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Do Nebraska and Maine Have the Right Idea?

The Political and Partisan Implications of the District System

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Abstract

After the 2000 presidential election, twenty-one states considered legislation to award their presidential electors using the district system, wherein one elector is awarded to the popular vote winner of each congressional district and the two state electors are awarded to the popular vote winner statewide. Historically, the district system is viewed as the politically feasible alternative to direct elections since it removes the distortions of the winner-take-all system and can be enacted by state law rather than constitutional amendment. However, the ultimate desirability of the district system lies in how it would change the conduct of presidential campaigns, not the counting of electoral college votes. Under the district system, presidential campaigns would shift their priorities from battleground states to battleground districts. The complexity and uncertainty in targeting these districts would force candidates to contest a larger and more geographically diverse percentage of the population than the current system. Moreover, the changes in presidential campaigns would increase the likelihood of presidential coattails and the prospects for unified government by increasing the competitiveness of

congressional elections in swing presidential districts. Finally, the district system has a conservative bias since the swing battleground districts favor Republican presidential candidates and have fewer minority residents and recipients of public assistance than the nation as a whole.

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The smoldering issue of electoral college reform has flared anew in the wake of the 2000 electoral college misfire. Despite opinion polls demonstrating that two-thirds of Americans support direct election of the president, the reform receiving the most consideration is the district system, wherein one elector is awarded to the popular vote winner in each congressional district and the two “senate” electors are awarded to the popular vote winner statewide. In 2001, twenty-one states were considering joining Maine and Nebraska in using the district system to allocate their presidential electors (Drage 2001).

Historically, the main argument in favor of the district system has always been its political feasibility rather than its inherent desirability. Like the direct election alternative, it would end the distortions of the winner-take-all aspects of the electoral college wherein the candidate with the plurality of votes receives all of the state’s electoral college votes. However, unlike direct elections, the district system preserves the power of small states and could be enacted by state or federal law rather than constitutional amendment. Moreover, eleven states used the district system during the early 1800s, and more recently Maine and Nebraska adopted the district system in 1972 and 1991, respectively, making the district system the only proposed electoral college reform that has actually been used in the United States (Peirce 1968). However, simply because the district system does not require a constitutional amendment does not mean that it is superior to other reform alternatives.

To date, the overwhelming majority of research on electoral college reform has focused on the relative merits of the present system versus direct elections (Longley and Peirce 1996; Best 1975, 1996). Most assessments of the district system have focused on how it would translate votes into electoral outcomes instead of how it would change the electoral incentives for presidential campaigns (Bensen 2000). By awarding electoral college votes on the basis of

district rather than state level votes, the district system would encourage presidential campaigns to focus their efforts on battleground districts instead of battleground states. Examining the consequences of this change in campaign strategy is essential for understanding the merits of the district system as an alternative to the existing electoral college, and valuable in better understanding how the electoral college shapes all aspects of our political system-- presidential campaigns, political participation, electoral coalitions, congressional elections, and the two party system.

The merits of the district system lie in how shifting the focus of presidential campaigns to battleground districts would affect our electoral and governing processes. My view is that the optimal presidential electoral system would encourage presidential campaigns to build broad electoral coalitions, stimulate citizen interest and turnout in presidential elections, produce a president who can govern, strengthen the two party system, discourage electoral fraud, and be relatively neutral. To assess how well the district system meets these criteria, I examine seven questions. First, does the district system represent an improvement over the present winner-take-all system in its efficiency and accuracy in translating the popular will in presidential elections? Second, would the resulting changes in presidential campaigns under the district system increase or diminish citizen interest in elections? Third, what are the ramifications of the district system for a president's ability to bring in fellow partisans to congress and his or her ability to govern? Fourth, which groups or parties are favored under the district system? Fifth, does the district system enhance or diminish the prospects of third parties. Sixth, does it discourage electoral mischief and voter fraud? Seventh, what are the prospects that any of the 21 states considering the district system after the 2000 election will adopt it?

The Efficiency and Accuracy of the District System

There is a tension inherent in all electoral systems between efficiency in choosing a clear winner and accuracy in reflecting the public will. The debate between plurality and proportional representation systems is a debate over the values of stability and firm government versus representing the interests of electorate (Lijphart and Grofman 1984; Milnor 1969). Supporters of the winner-take-all system are first and foremost in the stability and firm government camp. They contend that the well documented magnifier effect of the winner-take-all system in the electoral college, wherein the winner of the popular vote typically wins a greater share of the electoral college vote, ensures a president will be selected, without runoff or contingency elections (Best 1996). Supporters of direct elections are critical of the winner-take-all system's efficiency and accuracy. They note the electoral college is susceptible to choosing the candidate with fewer popular votes in close elections and effectively disenfranchises supporters of the losing candidate in awarding a state's electoral votes (Longley and Peirce 1996). This section examines how the district system fares in comparison with the winner-take-all system in its efficiency in choosing a winner and accuracy in reflecting the public will.

Inferring how electoral college votes would be allocated in presidential elections under the district and winner-take-all system at both the state and national level requires accurate presidential vote totals by congressional districts. However, most election officials do not bother to report presidential votes by congressional districts, only by counties. Since 1952, Congressional Quarterly has calculated the results of presidential elections by congressional district, often in consultation with the Republican National Committee (RNC) and its pollsters. Estimating accurate vote totals by congressional district is more of an art than a science since the boundaries of congressional districts often cross voting district boundaries (Bensen 2000). Moreover, under the winner-take-all system, there is little presidential campaigning at the district

level. If districts mattered, the subsequent campaigning would likely change the outcomes. However, the Congressional Quarterly district level vote for presidents are widely acknowledged as reasonably depictions of the districts underlying partisan behavior and have been used by the RNC in identifying potentially vulnerable democratic incumbents (Bensen 2000) and in comparing election outcomes under different electoral college reforms (Huckabee 2000; Wayne 2000; Longley and Peirce 1996). While it is impossible to predict the actual election outcomes under the district system since the candidates would have conducted their campaigns in a different manner, this data does allow us to make inferences about how differences in the popular vote for candidates would be translated into electoral vote counts under different electoral rules.

An analysis of the distribution of electoral college votes under the district system using the Congressional Quarterly data reveals that the district system strikes a balance between the efficiency of the winner-take-all system and the accuracy of the direct election alternative.¹ The district system reduces the distortion of the winner-take-all system at the state level and produces a more accurate reflection of voters' preferences within the state and nation. In the 2000 presidential election, George W. Bush received all of Florida's 25 electoral votes and Al Gore received 0 electoral votes despite a virtual tie in the state popular vote. Under the district system, Bush would have won thirteen congressional districts compared to Gore's ten, leaving the two at-large electoral votes up for grabs.

