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NEWS from U.S. Senator Bob Dole

(R.—Kans.)

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DIRECT ELECTION OF THE PRESIDENT

SENATOR BOB DOLE

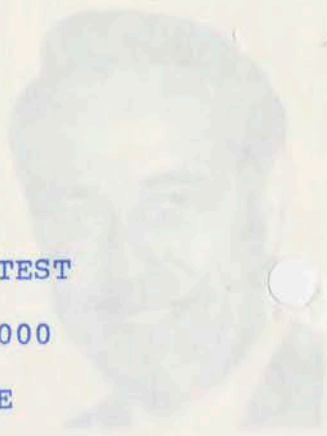
STATEMENT BEFORE THE SUBCOMMITTEE ON
CONSTITUTIONAL AMENDMENTS OF THE SENATE JUDICIARY COMMITTEE

JANUARY 27, 1977

MR. CHAIRMAN, I AM PLEASED TO APPEAR ONCE AGAIN BEFORE THIS SUBCOMMITTEE TO EXPRESS MY SUPPORT FOR DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES. WHEN SENATE HEARINGS WERE LAST CONDUCTED ON THE DIRECT ELECTION AMENDMENT IN SEPTEMBER, 1973, I ALSO HAD THE OPPORTUNITY TO BE LEAD-OFF WITNESS IN SUPPORT OF THE PROPOSAL. SINCE THEN, I HAVE HAD THE RARE OPPORTUNITY TO EXPERIENCE FIRST-HAND THE SOMETIMES CONFLICTING ROLES WHICH THE ELECTORAL COLLEGE AND THE POPULAR VOTE PLAY IN OUR PRESIDENTIAL ELECTIONS. AS A RESULT OF THAT EXPERIENCE, MY CONVICTIONS REGARDING THE NEED FOR ELECTORAL REFORM REMAIN JUST AS STRONG, AND THE SENSE OF URGENCY SEEMS JUST AS IMMEDIATE.

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NEWS



THE OUTCOME OF OUR MOST RECENT PRESIDENTIAL CONTEST LAST YEAR DEMONSTRATED THAT A SHIFT OF LESS THAN 10,000 POPULAR VOTES IN ONLY TWO STATES WOULD HAVE GIVEN THE REPUBLICAN TICKET A MAJORITY OF VOTES IN THE ELECTORAL COLLEGE, WITH THE DEMOCRAT TICKET RETAINING A VISIBLE MARGIN IN POPULAR VOTES. EIGHT YEARS EARLIER, IN THE 1968 CONTEST, A CHANGE OF SOME 40,000 VOTES IN THREE STATES COULD HAVE DENIED THE REPUBLICAN TICKET AN ELECTORAL COLLEGE MAJORITY DESPITE ITS POPULAR VOTE PLURALITY. IN OTHER WORDS, IT CUTS BOTH WAYS.

SPEAKING AS ONE WHO COULD CONCEIVABLY HAVE BENEFITED FROM THE ELECTORAL COLLEGE SYSTEM IF CONDITIONS HAD BEEN SLIGHTLY DIFFERENT LAST YEAR, I NEVERTHELESS FEEL IT IS AN OUTDATED OBSTACLE TO POPULAR ELECTION OF OUR LEADERSHIP. THE ELECTION OF A PRESIDENT AND VICE PRESIDENT ON THE BASIS OF ELECTORAL VOTES ALONE, AND IN CONTRADICTION OF THE POPULAR BALLOT, WOULD INVITE A LOSS OF PUBLIC CONFIDENCE IN OUR DEMOCRATIC SYSTEM. IT IS A CREDIT TO THOSE WHO ACCEPTED DEFEAT WITH DIGNITY IN OUR CLOSE NATIONAL ELECTIONS THAT OUR COUNTRY DID NOT HAVE TO RISK A POSSIBLE CONFLICT BETWEEN THE POPULAR WILL AND THE ELECTORAL COLLEGE SYSTEM.

