

4 | Two Previously Proposed Approaches for State-Level Action

Chapter 3 analyzed the three most discussed proposals for federal constitutional amendments for changing the current system of electing the President and Vice President. This chapter examines the two most prominent approaches to presidential election reform that can be unilaterally enacted at the state level (i.e., without a federal constitutional amendment and without action by Congress). Later, chapter 6 will discuss this book’s suggested approach for reform.

The office of presidential elector is established by the Constitution (as discussed in section 2.1), and therefore cannot be eliminated without a federal constitutional amendment. However, the manner of choosing the presidential electors is determined on a state-by-state basis by means of state legislation. As the U.S. Supreme Court stated in *McPherson v. Blacker* in 1892:¹

“In short, the appointment and mode of appointment of electors belong **exclusively** to the states under the constitution of the United States.” (Emphasis added).

Two proposals for changing the current system of electing the President and Vice President that can be enacted at the state level have received attention in recent years. Neither approach involves abolition of the office of presidential elector or of the Electoral College (and hence neither requires a federal constitutional amendment). Both proposals can be enacted at the state level without any involvement of Congress. Both approaches involve dividing a state’s electoral votes in a manner that is different from the statewide winner-take-all system that is currently used by all states except Maine and Nebraska. The two approaches are the:

- **Whole-Number Proportional Approach** in which a state’s electoral votes are divided proportionally—*rounded*

¹ *McPherson v Blacker*. 146 U.S. 1 at 35. 1892.

off to the nearest whole number—according to the percentage of votes received in the state by each presidential slate (section 4.1); and

- **Congressional-District Approach** in which one presidential elector is elected from each congressional district and two presidential electors are elected statewide (section 4.2).

4.1 WHOLE-NUMBER PROPORTIONAL APPROACH

The whole-number proportional approach was considered by Colorado voters in the November 2, 2004, election. The proposition, called Amendment 36, was placed on the ballot by initiative petition. It was defeated by the voters.

The *whole-number* proportional approach is distinctly different from the *fractional* proportional approach (discussed in section 3.1). The two approaches differ in that the whole-number proportional approach divides a state's electoral votes *to the nearest whole number*, whereas the fractional proportional approach carries out the division of a state's electoral votes *to three decimal places*. As will be seen below, the whole-number proportional approach operates in a highly counter-intuitive way because of this seemingly minor difference.

The voting in Colorado in the 2004 presidential election can be used to illustrate the difference between the two approaches. George W. Bush received 1,068,233 popular votes (52.6508712%), and John Kerry received 960,666 popular votes (47.3606128%) in Colorado. The state has nine electoral votes.

Under the fractional proportional approach, Bush would have received 4.739 electoral votes, and Kerry would have received 4.261 electoral votes. The fractional numbers from Colorado—4.739 and 4.261—would be added together with fractional numbers from all the other states (and the District of Columbia) in order to yield a nationwide grand total. It is possible for candidates to receive fractional numbers of electoral votes from each state because the fractional proportional approach would be implemented by a federal constitutional amendment that would abolish the office of presidential elector. Fractions (carried out to three decimal places) would be possible because the human electors (each casting one *indivisible* vote) would be eliminated under the fractional proportional approach.

As discussed in section 3.1, Senator Cannon's proposed federal constitutional amendment implementing the fractional proportional

approach would definitely increase the competitiveness of presidential elections. Additional popular votes would matter in every state. A presidential candidate could, for example, earn an additional 0.001 electoral vote by winning an additional hundred or so popular votes in any state. Thus, no state would be written off by any presidential candidate. All states would be battleground states.