Figure 1 Outcome of 2000 Presidential Election in Florida Under the District System Here

The district system also produces a more accurate reflection of candidates' popular support at the national level. Table 1 shows the winners' share of the popular vote and the electoral college vote under the two electoral systems for the 1952-2000 presidential elections. The district system generally reduces the disparity between the candidate's percentage of the

popular vote and the percentage of the electoral vote, and thus produces a more accurate reflection of popular support for the president than the winner-take-all system, also known as the unit system. In these 13 presidential elections, winners averaged 52.4 percent of the popular vote and 75.1 percent of electoral college votes under the unit system. Under the district system, winners would have received on average 67.7 percent of electoral college votes. The difference represents a 7.4 percent improvement in proportionality, although the majority of improvement in proportionality comes from increasing the losers' share of electoral college votes in landslide elections such as 1964, 1972, and 1984.²

Table 1 Popular Vote and Electoral College Vote Under the District and Winner-Take-All System Here

If the district system produces a modest improvement in accuracy, how does it fare in its efficiency in selecting a president? Like the winner-take-all system, the district system has a significant magnifier effect in increasing the winner's share of electoral college votes by 15.3 percent relative to their share of the popular vote. As with the winner-take-all system, the magnifier increases the likelihood the election will produce a definite winner and avoid the need for a contingency election (Best 1996). However, the district system is not immune to misfires. Under the district system, Richard Nixon would have defeated John Kennedy in the 1960 election by 278 to 245, with 14 unpledged electors from Alabama despite Kennedy's .2 percent popular vote majority. Moreover, the district system introduces the potential of a state level misfire where the candidate who receives the majority of votes in a state might not receive the majority of electoral votes. For example, in 1960 in Missouri, Kennedy won the four urban

congressional districts of Saint Louis and Kansas City by overwhelming margins. However, Kennedy lost the seven non-metropolitan districts by narrow margins. Thus, under the district system, Kennedy would have received 50.7 percent of the popular vote, but only six of the state's thirteen electoral votes (Longley and Braun 1972).

The Impact of the District System on Presidential Campaign Strategy

One of the main arguments in favor of the electoral college over the direct election alternatives is that it encourages candidates to build broad geographical coalitions because it is the distribution of votes rather than the number of votes that matters. However, the practice of presidential campaigns suggests otherwise. The winner-take-all system rewards presidential campaigns that devote resources and tailor their campaign message to attract voters in the battleground states where they have a reasonable chance of winning, and write off "safe" states where one candidate has a significant lead in public support (Mayer et al. 2002; Shaw 1999; Longley and Peirce 1996).

The impact of the winner-take-all system on presidential campaigns has two major negative consequences on the quality of our democracy. First, campaigns encourage political participation in battleground states, rather than the nation as a whole. In the 2000 presidential election, observers concluded the election would be won or lost in the fourteen battleground states of Pennsylvania, Wisconsin, Iowa, Oregon, New Mexico, New Hampshire, Arkansas, Louisiana, Michigan, Washington, Tennessee, Missouri, Florida and Ohio (Faucheux 2000). These states represent only 31.5 percent of the nation's population. Thus, both the Bush and Gore campaigns did not seriously campaign in two-thirds of the nation in their quest for the presidency.

Consequently, the winner-take-all aspect of the electoral college encourages candidates to place a higher priority on the interests of voters in battleground states over voters in safe states

(Haider-Markel et al. 2002). An internal strategy memo prepared by Karl Rove for the Bush Administration identified 15 key battleground states for 2004-- the six states Bush won by less than 5 percent, the four states he lost by less than 1 percent and five more he lost by less than 5 percent-- as “special concerns” deserving extra attention (Page 2002). According to some political commentators, the interests of these states have been given special priority within the Bush Administration. For example, the Administration diverged from its laissez fair and free trade policies to support a \$190 billion farm bill popular in Iowa, Missouri and elsewhere in the Farm Belt (Krugman 2002) and imposed tariffs on steel imports crucial in West Virginia, Pennsylvania, and Ohio (Broder 2002). Similarly, the Administration has moved to prevent offshore oil and gas drilling leases in the battleground state of Florida, but is fighting the efforts of the safe democratic state of California to block the extension of oil leases in court (Page 2002).

Previous scholarship on the electoral college has assumed campaigns act rationally in allocating resources to achieve the 271 vote majority of the electoral college (Bartels 1985; Brams and Davis 1974; Colantoni, Levesque, and Ordeshook 1975; Mayer et al. 2002). Changing the electoral rules from winner-take-all to the district system would provide a new set of incentives for presidential campaigns. Under the district system, the calculus of how to achieve a majority of the electoral college would be dramatically more complicated because instead of focusing on 50 states, campaigns would have to contend with 50 states and 436 congressional districts, including the District of Columbia.

Daron Shaw’s (1999) research into presidential electoral college strategies in the 1988-1996 presidential elections provides a compelling account of strategic behavior by campaigns and provides useful insights into how candidates would respond to the new electoral rules under

the district system. His first-hand accounts of Republican and Democratic campaign operatives revealed that candidates divide states into one of five categories-- base Republican, marginal Republican, battleground, marginal Democratic, and base Democratic-- in deciding where to invest the candidates' resources. The categorization of states was based on a two-part decision. First, the candidates ranked states according to their potential for victory based upon previous presidential election results and polling data. Second, they sorted states according to their electoral college votes. Campaigns differed in their goals for the electoral college vote. Front-runners (Bush 1988, Clinton 1996) aimed for a larger electoral college vote count to be able to claim a mandate, while underdogs (Dukakis 1988 and Dole 1996) focused on winning just enough states to obtain the bare 271 vote electoral college majority. These strategic decisions were then used to target the allocation of resources with the most candidate appearances and television advertising in the battleground states, slightly less in marginal states, and barely any in base states (Shaw 1999, p. 907).

Under the district system, the basic strategic question for candidates remains the same-- where should they invest their resources to obtain an electoral college majority? The political and electoral logic by which presidential campaigns devised their electoral strategy in the 1988-96 elections suggests candidates make their strategic decisions based on two factors: the need to obtain a majority of electoral college votes and the partisan behavior in previous statewide elections. To obtain a majority of electoral college votes, candidates would focus their efforts on approximately 60 percent of the most winnable districts, knowing that not all of the targeted districts are likely to respond to their campaign appeals. Similar to the existing system, campaigns would rank states and districts as base Republican, marginal Republican, battleground, marginal Democratic, and base Democratic districts based upon their perceived

likelihood of supporting the candidate. Both campaigns would continue to pay more attention to battleground districts, less attention to marginal districts, and little to no attention to base districts (Mayer et al. 2002).

Understanding the political and partisan consequences of these strategic decisions under the district system requires predicting the location of the likely base Republican, marginal Republican, battleground, marginal Democratic, and base Democratic districts in each presidential election. Using the Congressional Quarterly district level results for each presidential election, states and congressional districts were ranked by the percentage of Republican presidential vote and then divided into quintiles, from most to least Republican. Using quintiles and the partisanship of districts allows us to predict where campaigns are most likely to invest their campaign resources.

The electoral incentives of the district system would force candidates to seek the votes of a more geographically diverse and larger percentage of the population than the current system. In the 2000 election, 84.6 percent of the Bush and Gore media spending in the final eleven weeks of the campaign was concentrated in fourteen states (McKee 2001). Had the 2000 election been conducted under the district system, the strategy of presidential campaigns and its consequences would have been radically different. Based on the results of the 2000 election, twenty-seven states had at least one battleground district, and another fifteen states had at least one marginal Republican or Democratic district. Campaigns would have had to tailor their campaign message to this larger group of voters and distribute their resources more widely to contest the geographically dispersed battleground districts (Mayer et al. 2002).³

Texas provides an illustrative example of this dynamic. Since 1980, Texas has been ignored by presidential campaigns under the winner-take-all system as a safe Republican state.