THE DIRECT ELECTION CONCEPT

MY OWN CAREFUL REVIEW OF OUR CURRENT CONSTITUTIONAL PROCEDURE FOR ELECTING THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES HAS THUS CONVINCED ME IN RECENT YEARS THAT THE ARCHAIC ELECTORAL COLLEGE PRESENTS POTENTIAL HAZARDS AND DANGEROUS PITFALLS TO FRUSTRATE THE POPULAR WILL. IT SEEMS TO ME THAT ONE PARTICULAR ALTERNATIVE -- TO ABOLISH THE ELECTORAL COLLEGE AND PROVIDE FOR DIRECT POPULAR ELECTION -- ELIMINATES MANY OF THOSE HAZARDS WHILE OFFERING POTENTIAL BENEFITS.

AT THE SAME TIME, IT APPEARS PROBABLE THAT SUCH CONSTITUTIONAL REFORM WOULD STRENGTHEN THE TWO PARTY SYSTEM IN OUR NATION AND ENHANCE THE ROLE OF RESIDENTS OF SMALLER STATES IN THE SELECTION OF OUR EXECUTIVE LEADERSHIP. I DO HAVE RESERVATIONS ABOUT SOME ASPECTS OF SENATE JOINT RESOLUTION 1; BUT WHILE IT IS NOT A PERFECT ANSWER TO EVERY PROBLEM, IT NEVERTHELESS SEEMS THE MOST DIRECT, DEMOCRATIC, AND WORKABLE PROPOSAL I HAVE SEEN.

BIPARTISAN SUPPORT

THE ISSUE OF ELECTORAL COLLEGE REFORM THROUGH CONSTITUTIONAL AMENDMENT IS ONE THAT MUST LOGICALLY BE APPROACHED ON A NON-PARTISAN BASIS, GIVEN THE EXPERIENCES OF RECENT PRESIDENTIAL ELECTIONS. RETENTION OF THE ELECTORAL COLLEGE DOES NOT INHERENTLY FAVOR EITHER OF THE TWO MAJOR PARTIES. IT MAY PORTEND A MAJOR NATIONAL CRISIS OF LEADERSHIP AT SOME POINT IN THE FUTURE. CONSEQUENTLY, THE DIRECT POPULAR ELECTION METHOD HAS DEVELOPED BROAD BIPARTISAN SUPPORT AMONG THOSE CONCERNED WITH BOTH THE ELECTORAL MACHINERY AND THE STABILITY OF OUR POLITICAL SYSTEM.

UNDER THE CONSTITUTION AS PRESENTLY WORDED, THE PRESIDENTIAL CANDIDATE WITH THE LARGEST POPULAR VOTE PLURALITY WOULD NOT BE CONFIRMED A VICTOR WITHOUT A SIMPLE ELECTORAL COLLEGE MAJORITY. AS I HAVE ALREADY MENTIONED, THAT SITUATION COULD EASILY HAVE OCCURRED IN EITHER 1968 OR 1976. IN FACT, IN 1824, 1876, AND AGAIN IN 1888, THE ELECTORAL COLLEGE SYSTEM PRODUCED PRESIDENTS WHO WERE NOT THE MOST POPULAR CHOICE OF THE VOTERS.

PREVIOUS CONGRESSIONAL EFFORTS TO ADOPT ELECTORAL COLLEGE REFORM HAVE MET WITH LIMITED SUCCESS. DURING 1969, THE HOUSE OF REPRESENTATIVES DID APPROVE A DIRECT ELECTION PROPOSAL SIMILAR TO THAT UNDER REVIEW TODAY, BUT THE MEASURE WAS KILLED BY SENATE FILIBUSTER IN 1970. EARLIER STEPS BY THIS SUBCOMMITTEE TO REPORT ELECTORAL REFORM LEGISLATION HAVE FAILED DUE TO THE ABSENCE OF FULL JUDICIARY COMMITTEE APPROVAL. THIS YEAR, S. J. RES. 1 IS BEING COSPONSORED BY 42 SENATORS OF BOTH PARTIES AND THE CHANCES FOR EARLY FLOOR CONSIDERATION APPEAR FAVORABLE. I, FOR ONE, HOPE FOR EXPEDITIOUS CONGRESSIONAL APPROVAL OF THE PROPOSED CONSTITUTIONAL AMENDMENT, SO THAT IT CAN BE SUBMITTED TO THE STATES FOR CONSIDERATION AND RATIFICATION.