In contrast, the whole-number proportional approach (i.e., Colorado's Amendment 36) was proposed as a *state* constitutional amendment—not as a *federal* constitutional amendment. A state may not abolish the office of presidential elector or the Electoral College—it may simply choose the method by which it allocates its own electoral votes within the Electoral College. Any approach adopted unilaterally in Colorado must necessarily award 0, 1, 2, 3, 4, 5, 6, 7, 8, or 9 presidential electors to each presidential slate. Only whole numbers—not fractions—are allowed because Colorado must choose nine human presidential electors, each casting one *indivisible* vote in the Electoral College. Based on the fact that Bush received 52.6508712% of the popular vote in the November 2004 voting in Colorado, he would have received five of Colorado's nine electoral votes, and Kerry would have received four under the whole-number proportional approach. In other words, the whole-number proportional approach would have produced a 5–4 division of Colorado's electoral votes, compared to the 9–0 division produced by the current statewide winner-take-all rule.

The problem with the whole-number proportional approach stems from the fact that there are only 538 electoral votes in the Electoral College (i.e., one for each U.S. Representative and Senator). The average number of electoral votes per state is, therefore, about 11. As it happens, about three-quarters (36) of the states have a below-average number of electoral votes. The important difference between *whole numbers* and *fractions carried out to three decimal places* arises because the number of electoral votes possessed by a typical state is so small. For example, in an average-sized state with 11 electoral votes, one electoral vote corresponds to a 9.09% share of the state's popular vote under the whole-number proportional approach. In Colorado (a slightly below-average sized state), one electoral vote corresponds to an 11.11% share of the popular vote. In states with only three electoral votes, one electoral vote corresponds to a 33.3% share of the popular vote. Except for occasional landslides (e.g., Reagan's 60% in 1984, Nixon's 61% in 1972, and Johnson's 61% in 1964), most elections are

decided by only a few percentage points. A system that requires a 33% share, an 11% share, or a 9% share of the popular vote in order to win one electoral vote is fundamentally out of sync with the small-percentage vote shifts that are encountered in non-landslide elections.

As will be shown in the detailed analysis below, if the whole-number proportional approach were adopted nationwide,

- it would not accurately reflect the nationwide popular vote; and
- it would not make every state competitive but, instead, would simply create a small new group of battleground states in presidential elections.

In fact, if the whole-number proportional approach were adopted nationwide,

- it would amount to a “winner-take-one” system in all states except California—that is, the presidential election would revolve around winning a single electoral vote, here and there, from a small group of battleground states; and
- it would retain the political importance of carrying a state only if the state happens to have an odd number of electoral votes, while eliminating that importance if the state happens to have an even number of electoral votes.

Of course, almost any electoral system will yield a reasonable outcome in a landslide election. The test of an electoral system is how it works in a close election. Therefore, our analysis here starts with data from a close recent presidential election (i.e., 2000).

Column 2 of table 4.1 shows the number of electoral votes possessed by each of the 50 states and the District of Columbia in the 2000 presidential election. The table is sorted in order of electoral votes, with the smallest states listed first. Columns 3 and 4 show the respective percentage of the two-party popular vote received by Al Gore and George W. Bush. Columns 5 and 6 show the number of electoral votes received respectively by Al Gore and George W. Bush under the existing statewide winner-take-all system.²

² Maine and Nebraska use the congressional-district approach for allocating their electoral votes. However, since the adoption of this system (1969 for Maine and 1992 for Nebraska), the candidate carrying the state has always also carried all the congressional districts.