Under the district system, however, campaigns could no longer ignore Texas. In the 2000 election, Texas had 16 base Republican, 4 marginal Republican, 4 battleground, 5 marginal Democratic, and 2 base Democratic districts. Figure 2 shows the distribution of these districts in Texas for the 2000 presidential election. While approximately half of the districts in Texas are base Republican or Democratic districts where support for their respective candidates is not in doubt, the remaining 13 marginal and battleground districts in Texas are potentially competitive. Both presidential campaigns would have had strong incentives to contest at least some of these districts.

Figure 2 Battleground Districts in Texas in the 2000 Presidential Election Here

Some would point to Figure 2 as evidence that the district system would unduly complicate presidential campaigns, hamper campaigns' ability to efficiently target voters through the mass media, and thus increase campaign costs (Stein et al. 2002). However, the "inefficiency" of campaigning is one of the main virtues of the district system. Since major media markets overlap many congressional districts (Alford, Henry, and Campbell 1985), campaign commercials targeted at voters in battleground districts would invariably reach voters in non-targeted districts as well, a phenomena called "spillover campaigning" (Haider-Markel et al. 2002). Although the exact strategy would be the result of a complex interaction of the costs of television advertising and the competitiveness of the districts (see Shaw 199, p. 905), hypothesizing about the likely conduct of the 2000 presidential campaign in Texas under the district system provides a compelling insight into the dynamic of spillover campaigning. If at least one of the presidential campaigns targeted the four battleground districts (congressional districts 10, 24, 25, 27) and ignored the marginal districts, the campaign would have to purchase advertising in the Houston, Dallas-Ft. Worth, Austin, and Corpus Christi media markets

(Broadcasting and Cable Yearbook 2003). Voters in 23 other congressional districts, which are part of these four media markets, would also view these campaign commercials. Moreover, the two westernmost congressional districts in Texas would also experience spillover effects from the battleground districts in New Mexico. Based on this analysis of the 2000 election, under the district system, voters in 27 of the 31 districts would likely experience at least some presidential television campaign advertising.

While some might question the value of any reform that increases the already escalating costs of presidential campaigns, research on the impact of congressional campaigns on the political awareness of voters suggests otherwise. As voters see more campaign commercials, their knowledge about candidates increases, as does their ability to place candidates on ideology and issue scales. Moreover, lower income voters experience the greatest learning gains from campaigns (Coleman and Manna 2000; Coleman 2001). The spillover campaigning under the district system would improve the caliber and extent of citizen involvement in the electoral process, instead of confining it just to battleground states.

Had presidential electors in the 2000 election been distributed using the district system instead of the winner-take-all, the strategy of presidential campaigns would have been radically different. Instead of targeting the third of the American population in the fourteen battleground states, the campaigns would have had to target the battleground and marginal districts in the 42 states that would effectively decide the election. As the map of Texas shows, in trying to reach voters in these geographically dispersed battleground districts through campaign commercials, presidential campaigns would invariably reach non-targeted voters in solidly partisan districts as well. By forcing campaigns to distribute their resources more widely, the district system would improve the caliber and involvement of citizen involvement.

The Impact of the District System on a President's Ability to Govern

Electoral systems should be judged not only for how well they register the national will and structure campaigns, but also for their impact on the governability of the system. Much of the debate has centered on which system, the electoral college or direct election, is most likely to produce a mandate. Proponents of the electoral college argue that the winner-take-all system's tendency to magnify small differences in the popular vote into large differences in the electoral college vote, as in the 1980 and 1992 elections, helps provide presidents with an effective popular mandate to govern (Best 1975, 1996). By contrast, proponents of direct election, like Stephen Wayne, have argued that the winner-take-all feature of the electoral college depresses turnout and thus undermines the popular mandate of the president (Wayne 2000).

The importance of the mandate concept in the arguments about governability is troubling since presidential mandates are neither a common event nor necessary for a productive executive-legislative relationship (Jones 1993). Studies of presidential support reveal that the strongest supporters of the president are always members of the President's own party (Bond and Fleisher 1990; Edwards 1989). While the debate over the legislative productivity of unified versus divided government is far from settled (Mayhew 1991), recent evidence suggests that unified government produces more significant legislative enactments and is more responsive to the public mood than divided government (Coleman 1999). The empirical research on presidency-congress relations suggests quite clearly that a president's ability to govern is a product of the number of his fellow partisans in congress, not the size of his mandate.

Unfortunately, the record of our present system in this regard is fairly dismal. The decline of presidential coattails is a well-documented trend (Jacobsen 1997). Congressional incumbents' ability to insulate themselves from the effects of national political trends has led to a

decline of presidential coattails. Competitive congressional elections are a relative scarcity as quality candidates and campaign funding are increasingly concentrated in a handful of races against weak incumbents and open seats (Jacobson 2001). Presidential campaigns' focus on battleground states only reinforces this lack of competition at the congressional level and minimizes the prospects for presidential coattails that could create unified party government.

By contrast, the change in presidential campaign strategy from battleground states to battleground districts would significantly increase the competitiveness of congressional elections in two ways: by encouraging the emergence of higher quality challengers and nationalizing the congressional election.⁴ As noted above, the district system would encourage presidential campaigns to target resources such as advertising, mailings, and visits to battleground districts. In addition to devoting more campaign resources to these districts, both parties would have a stronger incentive to recruit quality congressional challengers to help create a strong party ticket and therefore build greater support for the presidential candidate in these potential swing districts. Moreover, the presence of a presidential election in a congressional district would likely make the congressional election a referendum on the direction of the country rather than on the attentiveness of the incumbent. Furthermore, the nationalization of congressional elections reduces the inherent advantage of incumbents (Jacobsen 1997). These factors will increase the perception of potential candidates of their prospects for winning, which will increase the pool of quality candidates and, by extension, the overall competitiveness of congressional elections (Canon 1990; Jacobsen 1997).

The district system would only impact the competitiveness of congressional elections in the marginal Republican, battleground, and marginal Democratic House districts, hereafter referred to as potential swing districts. These are the districts where campaigns are most likely

to devote resources. If these potential swing districts are already competitive, then the district system will not increase the likelihood of unified government. If the potential swing districts are not competitive, and could be made more competitive by the district system, then it increases the likelihood of unified government.

In the 1992, 1996, and 2000 presidential elections, very few of the potential swing districts were competitive. The margin between the winning and losing candidate is a commonly used measure of the competitiveness of elections (Jacobsen 1997).⁵ Table 2 ranks all potential swing districts by the difference between the winning and losing candidate. As we can see, the majority (54.9 percent) of potential swing district elections were blowouts, where the winning candidate won by more than 20 percent. Only 22.9 percent of all elections in these swing districts were reasonably competitive, wherein the winning candidate won by 10 percentage points or less.

Table 2 Competitiveness of Potential Swing Districts in the 1992-2000 Elections Here

A president's ability to govern is greatly enhanced by having a majority of fellow partisans in both houses of Congress. The lack of competitiveness in congressional elections makes it nearly impossible for the winning presidential candidate to change the partisan composition of congress in his or her favor. For the 1992-2000 election cycles, only 22 percent of the 262 potential swing districts (58 seats on average) were competitive. The district system would increase the likelihood of more competitive congressional elections by increasing the number of quality challengers in potential swing districts as well as nationalizing more congressional races. These changes would increase the likelihood of presidential coattails, and by extension, the prospect of unified government. By reinforcing the geographical electoral constituencies of the president and Congress, the district system increases the likelihood they

will see their electoral fates as intertwined and work more closely together, thus overcoming some of the governability barriers inherent in our separated system.

