to heads ( $135 \times 135 - 135$ ). Voters would easily have so many head to heads to vote for that it could easily take two, three, or four times as long as the current ballot. Add in the additional ballot costs and the confusion amongst voters and this system while perfect in voting theory wouldn't be practical for contests of any significant size.