Table 4.1 RESULTS OF 2000 PRESIDENTIAL ELECTION

STATE	ELECTORAL VOTES	GORE POPULAR VOTE	BUSH POPULAR VOTE	GORE ELECTORAL VOTES	BUSH ELECTORAL VOTES
Alaska	3	32%	68%		3
Delaware	3	57%	43%	3	
District of Columbia	3	90%	10%	3	
Montana	3	36%	64%		3
North Dakota	3	35%	65%		3
South Dakota	3	38%	62%		3
Vermont	3	55%	45%	3	
Wyoming	3	29%	71%		3
Hawaii	4	60%	40%	4	
Idaho	4	29%	71%		4
Maine	4	53%	47%	4	
Nevada	4	48%	52%		4
New Hampshire	4	49%	51%		4
Rhode Island	4	66%	34%	4	
Nebraska	5	35%	65%		5
New Mexico	5	50%	50%	5	
Utah	5	28%	72%		5
West Virginia	5	47%	53%		5
Arkansas	6	47%	53%		6
Kansas	6	39%	61%		6
Iowa	7	50%	50%	7	
Mississippi	7	41%	59%		7
Oregon	7	50%	50%	7	
Arizona	8	47%	53%		8
Colorado	8	46%	54%		8
Connecticut	8	59%	41%	8	
Kentucky	8	42%	58%		8
Oklahoma	8	39%	61%		8
South Carolina	8	42%	58%		8
Alabama	9	42%	58%		9
Louisiana	9	46%	54%		9
Maryland	10	58%	42%	10	
Minnesota	10	51%	49%	10	
Missouri	11	48%	52%		11
Tennessee	11	48%	52%		11
Washington	11	53%	47%	11	
Wisconsin	11	50%	50%	11	
Indiana	12	42%	58%		12
Massachusetts	12	65%	35%	12	

Table 4.1 RESULTS OF 2000 PRESIDENTIAL ELECTION (cont.)

STATE	ELECTORAL VOTES	GORE POPULAR VOTE	BUSH POPULAR VOTE	GORE ELECTORAL VOTES	BUSH ELECTORAL VOTES
Georgia	13	44%	56%		13
Virginia	13	46%	54%		13
North Carolina	14	44%	56%		14
New Jersey	15	58%	42%	15	
Michigan	18	53%	47%	18	
Ohio	21	48%	52%		21
Illinois	22	56%	44%	22	
Pennsylvania	23	52%	48%	23	
Florida	25	50%	50%		25
Texas	32	39%	61%		32
New York	33	63%	37%	33	
California	54	56%	44%	54	
Total	538			267	271

4.1.1 JURISDICTIONS WITH THREE ELECTORAL VOTES

There were eight jurisdictions with three electoral votes in the 2000 presidential election—Alaska, Delaware, the District of Columbia, Montana, North Dakota, South Dakota, Vermont, and Wyoming (as shown in the top eight rows of table 4.1).

Under the whole-number proportional approach, one electoral vote corresponds to a 33.3% share of the state's popular vote for the states with three electoral votes.

To implement the whole-number proportional approach, the number of popular votes that each presidential slate received statewide is divided by the total number of votes cast statewide in order to obtain that slate's percentage of the statewide popular vote. This percentage is then multiplied by the state's number of electoral votes. The number of electoral votes received by each presidential slate is then rounded off to the nearest whole number.

There are four possibilities in states with three electoral votes:³

- If a presidential slate receives less than 16.66% of the popular

³ If there are more than two presidential slates on the ballot in a state with three electoral votes and no minor-party slate receives at least 16.66% of the popular vote in the state, it may be necessary to repeat the calculation without the minor parties in order to allocate all of the state's electoral votes.

vote (that is, less than one half of the 33.3% share necessary to win one electoral vote), then it gets no electoral votes.

- If a presidential slate receives between 16.67% and 50.00% of the popular vote, then it gets one electoral vote.
- If a presidential slate receives between 50.01% and 83.33% of the popular vote, then it gets two electoral votes.
- Finally, at the high end of the scale, if a presidential slate receives more than 83.33% of the popular vote, then it gets all three of the state's electoral votes.

Table 4.2 summarizes the number of electoral votes (from zero to three) that a presidential slate receives for various ranges of percentages of the popular vote in the states with three electoral votes. Column 3 shows the *breakpoints* (i.e., 16.67%, 50.00%, and 83.33%) in the ranges of percentages of popular votes. These breakpoints are the spots, along the percentage scale, where the number of electoral votes changes. The breakpoints are the critical numbers that would dictate campaign strategy under the whole-number proportional approach.