Who Benefits From the District System: A Demographic and Partisan Analysis

No electoral system is completely neutral. The winner-take-all system favors residents of large and small states, whereas direct elections would favor urban areas and states with high voter turnout. Estimates of the biases of the electoral college suggest that it has favored different groups and parties at different times (Yunker and Longley 1973; Longley 1992; Cigler et al. 2002). This raises the question of who would benefit from the district system.

Although Democrats were the champion of the district system in the 19th century, conservatives have advocated the district system in recent history (Peirce 1968). In the 1950s, Republican Representative Frederic Coudert, representing Manhattan's silk stocking district, and South Dakota Senator Karl Mundt joined together to advocate the Mundt-Coudert district plan. The proposed constitutional amendment would have replaced the existing winner-take-all system and given states the option of choosing either the district plan or proportional representation for allocating their electoral college votes. Senator Mundt argued it "would restore and preserve the balance of voting power between the rural and urban areas, between great states and small states (Peirce 1968, p. 158)." The amendment was strongly opposed by liberal senators, including future President John F. Kennedy, who argued that the district system, when combined with malapportioned rural districts, would hurt urban and minority interests by making rural, white, conservative congressional districts the new swing districts, instead of the large urban states. The Mundt-Coudert plan received 48 votes in the Senate in 1956, well shy of the two-thirds requirement.

However, two important changes have occurred since then. First, the Supreme Court has required all congressional districts to be of equal size. Second, African-American, and to a lesser degree Latino, political power has increased significantly with the passage and enforcement of the Voting Rights Act and the creation of majority-minority districts. These demographic and institutional changes raise the question of whether Kennedy's argument about the conservative bias of the district system is still valid.

The demographic bias of the district system depends on whether the battleground and marginal districts are representative of the nation as a whole. Using data from the 1994 Census on Congressional Districts, I calculated the percentage of district residents receiving public assistance and the percentage of minority voters in each district for each of the five categories of districts in the 1992, 1996, and 2000 presidential elections and divided by the national average of each. A positive number indicates this type of district is has more recipients of public assistance or racial minorities than the nation as a whole while negative numbers indicate the districts have fewer recipients of public assistance or racial minorities than the nation as a whole.

Table 3 Relative Demographic Characteristics of Districts 1992-2000 Here

Table 3 shows that battleground and marginal districts have fewer minorities and are less dependent on public assistance than the nation as a whole. Battleground districts have 35.7 percent fewer minority residents and 10.3 percent fewer recipients of public assistance than the national average. Similarly, both marginal Republican and marginal Democratic districts have fewer recipients of public assistance than the national average. In large part, this is because both minority residents and recipients of public assistance are overwhelmingly concentrated in base Democratic districts, in part due to the creation of majority-minority districts. Since presidential campaigns would tailor their policies to attract voters in the battleground and marginal districts,

the demographics of the district system suggest that campaigns would be less attentive to minority voters and recipients of government assistance than under the present system.⁶

Subsequent critics have also argued that the district system disadvantages Democrats since their presidential votes are more geographically concentrated than Republicans, although the scholars did assess this empirically (Lineberry and Davis 2002). An early measure of bias compared the number of “wasted votes,” that is votes beyond the plurality needed to carry the district (Longley and Braun 1972). In the 1960, 1964, and 1968 elections, the average margin of victory in congressional districts carried by Democratic presidential candidates was 24.7 percent compared to the 14.8 percent average margin of victory in congressional districts carried by Republican presidential candidates. Table 4 extends this analysis by comparing the average margin of victory in congressional districts won by Democratic and Republican candidates. While Democratic votes are still more geographically concentrated than Republican votes, it is not as extreme as the 1960s period alone. While the average Democratic margin of victory has exceeded the average Republican margin of victory in all but two of the eleven presidential contests since 1960, the 20.7 percent average Democratic margin of victory is not that much higher than the 18.1 percent average Republican margin of victory. However, this analysis is potentially misleading since it is the battleground and marginal districts that will determine the winner under the district system.

Table 4 Average Margin of Victory in Congressional Districts Here

A better measure of the partisan bias of the district system would focus on whether the marginal Republican, battleground, and marginal Democratic districts vote relatively more Republican or Democratic than the nation as a whole. For each of the 1972-2000 presidential elections, I calculated the average Republican vote for each of the five categories of districts--

base Republican, marginal Republican, battleground, marginal Democratic, and base Democratic—and subtracted the national Republican vote. The result is the average Republican margin of victory by district type in Table 5. Positive numbers indicate that the districts voted more Republican than the national average while negative numbers indicated the districts voted more Democratic than the national average.

Table 5 shows that the district system would favor Republicans in two ways. First, battleground districts vote slightly more Republican than the nation as a whole. The average margin of victory for Republican candidates in battleground districts is 1.6 percent. While 1.6 percent may not seem large, there were ten districts in the 2000 election where the margin between George Bush and Al Gore was less than 1.6 percent. Second, the marginal Republican districts support the Republican candidate more than Democratic districts support the Democratic candidate. The margin between Republican and Democratic candidates in marginal Republican districts was larger (6.5 percent) than in marginal Democratic districts (-4.0 percent). The Democratic presidential candidate would face a more difficult challenge in retaining his or her marginal districts and wooing the battleground districts than the Republican candidate would.

Table 5 Average Republican Margin By District Type, 1972-2000 Here

The demographic and partisan implications of the district system seem clear. The key battleground and marginal districts have fewer minorities, are less dependent on public assistance, and vote more reliably Republican than the nation as a whole. However, it is unclear whether these results prove the district system is biased against minority and Democratic interests. The Democratic presidential campaign strategy in the 1972-2000 elections may have aimed at maximizing the vote of their base voters rather than in reaching out to voters in the battleground and marginal districts. Under the present system, there is little presidential

campaigning at the district level. If districts mattered, the results, particularly in close districts, could be changed through a different campaign strategy. In other words, it is unclear whether the partisan leanings of battleground districts under the district system are a result of their inherent partisan bias or the conduct of the presidential campaigns. In 1992 and 1996, Bill Clinton attracted middle-class voters, in part, by campaigning as a New Democrat. Perhaps not coincidentally, the lowest Republican margin of victory in battleground districts in the 1972-2000 period was the 1992 and 1996 election, at .6 and .2 percent respectively.

Does The District System Favor or Discourage Third Parties?

Research on alternatives to the present electoral college system has devoted considerable attention to the impact of the various alternative electoral systems on representation of third parties. Proponents of the electoral college contend the winner-take-all system hinders third party candidates and strengthens the two-party system (Bickel 1971; Bibby and Maisel 1998; Best 1996). Critics of the district system have suggested it would encourage minor parties and thus undermine the two party system (Longley and Braun 1972). However, history demonstrates that the district system would not have significantly changed the share of electoral college votes won by third-party candidates. Table 8 presents the percentage of popular vote and number of electoral college votes won by third-party candidates in the 1968, 1980, 1992, 1996 and 2000 presidential elections. The only third party candidate to receive any electoral college votes under either the winner-take-all or district system was George Wallace, a regional candidate. Wallace received 8.5 percent of the electoral college votes under the winner-take-all system, but would have received 10.4 percent of electoral college votes under the district system. Ross Perot would still have been shut out of the electoral college under both systems despite receiving 19 percent

of the national vote. The district and winner-take-all systems would hinder third parties that were not regionally concentrated.