NEED FOR REFORM

OUR CURRENT ELECTORAL COLLEGE SYSTEM HAS A NUMBER OF BUILT-IN PROBLEMS AND PITFALLS, ANY OF WHICH COULD EASILY SUBVERT THE POPULAR WILL OF THE NATION'S VOTERS OR PLUNGE THE COUNTRY INTO A SEVERE LEADERSHIP CRISIS. I WANT TO BRIEFLY MENTION SOME OF THESE GLARING FAULTS.

FIRST, ALTHOUGH ALL OF A STATE'S ELECTORAL VOTES ARE TRADITIONALLY COMMITTED TO THE WINNER OF THAT STATE'S POPULAR VOTE, THE INDIVIDUAL ELECTOR IS TECHNICALLY AN INDEPENDENT AGENT AND IS NOT LEGALLY BOUND BY THE POPULAR WILL IN HIS STATE. IN FACT, INDEPENDENT ELECTORAL COLLEGE VOTES OF THIS TYPE HAVE BEEN CAST ON SEVERAL OCCASIONS, MOST RECENTLY IN 1960, 1968, 1972, AND IN DECEMBER, 1976. THIS OBVIOUSLY IS A WEAKNESS IN EXPRESSION OF THE POPULAR WILL.

SECOND, AS I HAVE ALREADY MENTIONED, IT IS ENTIRELY POSSIBLE FOR A PERSON TO BECOME PRESIDENT THROUGH THE ELECTORAL COLLEGE MECHANISM, EVEN THOUGH ANOTHER CANDIDATE RECEIVED A GREATER SHARE OF THE POPULAR VOTE. WHILE OUR NATION SURVIVED SCATTERED INSTANCES OF THIS OCCURRENCE DURING THE 19TH CENTURY, THE OUTCOMES INFLICTED BITTER WOUNDS THAT HAMPERED EFFECTIVE LEADERSHIP BY THE CHIEF EXECUTIVE.

THIRD, THE ELECTORAL COLLEGE SYSTEM AWARDS ALL OF A STATE'S ELECTORAL VOTES TO THE WINNER OF THE STATE'S POPULAR VOTE, WHETHER HIS MARGIN IS ONE VOTE OR ONE MILLION VOTES. IT THEREFORE CANCELS OUT ALL OF THE POPULAR VOTES CAST FOR THE LOSING CANDIDATE IN A STATE AND EFFECTIVELY CASTS THESE VOTES FOR THE WINNER. MILLIONS OF VOTERS ARE THEREBY "DISENFRANCHISED" BECAUSE THEY CAST THEIR BALLOTS FOR THE LOSING CANDIDATE IN THEIR STATE.

THE "UNIT RULE" -- ALTHOUGH NOT A CONSTITUTIONAL PROVISION -- IS A ROUTINE FEATURE OF THE CURRENT ELECTORAL COLLEGE SYSTEM. IT TENDS TO INFLATE THE VOTING POWER OF A SMALL NUMBER OF WELL-ORGANIZED VOTERS IN A HANDFUL OF LARGE, CLOSELY CONTESTED STATES WHERE BLOCS OF ELECTORAL VOTES CAN BE WON ON THE BASIS OF NARROW POPULAR VOTE MARGINS. IT IS A FACT THAT A PRESIDENTIAL CANDIDATE COULD WIN AN ELECTORAL COLLEGE MAJORITY BY CAPTURING STATEWIDE PLURALITIES IN THE ELEVEN LARGEST STATES AND THE DISTRICT OF COLUMBIA, EVEN IF HE DID NOT RECEIVE A SINGLE POPULAR VOTE IN ALL OF THE OTHER STATES. IN EFFECT, 25% OF THE POPULAR VOTE COULD THEORETICALLY ELECT A PRESIDENT OF THE UNITED STATES.

IN ADDITION, THERE EXISTS THE RECURRING POSSIBILITY THAT NO PRESIDENTIAL CANDIDATE WILL RECEIVE A SIMPLE MAJORITY OF THE ELECTORAL VOTES, THEREBY ENHANCING THE OPPORTUNITY FOR A THIRD-PARTY CANDIDATE TO NEGOTIATE THE OUTCOME BEHIND THE SCENES.