Table 4.2 TABLE OF BREAKPOINTS FOR STATES WITH THREE ELECTORAL VOTES

PERCENT OF POPULAR VOTE	NUMBER OF ELECTORAL VOTES	BREAKPOINT
0.00% to 16.66%	0	16.67%
16.67% to 50.00%	1	50.00%
50.01% to 83.33%	2	83.33%
83.33% to 100.00%	3	NA

Figure 4.1 graphically presents the breakpoints (16.67%, 50.0%, and 83.33%) for states with three electoral votes. The horizontal line in the figure represents a presidential candidate's percentage share of the popular vote—from 0% to 100%. The vertical tick marks show the breakpoints (16.67%, 50.0%, and 83.33%) for states with three electoral votes. The small numbers (0, 1, 2, or 3) immediately under the horizontal line show the number of electoral votes that a candidate would receive by winning a particular share of the popular vote.

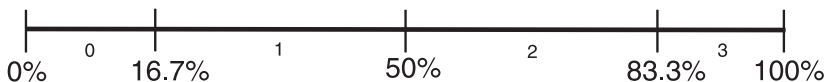


Figure 4.1 Scale showing the number of electoral votes that a candidate would receive under the whole-number proportional approach by winning a particular share of the popular vote in a state with three electoral votes

For example, a candidate receiving 58% of the popular vote would get two electoral votes under the whole-number proportional approach.

Table 4.3 shows the consequences of the whole-number proportional approach in the eight jurisdictions with three electoral votes in the 2000 presidential election.

Table 4.3 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH IN JURISDICTIONS WITH THREE ELECTORAL VOTES

STATE	GORE VOTE	GORE EV		BUSH EV		BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
		UNDER WTA	UNDER WTA	UNDER WNP	UNDER WNP			
AK	32.06%	0	3	1	2	16.67%	50.00%	-15.39%
DE	56.74%	3	0	2	1	50.00%	83.33%	-6.74%
DC	90.49%	3	0	3	0	83.33%	100.00%	-7.16%
MT	36.34%	0	3	1	2	16.67%	50.00%	+13.66%
ND	35.27%	0	3	1	2	16.67%	50.00%	+14.18%
SD	38.39%	0	3	1	2	16.67%	50.00%	+11.61%
VT	55.44%	3	0	2	1	50.00%	83.33%	-5.44%
WY	29.02%	0	3	1	2	16.67%	50.00%	-12.35%
Total		9	15	12	12			

Column 2 of table 4.3 shows Al Gore's percentage share of the two-party presidential vote for the 2000 presidential election for the eight jurisdictions with three electoral votes.

Columns 3 and 4 present the respective number of electoral votes (abbreviated "EV" in the table) that Al Gore and George W. Bush received under the existing statewide winner-take-all system (abbreviated "WTA" in the table) in the 2000 presidential election.

Columns 5 and 6 show the respective number of electoral votes that Gore and Bush would have received if the whole-number proportional approach (abbreviated "WNP") had been in effect for the 2000 presidential election.

Column 7 of table 4.3 shows the breakpoint (taken from table 4.2) that is just below the percentage that Gore actually received in the 2000 presidential election.

Column 8 shows the breakpoint that is just above the percentage that Gore actually received in the 2000 presidential election.

Column 9 of table 4.3 shows the percentage change in popular votes that Gore would have needed to change his electoral vote count in the state. That is, column 9 shows the difference between the percentage of the vote that Gore actually received (column 2) and the *nearer* of the two breakpoints in columns 7 and 8. The percentage in column 9 is the most important number in understanding how the whole-number proportional approach would work in practice in a particular state. It shows whether it is likely for a candidate to gain or lose one electoral vote in the state. Unless this percentage is reasonably small, it will prove very difficult for a candidate to gain or lose one electoral vote in that state in a non-landslide election. In other words, unless this percentage is small, candidates will simply write the state off (just as they now write states off under the statewide winner-take-all system).