Moreover, the district system actually strengthens the two-party system by diminishing the impact of splinter third parties on the distribution of statewide electoral college votes. In the 2000 election, Ralph Nader, the Green Party candidate whose support consisted mostly of liberal democrats, siphoned enough votes to deny Gore a plurality and thus gave Bush all of Florida's twenty-five electoral college votes. Under the district system, a splinter party candidate, like Nader or Patrick Buchanan, could only affect the outcome of the two state electoral votes. Most splinter third party candidates' popular support is likely to be concentrated in the base districts of each party, where the winner of the district is not in question.

Table 6 Third Party Popular and Electoral Vote Here

Electoral Mischief and Voter Fraud

Critics of the district system often contend it would magnify the problems of voter fraud and electoral shenanigans (Longley and Braun 1972; Bickel 1971). Judith Best (1996), for example, contends that the district system would make detecting and preventing voter fraud extremely difficult since there would be 435 districts to monitor instead of just 50 states. This reasoning fails to consider that the likelihood of parties or individuals engaging in vote tampering is a function of the incentives and opportunities to do so.

The exceedingly close 2000 presidential election nicely illustrates the merits of the district system over the winner-take-all system in preventing voter fraud. Under the winner-take-all system, both parties in Florida had a tremendous incentive to tamper with ballots since whichever side could "create" a few hundred ballots would win all of the 25 electoral college votes and the national election. By contrast, under the district system, the incentive for electoral

mischief is much lower since the most electoral votes that can possibly be changed would be three (one for the district and two for the state). Moreover, the opportunity for mischief under the winner-take-all system is quite high, since it is hard to monitor all the counties and absentee ballots within the state, as Florida amply illustrated.⁷ By contrast, there were only five congressional districts where the margin between the winning and losing presidential candidate was under 1,000 votes, (NY-24, VA- 4, TN- 8, MI-10, TX-27). The opportunity for fraud is extremely low since it is easier to monitor the vote counts in those five districts than an entire state. The prospect of voter fraud depends on the incentive and opportunity to do so, not the number of districts.

Prospects for State Level Adoption

Having discussed the relative merits of the district system, it is worth considering the prospect that states will actually adopt the district system. Under the Constitution, states are free to change how they award their presidential electors. In 1992, Virginia nearly adopted the district system when Democrats controlled all three branches of government. The measure passed the House of Delegates before losing by one vote in the state Senate (Seligson 2001). In 2001, twenty-one states considered legislation to require the use of the district system to allocate their presidential electors (Drage 2001). Some political scientists have called upon states to experiment with the district system to assess its impact on citizen participation and minority influence (Schumaker and Loomis 2002, 204)

However, it is unlikely that any individual state will experiment with or adopt the district system for two reasons. First, by dividing up their votes, the district system would weaken the political clout of states, particularly large states, which is enhanced by the all-or-nothing aspect of the winner-take-all system (Armor 2001). For example, if Florida were to adopt the district

system and they had a similar distribution of popular votes for the Republican and Democratic presidential candidates in 2004 (13 GOP, 10 Democratic, 2 at large votes undeclared), the relative electoral payoff for campaigns in Florida would be at most three electoral college votes. Florida's electoral clout would diminish compared to neighboring Georgia's thirteen electoral college votes or even South Dakota's three electoral college votes. Thomas Jefferson discussed this problem in a letter to James Monroe prior to the 1800 presidential election where he noted: "All agree that an election by districts would be best if it could be general, but while ten states choose either by their legislatures or by a general ticket, it is folly or worse for the others not to follow (Peirce 1968, 286)." In short, a collective action problem would discourage individual large states from changing their electoral system.⁸

Second, the district system would diminish the political clout of state majorities by giving the minority party greater representation in selecting the president. The ruling political faction in the eleven states that used the district system during the early 1800s soon adopted the winner-take-all system to ensure the opposition did not receive any of the state's electoral college votes. Delivering the entire slate of electoral votes to a winning presidential candidate strengthened the ruling faction's claims on patronage. Virginia's history is illustrative. Support for the Federalist Party had been growing in Virginia prior to the 1800 presidential election. In response, Jefferson and Monroe helped change Virginia's method of selecting presidential electors from the district to general ticket system, thereby ensuring all of Virginia's 21 electoral college votes went to Jefferson in the 1800 presidential election (Peirce 1968).

With bleak prospects for state level adoption, the best hope for adopting the district system lies in a constitutional amendment. As for the potential of a constitutional amendment, the historical record according to the National Archives and Records Administration is clear.

More than 700 proposals have been introduced in Congress to reform or eliminate the electoral college, with only the 12th amendment to show for it. However, the bleak prospects for state level adoption or a constitutional amendment at the national level do not diminish the relative merits and shortcomings of the district system as an alternative.

Conclusion

The electoral college is the linchpin of the America political system. Any change in the existing winner-take-all system has sweeping ramifications for all aspects of our political system-- presidential campaigns, political participation, electoral coalitions, congressional elections, and the two party system. While the adoption of the district system would change how the popular vote is translated into electoral college votes, its major impact would come from changing the electoral strategy of presidential campaigns from battleground states to battleground districts. Under the district system, presidential candidates would have to campaign in more states and build a broader geographical electoral coalition than under the winner-take-all system. The change in campaign strategy would presumably increase citizen participation and voting in presidential elections. To strengthen the party ticket and their own electoral prospects, presidential campaigns would place a greater emphasis on recruiting higher quality congressional candidates in battleground districts. This change would increase the competitiveness of congressional elections and the likelihood that the winner of the electoral college would also enjoy a partisan majority in the House of Representatives. However, any reform that changes how votes are counted changes the political clout of those affected. Battleground districts are whiter, less dependent on public assistance, and more Republican than the nation as a whole. This demographic and partisan analysis suggests that the district system would favor Republican presidential candidates, although it is unclear whether this is because of the partisan leanings of

battleground districts or a combination of the conduct of the presidential campaigns and the existence of majority-minority districts. Finally, contrary to the conventional wisdom, the district system diminishes the impact of third party candidates on electoral outcomes and the incentives and opportunities for voter fraud significantly more than the winner-take-all system.

A potential drawback of the district system is how state legislatures would create the districts for awarding presidential electors. At present, state legislatures draw their congressional boundaries based on a complex mix of partisan considerations, incumbency protection, and race. The district system might create an irresistible opportunity for state legislatures to engage in extreme partisan gerrymanders that could bias the outcomes of presidential as well as congressional elections (Best 1996). For example, the 2002 redistricting plan devised by the Republican-dominated Pennsylvania state legislature in produced GOP victories in 12 of the 19 congressional districts, even though a Democrat won the governorship handily and Democrats have a slight majority in party registration advantage. If Pennsylvania voters voted the same in the 2004 presidential election as they did in the 2002 congressional election, the Republican presidential candidate would receive twelve electoral votes, the Democratic candidate seven, with the two state electoral votes awarded to the winner of the popular vote statewide. Such partisan redistricting would also increase the probability of state level misfire, where the candidate who receives the majority of votes in a state might not receive the majority of electoral votes.