ALL OF THESE STRUCTURAL INFIRMITIES IN THE PRESENT
ELECTORAL COLLEGE SYSTEM DILUTE THE ROLE OF THE PUBLIC
IN SELECTION OF OUR CHIEF EXECUTIVE, AND REGULARLY
THREATEN OUR TRADITION OF ORDERLY SUCCESSION OF POWER.

BENEFITS OF REFORM

THE BEAUTY OF THE DIRECT ELECTION PROCEDURE LIES
IN ITS SIMPLICITY AND STRAIGHTFORWARDNESS. IT IS A SYSTEM
THAT IS EASILY UNDERSTOOD AND EASILY ADMINISTERED. THESE
CHARACTERISTICS, I FEEL, ARE ABSOLUTELY VITAL TO THE
RETENTION OF PUBLIC CONFIDENCE IN OUR ELECTORAL PROCESS.
DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT BY A
PLURALITY OF THE POPULAR VOTE PROMISES THE LEAST DELAY
AND THE MINIMUM OPPORTUNITY FOR OUTSIDE FACTORS TO DISTORT
THE WILL OF VOTING CITIZENS.

BY ELIMINATING THE "UNIT RULE" FEATURE OF THE ELECTORAL COLLEGE PROCESS, DIRECT ELECTION OFFERS REAL HOPE OF PROMOTING THE INTEREST OF EVERY AMERICAN IN THE ELECTORAL PROCESS SINCE EACH VOTE WOULD BE EQUAL TO THAT OF ANY OTHER CITIZEN, REGARDLESS OF THE SIZE OF A STATE OR THE PARTY IDENTIFICATION OF THE MAJORITY OF ITS RESIDENTS. SINCE NO VOTES WOULD BE "WASTED", INDIVIDUAL PARTICIPATION WOULD HOPEFULLY BE ENCOURAGED AND INCREASED.

BESIDES ELIMINATING MOST OF THE PROBLEMS WITH THE CURRENT SYSTEM MENTIONED ABOVE, THE DIRECT ELECTION METHOD COULD STRENGTHEN THE EXISTING TWO-PARTY SYSTEM IN OUR NATION AND ENHANCE, RATHER THAN REDUCE, THE ROLE OF SMALLER STATES IN THE ELECTION.

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EFFECT ON TWO-PARTY SYSTEM

I KNOW THAT SOME CONCERN HAS BEEN EXPRESSED THAT THE DIRECT ELECTION PROCEDURE WOULD SOMEHOW WEAKEN THE TWO-PARTY POLITICAL SYSTEM IN THIS COUNTRY BY ENCOURAGING THE FORMATION OF SPLINTER PARTIES WITH ONLY NARROW IDEOLOGICAL APPEAL. LET ME EMPHASIZE MY UNSHAKEABLE CONVICTION THAT THE TWO-PARTY SYSTEM AS IT HAS DEVELOPED IN AMERICA IS ONE OF THE MAJOR INFLUENCES FOR STABILITY, ORDER AND RATIONALITY IN OUR POLITICAL PROCESSES. THE "CONSENSUS POLITICS" PRACTICED BY BOTH MAJOR U. S. POLITICAL PARTIES IS RESPONSIVE TO BOTH MAJORITY AND MINORITY INTERESTS AND CERTAINLY REMAINS ONE OF THE MOST POWERFUL INFLUENCES AGAINST DEVELOPMENT OF THIRD PARTIES. AND, BECAUSE S. J. RES. 1 CONTAINS A CONTINGENCY FOR A RUN-OFF ELECTION BETWEEN ONLY THE TWO STRONGEST NATIONAL TICKETS IN THE EVENT THAT NEITHER CAPTURES A 40% PLURALITY OF THE POPULAR VOTE, IT WOULD BE EXTREMELY UNLIKELY THAT THE REVISED SYSTEM WOULD ENCOURAGE THIRD-PARTY CANDIDACIES.

DIRECT ELECTION WOULD PROVIDE BOTH MAJOR PARTIES WITH EVEN GREATER OPPORTUNITIES FOR THEIR CONSENSUS-BUILDING EFFORTS. IT WOULD MAKE A LIKELY VOTER IN A REPUBLICAN STATE LIKE KANSAS JUST AS ATTRACTIVE TO THE DEMOCRATS AS ONE OF THEIR DYED-IN-THE-WOOL STALWARTS IN MASSACHUSETTS. AND IT WOULD GIVE THE REPUBLICANS THE SAME INCENTIVE FOR GOING AFTER A LIKELY VOTER IN THE DISTRICT OF COLUMBIA AS ONE IN ARIZONA.