In column 9 of table 4.3, an entry with a positive sign, such as +11.61% for South Dakota, means that if Gore had received an additional 11.61% share of the popular vote (i.e., 11.61% added to the 38.39% share of the popular vote that he actually received in South Dakota), he would have gained one electoral vote under the whole-number proportional approach. The reason why Gore would have gained one electoral vote is that he would have risen above the breakpoint of 50.00%—the breakpoint between one and two electoral votes in a state with three electoral votes. Gore would have received one fewer electoral vote (i.e., no electoral votes) in South Dakota under the whole-number proportional approach if his share of the popular vote had dropped below 16.67% (the breakpoint between one and zero electoral votes). This would occur by losing a 21.72% share of the popular vote (i.e., 21.72% subtracted from the 38.39%). Column 9 contains an entry of “+11.61%” because the breakpoint at 50.00% is closer to Gore’s actual popular vote (38.39%) than the breakpoint at 16.67%.

Figure 4.2 presents, along a horizontal line, Gore’s percentage share (38.39%) of the two-party popular vote in South Dakota in the 2000

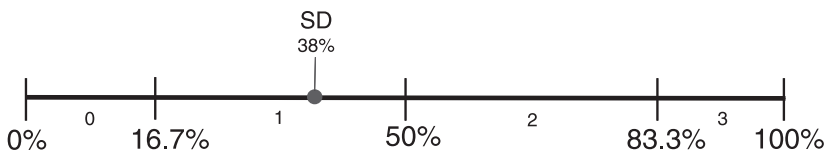


Figure 4.2 2000 presidential vote in South Dakota (with the Democrat receiving 38% of the popular vote)

presidential election. As in figure 4.1, the figure contains tick marks along the horizontal line representing the breakpoints of 16.67%, 50.00%, and 83.33% applicable to states with three electoral votes under the whole-number proportional approach. The small numbers (0, 1, 2, or 3) immediately under the horizontal line show the number of electoral votes that a candidate would receive under the whole-number proportional approach by winning a particular share of the popular vote. The figure shows that Gore's vote share in South Dakota was not close to the 16.67% or 50.00% breakpoints. Because Gore's vote share was so distant from these breakpoints, it is unlikely that a Democratic presidential candidate could gain or lose even a single electoral vote in South Dakota under the whole-number proportional approach in a non-landslide election. In terms of practical politics, figure 4.2 shows that South Dakota would be written off by both the Democrats and Republicans because there would be no realistic possibility that either party could win or lose an electoral vote under the whole-number proportional approach in that state.

An entry with a negative sign in column 9 of table 4.3, such as -7.16% for the District of Columbia, means that if Gore's share of the popular votes had been 7.16% less than he actually received in the District of Columbia (that is, 7.16% subtracted from the 90.49%), he would have lost one electoral vote under the whole-number proportional approach. The reason why Gore would have lost one electoral vote is that he would have fallen below the breakpoint of 83.33%—the boundary between two and three electoral votes in the District of Columbia.

Table 4.3 shows the division of electoral votes for the eight jurisdictions with three electoral votes in the 2000 presidential election. The division was 9–15 under the existing statewide winner-take-all system (columns 4 and 5) and would be 12–12 under the whole-number proportional approach (columns 6 and 7).

Overall, table 4.3 shows that the effect of the whole-number proportional approach for awarding electoral votes in the states with three electoral votes is generally to convert the existing statewide winner-take-all system (yielding either three or zero electoral votes to each presidential slate) into a “statewide winner-take-one” system. Indeed, the discussion below will establish, for states of all sizes, that the whole-number proportional approach is, as a practical matter, a “statewide winner-take-one” system (except that two electoral votes might occasionally be in play in California).

Under the existing statewide winner-take-all system, Gore carried three of the eight jurisdictions with three electoral votes and, therefore, received nine of the 24 available electoral votes (column 3 of table 4.3). George W. Bush carried five of the eight jurisdictions and, therefore, received 15 of the 24 (column 4). Under the whole-number proportional approach, the 24 electoral votes available in these eight jurisdictions would have divided 12–12 (columns 5 and 6).