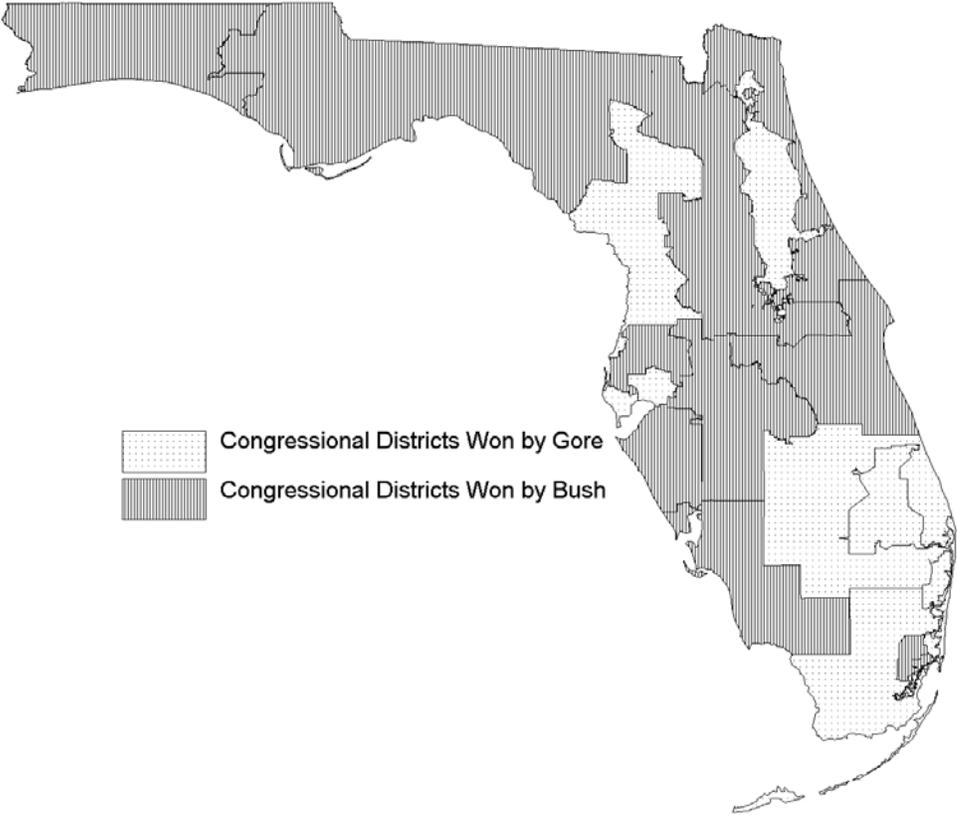
However, even if states engage in extreme partisan redistricting, the distribution of a state's electoral college votes under the district system would more closely reflect the actual distribution of voter preferences than under the winner-take-all system. Each party's candidates would receive at least some electoral college votes in both battleground states, where there is a

small difference in popular support between the two parties such as Pennsylvania, and in one-party dominated Republican and Democratic states like Texas and California.

Moreover, the district system would significantly increase public scrutiny of the redistricting process. The public's apathy concerning gerrymandering might be dispelled if the presidency is at stake. Moreover, the debate over whether African American and Latino political interests are best served by having fewer majority-minority districts or more minority influence districts would take on a greater sense of urgency under the district system. Whether the higher level of public and political scrutiny of the redistricting process is enough to trump the state legislature's preeminent concerns in such matters remains unclear.

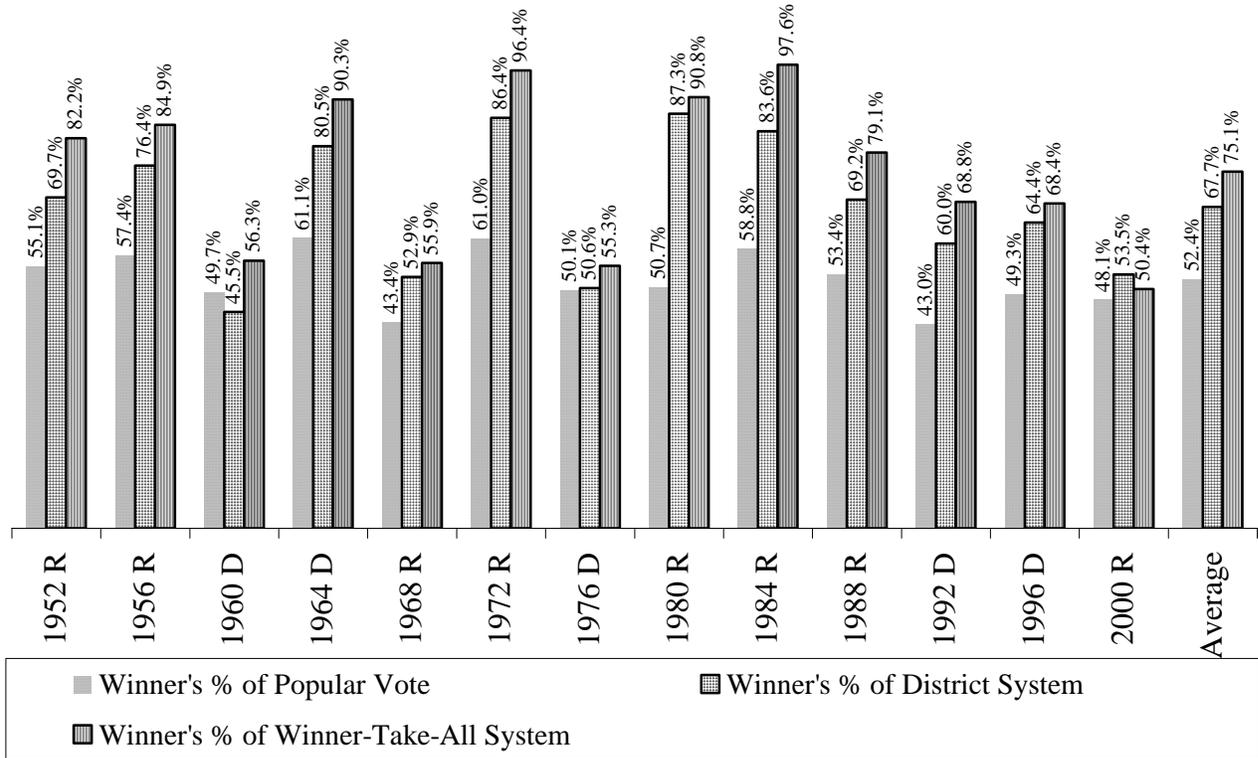
Scholars of the electoral college have presented a wide array of often conflicting criteria for evaluating the effectiveness of alternative presidential selection schemes, ranging from encouraging voter turnout to reducing the premium on fraud; from preserving the two party system to preserving federalism; from encouraging candidates with broad geographical, ideological and ethnic bases of support to producing a president who is independent; and from creating a clear winner to producing moderate winners who losers can tolerate (Schumaker and Loomis 2002; Best 1996; Longley and Peirce 1996). My own view is that the optimal presidential electoral system would encourage presidential campaigns to build broad electoral coalitions, stimulate citizen interest and turnout in presidential elections, produce a president who can govern, strengthen the two party system, discourage electoral fraud, and be relatively neutral. I think the district system excels in meeting these criteria.

