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NEWS from U.S. Senator Bob Dole

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STATEMENT OF SENATOR BOB DOLE
BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS OF THE
SENATE JUDICIARY COMMITTEE ON
DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT

JULY 20, 1977

Mr. Chairman, I am pleased to appear once again before this committee to testify in support of the Constitutional amendment to abolish the Electoral College and provide for direct popular election of the President and Vice President of the United States. This is the second time in less than six months that I have testified in support of Senate Joint Resolution 1, the Direct Election Amendment. When I appeared before this committee in January with my distinguished friend and colleague, Senator Hubert Humphrey, I spoke with a sense of urgency about the need for this Constitutional amendment. I am pleased to learn now that after very careful deliberation, the Judiciary Committee has agreed to vote on reporting Senate Joint Resolution 1 to the Senate by September 16.

I understand that some members of the Judiciary Committee still have questions about the practical effects that would result from direct popular election. Speaking as one who has had the opportunity to experience the workings of Presidential and Vice Presidential campaigns and elections, both as a candidate and as Chairman of the Republican National Committee, I am prepared to discuss the concerns about direct popular election that some have raised. Having supported the direct election concept for a good many years, I have had an opportunity to reflect at length on most of its aspects -- its advantages and disadvantages.

DIRECT POPULAR ELECTION HAS BIPARTISAN POPULAR SUPPORT

Since my testimony last January, Mr. Chairman, the extent of popular bipartisan support for direct popular election of the President and Vice President has been demonstrated by national polls and by the statements of national leaders. Both the Gallup Poll released in February and the Harris Survey released in May show overwhelming 5-to-1 popular support for direct popular election of the President. Only 14% and 13% of the persons participating in the respective polls favored retention of the Electoral College. Anyone who has been involved in politics knows that such one-sided popular support on a controversial issue is extremely rare. It reflects a clear consensus of the American people in support of changes in our present Electoral College system.

The Harris survey showed that support for direct popular election cuts across differences of region, type of work, political philosophy, political party and religion. Direct popular election is favored by 77% of the people in the East, 75% of the people in the Midwest, 65% of the people in the South and 81% of the people in the West. It is favored by more than 71% of the people from cities, suburbs, towns and rural areas alike. By type of work, 80% of professionals, 75% of executives, 75% of skilled laborers, and 76% of white collar labor favors the constitutional amendment to abolish the electoral college. 71% of persons calling themselves "conservative" and 78% of persons calling themselves "middle-of-the-road" or "liberal" favor direct popular election. The proposal is favored by 74% of Democrats, 69% of Republicans and 81% of independents according to the Harris Survey. Incidentally, the Gallup Poll in February showed even higher support - 79% - for direct election among Republicans. 74% of persons who voted for the Ford-Dole ticket, and 77% of persons who voted for the Carter-Mondale ticket favor direct popular election of the President and Vice President. Direct popular election is favored by 82% of Catholics, 73% of Protestants and 88% of Jewish voters.

Since my appearance here in January, direct popular election also has been endorsed by both the Carter Administration and by former President Ford. It seems that almost everybody has come out in support of direct election except, perhaps, the required two-thirds of the United States Senate. Within the next several months, I believe the United States Senate may well catch up with the rest of the American people in expressing its support for Senate Joint Resolution 1.

THE STRAIGHTFORWARD CASE FOR REFORM

The beauty of direct popular election really lies in its simplicity and straightforwardness. It just makes good common sense. Complicated philosophical justifications for retaining the Electoral College and maintaining its inherent potential to subvert the popular will do not make sense in practice. Direct election is easily understood, easily administered, promises the least delay and the minimum opportunity for outside factors to distort the will of voters, citizens. The practical and predictable benefits of direct popular election can be summarized as follows:

- (1) It would guarantee that the candidate with the most votes would be elected.
- (2) It would count the vote of each citizen equally regardless of where he lived and how his neighbors voted.
- (3) It would eliminate possible faithless electors who are free to disregard the will of the voters.
- (4) It would reduce the premium on fraud in pivotal electoral vote states.
- (5) It would strengthen the two-party system, even in present one-party states where there now is little incentive for the minority party to get out the vote or for the majority party to increase its turnout.
- (6) It would remove the possibility of electors bargaining away their electoral votes in an electoral college stalemate, and it would remove the possibility of a partisan, contingency election of the President and Vice President by Congress.
- (7) It would increase the confidence of the American people in their electoral system.

DIRECT ELECTION WOULD STRENGTHEN THE TWO PARTY SYSTEM

Unlike the simple and straightforward arguments in favor of direct popular election, the arguments in favor of retaining the present electoral college often seem strained, complicated and based largely on speculation. Some opponents of direct popular election have speculated that it would weaken the two-party system in this country. I have an 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. Direct popular election of the President and Vice President would not weaken that system; it would strengthen it.

From practical experience, we know that in present one-party states, there is diminished incentive for the minority party to organize a strong opposition. No matter how many popular votes the minority party may get, its leaders and its members recognize that it will have little influence on the outcome of the election because all electoral votes will go to the other side. Under direct popular election, every vote would count, even in traditional one-party states. The result would be increased effort to attract minority party votes in those states and thereby a strengthening of the two-party system in those states.

