

## The old Electoral College switcheroo

### *The devastating consequences of Pennsylvania's proposal to game the Electoral College*

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With a close 2012 presidential race approaching, Republican-dominated legislature is now looking to deliver a big blow to President Obama's electoral strategy. The state is debating whether to switch its allocation of its Electoral College votes from the winner-take-all system used by nearly every other state to the congressional district-based system of dividing votes. The result of such a switch could seriously damage Obama's chances of reelection. He won 21 electoral votes in Pennsylvania in 2008. Under the district-based system, he would have only won 11. But the effect on 2012 is not the real problem with such a switch — instead it could cause a quadrennial havoc and serve as another body blow to any public confidence in the electoral system.

The Electoral College has already come under massive criticism following the 2000 presidential debacle, with numerous legislative attempts to revamp or junk the College. Whatever the merits of the complaints, one of the positives of the system is that most voters may view the Electoral College as a simple process — win a state, win its votes. However, the winner-take-all, also known as the “Unit Rule,” allocation method of the Electoral College is not mandatory. It is used by forty-eight states. But the other two, Nebraska and Maine, hand out two votes to the winner of the state, and give the rest of their votes (combined, they have nine) to the winner of each congressional district. And only once, in 2008 when Obama won one vote in Nebraska, have those two states split their vote.

But thanks to the close races we've had, over the last seven years there have been nakedly partisan attempts to switch to the district-based allocation method in Colorado, North Carolina and California. The minority party in each state has tried to get the law changed in order to grab an advantage that could flip an election. Following 2008, Nebraska also debated switching back to the winner-take-all system.

Switching voting allocation systems is nothing new. Such blatantly partisan moves date back to the first elections in the eighteenth century. While some founders favored the district-based system, including Thomas Jefferson, politicians saw the negative — the district system diluted the impact of the state's vote, and it prevented politicians from delivering the entire electoral bounty to their preferred candidate. However, if the party in power in the state realized they were destined to lose the presidential state-wide race, they may switch to the district system. The result was an early mishmash. Jefferson himself benefited from such a switch, when his native Virginia transferred over to the unit rule in order to give Jefferson all of the state's electoral votes in 1800, when he ran successfully for president. If not for that switch, John Adams would likely have won the presidency in 1800. Jefferson also benefited from a similar miscalculation by the New York Federalists. The New Yorkers switched to the Unit Rule, but thanks to a shocking electoral triumph by the Aaron Burr-led Republicans, Jefferson gained all

of those votes. By 1836, all states except South Carolina (which used the third system — allowing the legislature to apportion the vote) used the winner-take-all method.

However, there were still occasional attempts to switch back to a different plan in order to help the favored candidate. In a noteworthy example in 1892, Michigan switched to the district plan to help Grover Cleveland, and then switched back to the unit rule for the 1896 election.

There is definitely a logical, non-partisan reason for such a switch. As proponents argue, many states — including three of the four biggest in California, Texas and New York — are all effectively ignored in presidential elections. Switching them and others to the district-based system would result in more attention for their issues, and more campaign spending flowing to their states. But for Pennsylvania, this is a false claim. Though it has voted Democrat since 1992, Pennsylvania is considered a battleground state, and the campaigns fight fiercely for its votes.

The negatives of an Electoral College switch quickly outweigh the proponent's arguments. It would make gerrymandering, already a great headache, even more important. It would make state legislative elections even more of a national battleground, and further push local issues into political oblivion. At best, it would have no impact on the biggest flaw in the Electoral College — its propensity to elect a popular vote loser. In fact, the district-based system may be more likely to award the election to the “wrong winner,” someone who loses the popular vote. If the district-based system were in place in 1976, the wrong winner might have taken that race. It would also have increased Bush's Electoral College totals in 2000.

Even worse, every four years we would see the party in power in each state switching to the method that best suits their candidate. Rather than a set electoral structure with fair rules that don't change to benefit the party in power, we would see a series of attempts to game the system every four years.

We've actually seen the impact of constantly shifting rules in the presidential nomination process, especially in deciding which state goes first, and it has not been pretty and it has not inspired confidence that the state legislatures have any interest in getting major electoral changes right.

Pennsylvania's Republican Party may feel that a switch of their Electoral College allocation method may give them an edge on the 2012 presidential race. But their proposal is much more far-reaching than that. They are leading a race to the bottom, and seeking a way for the presidency to be awarded to the party that's best able to game the system.