THE "UNIT RULE" FEATURE OF THE CURRENT ELECTORAL SYSTEM FACILITATES THE GROWTH OF IDEOLOGICALLY ORIENTED REGIONAL THIRD PARTIES -- SUCH AS THAT OF GEORGE WALLACE IN 1968 -- WHICH ARE DESIGNED TO DENY EITHER OF THE MAJOR PARTY CANDIDATES AN ELECTORAL MAJORITY. IN 1968, IN STATES LIKE LOUISIANA, GEORGIA, AND ARKANSAS WHERE GOVERNOR WALLACE GOT APPROXIMATELY HALF THE POPULAR VOTE, HE RECEIVED ALL THE ELECTORAL VOTES. THAT TYPE OF DISTORTION WOULD NO LONGER BE POSSIBLE UNDER THE DIRECT ELECTION SYSTEM.

EFFECT ON STATES WITH SMALLER POPULATIONS

DIRECT ELECTION OF THE PRESIDENT COULD BE EXPECTED TO STRENGTHEN THE POLITICAL IMPORTANCE OF SMALLER STATES BY MAKING THE BALLOTS OF EACH OF THEIR VOTERS JUST AS VALUABLE AND DESERVING OF PURSUIT BY A CANDIDATE AS ANY OF THE MOST POPULOUS STATES. THE MOST POPULOUS STATES AND THEIR METROPOLITAN CENTERS WOULD STAND TO LOSE THE GREAT STRATEGIC IMPORTANCE THEY HAVE UNDER THE ELECTORAL COLLEGE PROCEDURE, FOR ELIMINATION OF THE "UNIT RULE" FEATURE WOULD ELIMINATE THE PRIZE THE MAJOR STATES CAN OFFER OF A LARGE BLOC OF VOTES AVAILABLE TO THE HIGHEST BIDDER.

THE ELECTORAL POWER OF EACH STATE WOULD NO LONGER DEPEND ON THE SIZE OF ITS TOTAL ELECTORAL VOTE BLOC, BUT INSTEAD ON THE SIZE OF THE POPULAR MARGIN THE STATE GAVE THE WINNING CANDIDATE. IT HAS EVEN BEEN SUGGESTED BY SOME POLITICAL ANALYSTS THAT THE BALANCE OF POWER IN PRESIDENTIAL ELECTIONS WOULD BE TIPPED AWAY FROM THE MORE PROGRESSIVE METROPOLITAN RESIDENTS TOWARDS THE CONSERVATIVES, WHO TEND TO PREDOMINATE IN SMALL TOWNS AND RURAL AREAS.

NOT A PERFECT PROPOSAL

WHILE I FEEL THAT S. J. RES. 1 IS A COMMENDABLE PROPOSAL, I DO NOT SUGGEST THAT IT OFFERS A PERFECT SOLUTION TO EVERY CONCEIVABLE PROBLEM IN THE ELECTORAL PROCESS. AS WITH ANY LEGISLATIVE PROPOSAL, ONLY THE EXPERIENCE THAT COMES FROM PRACTICE CAN REVEAL ALL ITS STRENGTHS AND WEAKNESSES. THIS MEASURE OFFERS NUMEROUS ADVANTAGES OVER OUR PRESENT ELECTORAL SYSTEM, BUT I DO HAVE SOME RESERVATIONS ABOUT CERTAIN ASPECTS, MORE SPECIFICALLY WITH REGARD TO SECTION 3 -- THE CONTINGENT "RUN-OFF ELECTION."

SINCE THE RESOLUTION DOES STIPULATE THAT A WINNING CANDIDATE MUST SECURE AT LEAST 40% OF THE POPULAR VOTE, THERE MUST BE A CONTINGENCY MECHANISM FOR THE HIGHLY UNLIKELY CIRCUMSTANCE WHERE NEITHER CANDIDATE RECEIVES SUCH A PLURALITY. WHETHER A NATIONWIDE "RUN-OFF" ELECTION IS THE PROPER CONTINGENCY HAS BEEN, AND WILL CONTINUE TO BE A SUBJECT OF CONTROVERSY AMONG THOSE WHO SUPPORT THE DIRECT ELECTION CONCEPT.