Figure 1 Outcome of 2000 Presidential Election in Florida Under the District System



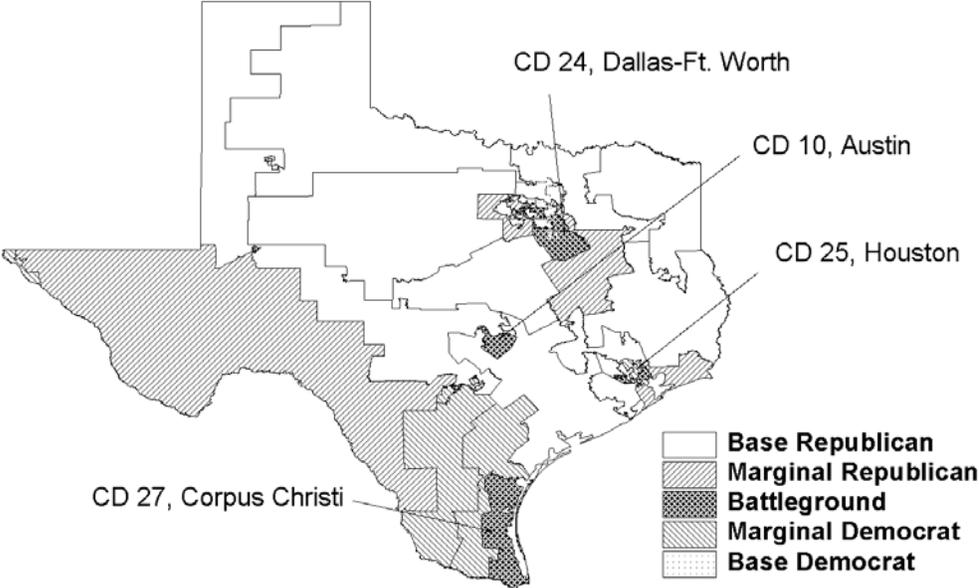
Source: Based on data from Polidata.org (Bensen 2000).

Table 1 Popular and Electoral Vote Under the District and Winner-Take-All System



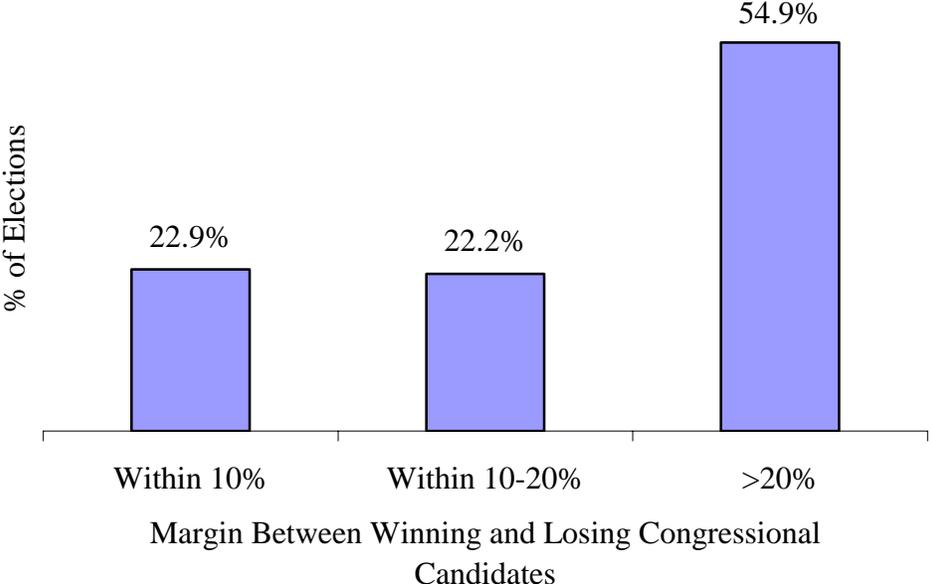
Source: 1952-96 Elections Congressional Quarterly Data; 2000 Election, Polidata.org

Figure 2 Battleground Districts in Texas in the 2000 Presidential Election



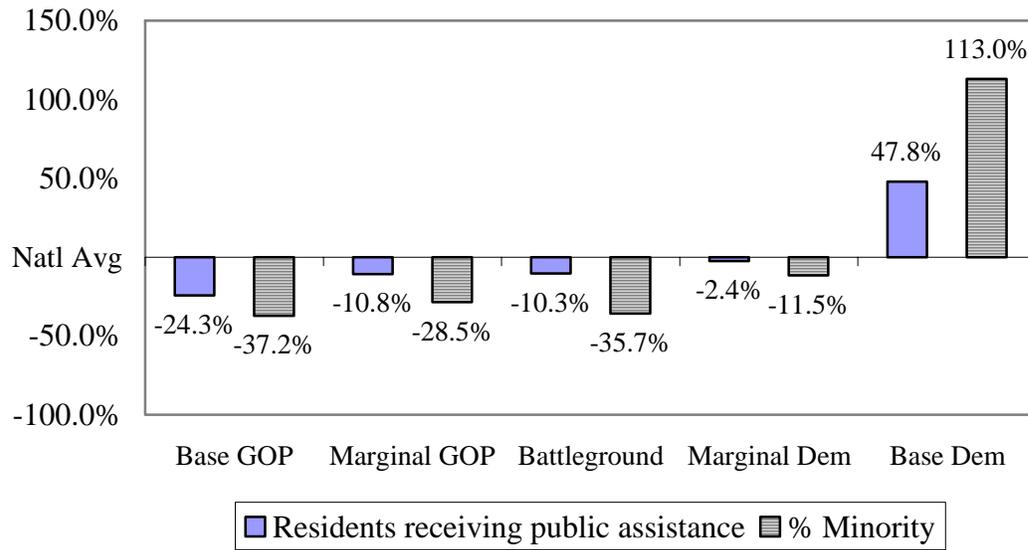
Source: Polidata.org (Bensen 2000).

Table 2 Competitiveness of Potential Swing Districts in the 1992-2000 Elections



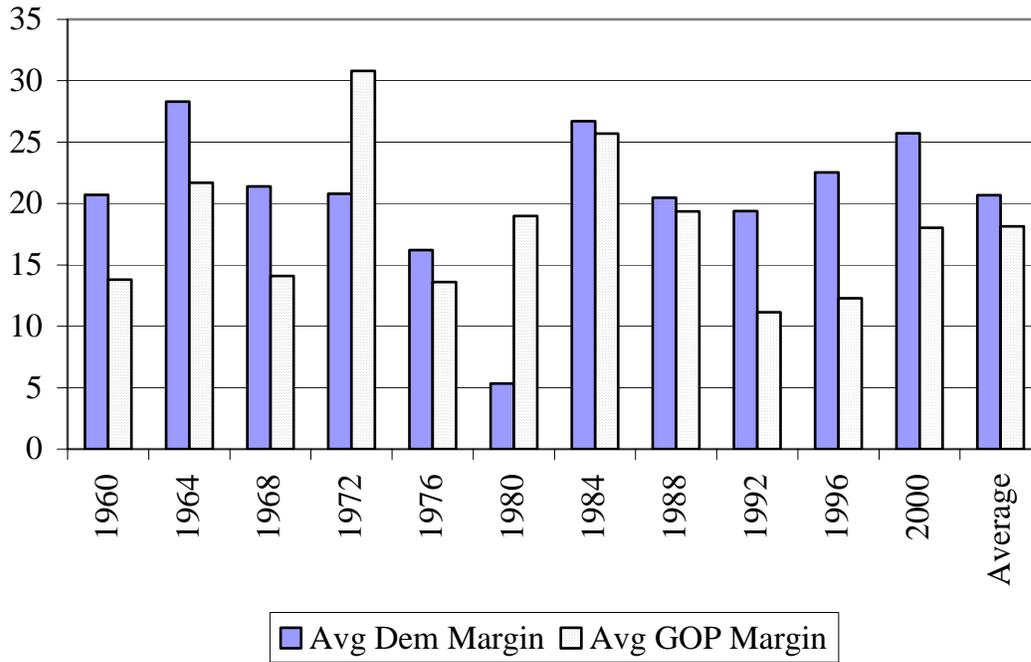
Source: Federal Election Committee; n=786