That changed emphasis would be seen in expenditures of campaign money and candidates' time, too, as a matter of practical strategy. Last year, we passed over several states both in terms of media expenditures and campaign visits because we knew we were already ahead. In Arizona, Wyoming, and Idaho, for example, our surveys indicated that we were well ahead. On the other hand, in Massachusetts and Georgia, we knew there was little chance of victory. So as a practical matter we could not spend much of our campaign resources on getting votes in those states. If we had been operating under a direct popular election system, we might well have reallocated our resources because an extra vote in Massachusetts, Georgia, Arizona, Wyoming or Idaho would have been every bit as valuable as an extra vote in California, Texas or New York. The result could have been a strengthening of the two-party effort and the two-party system in those states.

NO PROLIFERATION OF CANDIDATES

Some have also speculated that the direct election amendment's 40% plurality requirement and the possibility of a run-off election would encourage a proliferation of candidates. Such speculation does not make sense in the real world of national political campaigns. In the first place, every candidate would know that in any given year a run-off election would be an extremely remote possibility. Only once in the history of our republic - in 1860 - has the popular vote winner received less than 40% of the total vote.

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Second, the unlikely contingency run-off election that is provided for in S.J. Res. 1 would be limited to an election between only the two strongest national tickets. In order for a third or fourth party, or a charismatic individual to be in the run-off election, not only would he have to keep the vote for both of the major parties below 40%, but the third party candidate himself would have to receive more votes than one of the two major parties. The experience of our national political system makes this scenario extremely unlikely.

Under our present electoral college system, on the other hand, regionally based third party candidacies have been encouraged. Candidates with strong regional appeal have known that they could receive electoral votes by carrying a few states in a region by the slimmest of pluralities even if their support in other parts of the nation was extremely small. The incentive for such regional candidates has been to acquire enough electoral votes to prevent either major party from receiving a majority and to use those electoral votes in bargaining to affect the outcome of the election in the electoral college, or in the House of Representatives and the Senate. That was George Wallace's objective in 1968. While he did not succeed, he came much closer to his objective than he ever could have hoped to have come under the direct election proposal. In 1968, each of the major parties received approximately 43% of the popular vote while George Wallace received slightly more than 13%. A change of some 40,000 votes in three states that year could have denied the Republican ticket an electoral college majority and could have given George Wallace his desired leverage over the outcome of the election. On the other hand, if the 1968 election had been conducted under the provisions of Senate Joint Resolution 1, George Wallace would have had to have taken a staggering 20 million votes away from the second place finisher, Hubert Humphrey, in order to have been in a run-off election. Under the proposed direct election, the practical conclusion is clear: the electoral college system presents a greater threat of party proliferation, and of weakening the two-party system than would direct popular election.

DIRECT POPULAR ELECTION WOULD ENHANCE REAL, COMMON-SENSE FEDERALISM

Mr. Chairman, I have a great respect for our federal system of government, upon which this great Republic was founded. I would resist any innovation which seemed to me to threaten the Federalist system so wisely designed by the founders of this nation. Although the electoral college has some of the appearance of our federal system in light of the fact that it is based on a state-by-state vote, in substance the electoral college may well be more harmful than beneficial to our federal system.

It encourages candidates for President and Vice President to overlook many states altogether while concentrating efforts on a few closely-contested states. When you are campaigning under the electoral college system, as Senator Goldwater used to say, you go hunting where the ducks are, and the electoral ducks are in the big states.

Last year, in spite of our wish to campaign in every state and appeal to the voters in every state, it simply did not make electoral sense. It is common knowledge that our campaign expenditures and visits, like those of our opponents, were concentrated in the major media markets. The reason is clear. A few votes in California, New York, Pennsylvania, Illinois, Ohio, and Texas were worth a lot more in terms of electoral votes than thousands of additional votes in Arkansas, Wyoming or Montana. The electoral college system, operating under the unit rule, has forced all major party candidates to concentrate most of their campaign resources on whichever of the large states appear to be within their grasp in a given election year. They are forced almost to ignore the small states and whichever large states are not close enough that additional campaigning can be expected to influence the outcome.

If we had direct election of the President, national candidates still would concentrate much of their attention on the large metropolitan areas because those areas have many voters. The organized interest groups, including minorities, would continue to be very important to both political parties because nationally they can have a decisive impact on the outcome of an election. But Presidential candidates would no longer ignore other areas, in small states as well as large states, simply because their supporters are in a clear majority or a clear minority. They would no longer ignore voters in a given state because that state has few electoral votes. Under direct election, I believe those campaign efforts would be distributed more evenly. The voters in the majority of states would receive greater attention and the objectives of federalism would be served better.

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RUN-OFF CONTINGENCY RAISES QUESTIONS

I have mentioned before my reservations about the contingency "run-off" provision of S.J. Res. 1. Since the resolution does stipulate that a winning candidate must secure at least 40 percent of the popular vote, there must be some contingency for the highly unlikely circumstance where neither candidate receives this plurality.

Whether a nationwide run-off election is the proper contingency has been and, I assume, will be the subject of controversy among those who support the direct election concept. No one knows for certain how well a Presidential run-off election would work. It has never been experienced on a nationwide basis. But we've had run-offs in state elections, and they've worked well so far as I know.

I think the mechanics of administering such an operation, however, are something that should be fully discussed and carefully examined along with the resolution itself. I do think a run-off has more appeal to Republicans than throwing a contested election into the Congress.

But there should be some clear understanding of exactly when the follow-up election should be conducted, and efforts made to conduct it as early as possible to minimize confusion in our Nation's leadership.

CONCLUSION

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 intend to continue working with him to bring about real and positive reform in our electoral system.