NO ONE KNOWS HOW WELL A PRESIDENTIAL RUN-OFF ELECTION WOULD WORK. IT SIMPLY HAS NEVER BEEN EXPERIENCED ON A NATIONWIDE BASIS. CERTAINLY, THE MECHANICS OF ADMINISTERING SUCH AN OPERATION ARE SOMETHING WHICH WE SHOULD DISCUSS AND EXAMINE ALONG WITH THE RESOLUTION ITSELF.

WHILE IT MAY NOT BE NECESSARY FOR THE RESOLUTION TO SPECIFY A PARTICULAR DEADLINE FOR CONDUCTING A RUN-OFF ELECTION, THERE SHOULD BE A CLEAR UNDERSTANDING IN THE LEGISLATIVE HISTORY OF THE MEASURE THAT A FOLLOW-UP ELECTION SHOULD BE CONDUCTED AS EXPEDITIOUSLY AS POSSIBLE TO MINIMIZE CONFUSION IN OUR NATION'S LEADERSHIP. SECTION 7 OF THE RESOLUTION DOES GIVE CONGRESS THE POWER TO TAKE WHATEVER STEPS ARE NECESSARY TO ENFORCE THIS PROCEDURE THROUGH APPROPRIATE LEGISLATION.

SECTION 3 SPECIFIES THAT THE RUN-OFF ELECTION SHALL BE BETWEEN "THE TWO PAIRS OF PERSONS JOINED AS CANDIDATES FOR PRESIDENT AND VICE PRESIDENT WHO RECEIVE THE HIGHEST NUMBERS OF VOTES CASE IN THE ELECTION."

AS I UNDERSTAND IT, THIS PROVISION DOES NOT RULE OUT THE OPTION OF REQUESTING A RECOUNT OF INDIVIDUAL STATE RETURNS, AS IS CURRENTLY AVAILABLE. IF NO PRESIDENTIAL CANDIDATE RECEIVES A 40% PLURALITY, IT IS POSSIBLE THAT THE POPULAR VOTE FOR EACH CANDIDATE MAY BE QUITE CLOSE. SINCE ONLY THE TWO PRESIDENTIAL CANDIDATES WITH THE LARGEST PLURALITIES WOULD BE SUBJECT TO A RUN-OFF CONTEST, A THIRD CANDIDATE WHO TRAILS CLOSELY BEHIND SHOULD HAVE THE NORMAL OPTION OF REQUESTING STATEWIDE RECOUNTS. OF COURSE, THERE WOULD BE RESTRAINTS OF CONSCIENCE AND GOOD JUDGMENT IN THE EXERCISE OF THE OPTION, AS THERE IS NOW. BUT IN A SITUATION WHERE PERHAPS ONLY A FEW THOUSAND VOTES SEPARATE THE SECOND AND THIRD-PLACE CANDIDATES, THIS COULD AMOUNT TO A BASIC PROTECTION OF THE MAJOR CANDIDATES' RIGHTS AND THE POPULAR WILL.

I THINK WE SHOULD RECOGNIZE THE POSSIBILITY THAT TWO TICKETS REPRESENTING THE SAME PARTY COULD CONCEIVABLY BE POISED AGAINST ONE ANOTHER IN SUCH A RUN-OFF ELECTION. THIS SITUATION COULD CONCEIVABLY OCCUR WHEN TWO STRONG PRESIDENTIAL CANDIDATES FROM THE SAME PARTY -- EACH WITH A LARGE AND SEPARATE FOLLOWING -- WOULD CAPTURE THE LARGEST PLURALITIES IN THE INITIAL GENERAL ELECTION. GIVEN THE INDEPENDENT FOLLOWINGS WHICH INDIVIDUAL PARTY LEADERS OFTEN ATTRACT AMONG SEPARATE FACTIONS WITHIN THE MAJOR PARTIES, IT IS NOT AT ALL OUTSIDE THE REALM OF POSSIBILITY THAT A PARTY MAVERICK COULD DISREGARD THE PARTY'S OFFICIAL NOMINEE AND LAUNCH HIS OWN SUCCESSFUL EFFORT IN THE FALL. AS A RESULT OF A THREE OR FOUR-WAY RACE IN THE GENERAL ELECTION, THE RUN-OFF CONTEST COULD BE BETWEEN A LIBERAL AND CONSERVATIVE REPUBLICAN, OR BETWEEN A LIBERAL AND CONSERVATIVE DEMOCRAT, RATHER THAN BETWEEN A REPRESENTATIVE OF BOTH MAJOR PARTIES. I DO NOT SUGGEST THAT THIS SITUATION WOULD NECESSARILY BE UNDESIRABLE, BUT I RAISE THE POINT TO DEMONSTRATE ONE POSSIBLE EFFECT OF THE DIRECT ELECTION PROCEDURE.