Table 3 Relative Demographic Characteristics of Districts 1992-2000



Source: US Census Bureau, 1994 Census on Congressional Districts

Table 4 Average Margin of Victory in Congressional Districts



Source: 1960-68 elections from (Longley and Braun 1972); 1972-2000 elections, author's own calculation using Congressional Quarterly and Polidata.org data

Table 5 Average Republican Margin By District Type, 1972-2000

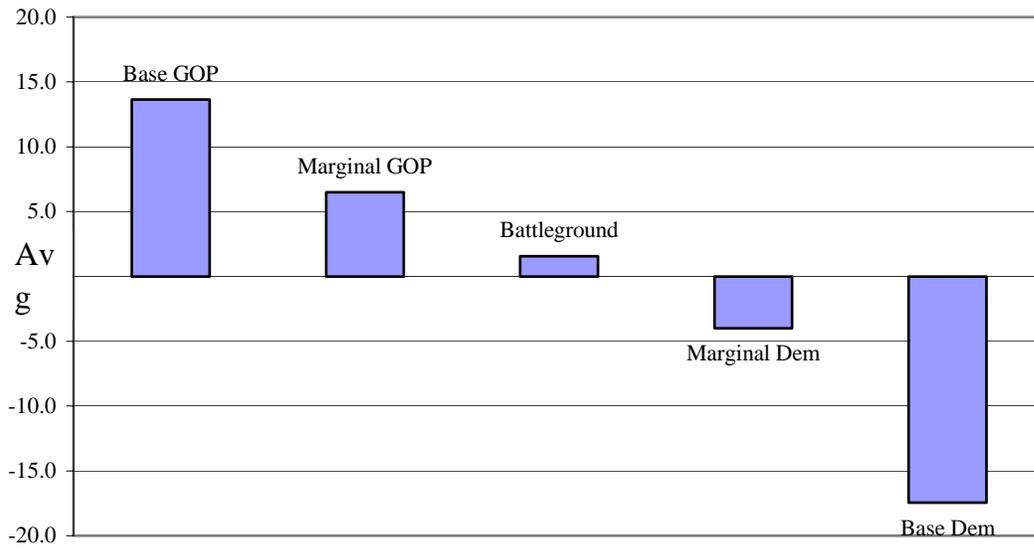
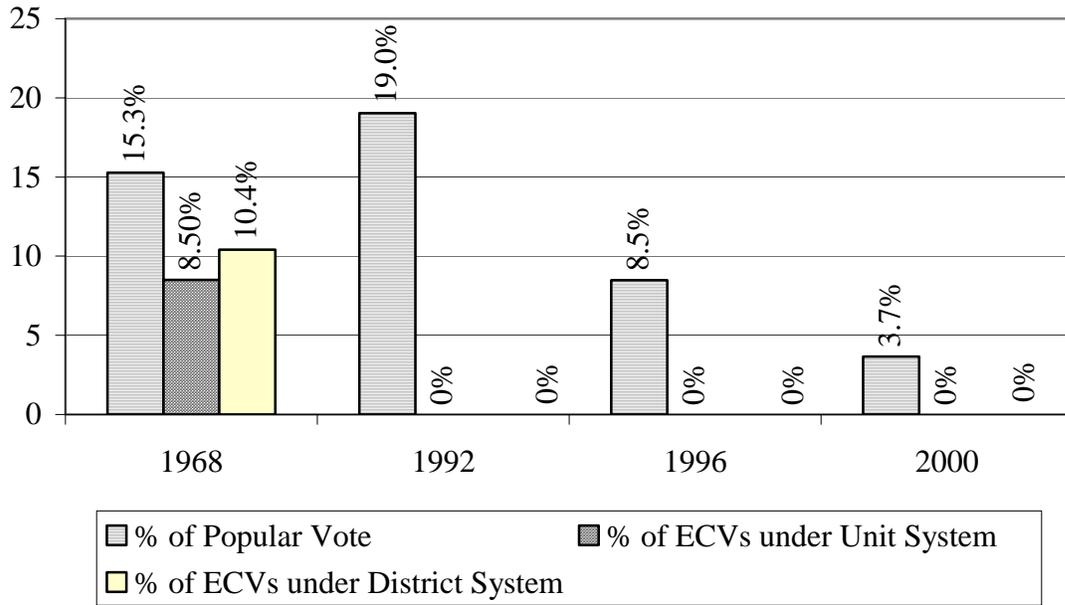


Table 6 Third Party Popular and Electoral Vote



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Notes

¹ This analysis assumes that states would use existing congressional districts for awarding electoral college votes instead of creating special presidential districts as Michigan did for the 1892 election.

² Interestingly, the one exception to this rule is the 2000 presidential election. George W. Bush would have received 53.5 percent of the electoral college vote under the district system, 2.9 percent more than the 50.4 percent he received under the unit system. Some have speculated this outcome reflects the large urban-rural divide in the country, manifested by Gore winning the 676 urban counties while Bush won the 2,477 rural and suburban ones (Barone 2002).

³ There are no guarantees that campaigns will contest all toss-up and leaning districts. Nebraska adopted the district system with the goal of "making the state more of a player" in national politics. The law has largely failed. According to the assistant secretary of state for elections Neal Erickson, "We didn't get a presidential candidate this year or a vice presidential candidate. We didn't even get the presidential candidates' wives. We got the vice president's wife (Seligson 2001)."

⁴ The direct election alternative would not increase the competitiveness of congressional elections or the likelihood of unified government. Under a popular election system, presidential campaigns would be encouraged to simply get the most votes possible, without any care as to

their geographic origins. Campaigns would focus their efforts on mobilizing their core of supporters and in focusing on metropolitan areas where the majority of voters are located.

⁵ An alternative measure of competitiveness of congressional elections measures the percentage of challengers who raise sufficient funds to run a serious campaign. A comparison of campaign spending not shown here showed only twenty-nine incumbents faced an adequately funded challenger.

⁶ In alternative analysis not shown here, there was virtually no difference in per capita income among the five categories of districts.

⁷ The potential for electoral mischief to influence the outcome of a presidential election is not confined to Florida in 2000 or Illinois in 1960. Longley and Pierce (1996, 35-36) identify 22 “hairbreadth elections” where a minor vote shift could have changed the outcome.

⁸ A similar dilemma dooms attempts at creating state level proportional representation. In 2002, both Republicans and Democrats in New Mexico opposed a bill to adopt a proportional representation system for allocating presidential electors on the grounds that the state would lose political clout as presidential candidates would ignore the state if it abandoned its winner take all system (Goldstein 2003).