A MAJOR-PARTY CANDIDATE WHO DOES NOT RECEIVE HIS PARTY'S NOMINATION -- BUT WHO HAS A LARGE IDEOLOGICAL FOLLOWING AMONG ONE FACTION OF THAT PARTY -- MAY CHOOSE TO DISREGARD THE CONVENTION'S CHOICE AND CONTINUE HIS CAMPAIGN FOR THE DIRECT POPULAR VOTE IN THE FALL. THIS, IN TURN, MAKES THE POSSIBILITY OF A RUN-OFF BETWEEN TWO CANDIDATES REPRESENTING DIFFERENT FACTIONS OF THE SAME PARTY A REAL POSSIBILITY.

PERHAPS A RUN-OFF ELECTION IS NOT THE BEST WAY FOR DEALING WITH AN INDECISIVE GENERAL ELECTION. WHEN THIS SAME RESOLUTION WAS OFFERED IN 1973, IT PROVIDED FOR FINAL CONGRESSIONAL DETERMINATION OF A PRESIDENTIAL CONTEST IN WHICH NO CANDIDATE RECEIVED 40% OF THE POPULAR VOTE. AT THAT TIME, I SUPPORTED THAT CONTINGENCY, BECAUSE ITS RELATIVELY QUICK OPERATION SEEMED PREFERABLE IN TERMS OF TIME, EXPENSE, AND CERTAINTY OF PRODUCING A RESULT. AT THIS TIME, I AM NOT NECESSARILY OPPOSED TO THE RUN-OFF ELECTION CONCEPT, BUT DO FEEL THAT ALL OF US SHOULD CAREFULLY EXAMINE AND DISCUSS THE POTENTIAL MERITS AND HAZARDS OF SUCH A CONTINGENCY BEFORE APPROVING THE RESOLUTION. I'M CONFIDENT THIS WILL BE DONE DURING THESE HEARINGS.

CONCLUSION

MR. CHAIRMAN, I WOULD CONCLUDE BY OBSERVING THAT YOU HAVE CHOSEN AN APPROPRIATE AND FITTING MOMENT TO RENEW THE QUEST FOR ELECTORAL REFORM. THE NEXT PRESIDENTIAL ELECTION IS THREE YEARS AWAY, AND THUS WE HAVE AN IDEAL ATMOSPHERE TO HAVE A RATIONAL AND STUDIED DISCUSSION OF THIS ISSUE.

DIRECT ELECTION OFFERS REAL HOPE OF PROMOTING THE POLITICAL INVOLVEMENT OF EVERY AMERICAN AND OF INSURING THAT HIS OR HER VOTE FOR THE HIGHEST OFFICES IN THE LAND IS EQUAL TO THAT OF ANY OTHER CITIZEN, REGARDLESS OF THE SIZE OF STATE. IT ALSO HOLDS THE SEEDS OF OPPORTUNITY AND INCENTIVES FOR THE REPUBLICAN AND DEMOCRATIC PARTIES TO EXPAND THEIR EFFORTS TO REACH THE VOTING POPULATION AND BUILD BROADER AND MORE EFFECTIVE CONSENSUS COALITIONS TO LEAD OUR NATION.

I THANK THE CHAIRMAN FOR HIS INVITATION TO PARTICIPATE IN THESE HEARINGS, AND I LOOK FORWARD TO WORKING WITH HIM TO BRING ABOUT REAL AND POSITIVE REFORM IN OUR ELECTORAL SYSTEM.