None of the eight jurisdictions with three electoral votes is politically competitive under the existing statewide winner-take-all system. Accordingly, none received any significant attention from any presidential campaign in 2000. Under the whole-number proportional approach, all eight jurisdictions would remain politically irrelevant. The reason for their non-competitiveness can be seen from the percentages in column 9 of table 4.3, namely -15.39%, -6.74%, -7.16%, +13.66%, +14.18%, +11.61%, -5.44%, and -12.35%. These percentages (averaging 10.8%) are so large that it is unlikely that a presidential slate could gain or lose even a single electoral vote in a non-landslide election in any of these eight jurisdictions under the whole-number proportional approach.

Figure 4.3 summarizes the information in table 4.3. The figure presents, along a horizontal line, Gore's percentage share of the two-party popular vote in the 2000 presidential election for the eight jurisdictions with three electoral votes (obtained from column 2 of table 4.3). As in figure 4.1, the figure contains tick marks along the horizontal line at 16.67%, 50.00%, and 83.33% representing the breakpoints applicable to jurisdictions with three electoral votes under the whole-number proportional approach. The small numbers (0, 1, 2, or 3) immediately under the horizontal line show the number of electoral votes that a candidate would receive under the whole-number proportional approach by winning a particular share of the popular vote. Figure 4.3 shows graphically that Gore's share of the vote is not close to 50.00% in any of the eight jurisdictions. Thus, none of the eight is competitive under the existing statewide winner-take-all system. The figure also shows that Gore's vote

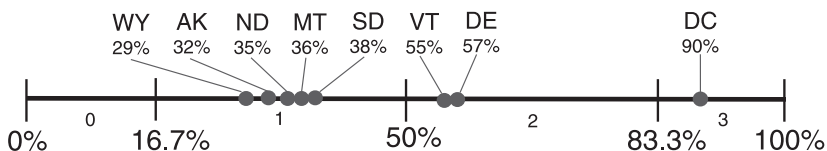


Figure 4.3 2000 presidential vote in jurisdictions with three electoral votes

share is not close to any of the three breakpoints (16.67%, 50.00%, and 83.33%).

4.1.2 STATES WITH FOUR ELECTORAL VOTES

There were six states with four electoral votes in the 2000 presidential election—Hawaii, Idaho, Maine, Nevada, New Hampshire, and Rhode Island.

For the states with four electoral votes, one electoral vote corresponds to a 25.0% share of the state's popular vote under the whole-number proportional approach.

Table 4.4 shows the number of electoral votes that a presidential slate would receive for various ranges of percentages of the popular vote in the states with four electoral votes. Column 3 shows the breakpoints that are applicable to states with four electoral votes.

Table 4.6 is constructed in the same manner as table 4.2. The general rule for constructing this table (and others in the section) is that if x is the number of electoral votes,

- $\frac{1}{2x}$ is the breakpoint between 0 and 1 electoral vote (0.1250 when x is 4);
- $\frac{1}{2x} + \frac{1}{x}$ is the breakpoint between 1 and 2 electoral votes (0.3750 when x is 4);
- $\frac{1}{2x} + \frac{2}{x}$ is the breakpoint between 2 and 3 electoral votes (0.6250 when x is 4); and
- $\frac{1}{2x} + \frac{3}{x}$ is the breakpoint between 3 and 4 electoral votes (0.8750 when x is 4).

Thus, the breakpoints are 12.50%, 37.50%, 62.50%, and 87.50% for states with four electoral votes.

Table 4.4 TABLE OF BREAKPOINTS FOR STATES WITH FOUR ELECTORAL VOTES

PERCENT OF POPULAR VOTE	NUMBER OF ELECTORAL VOTES	BREAKPOINT
0.00% to 12.50%	0	12.50%
12.51% to 37.50%	1	37.50%
37.51% to 62.50%	2	62.50%
62.51% to 87.50%	3	87.50%
87.51% to 100.00%	4	NA

In table 4.4, there is no breakpoint at 50.00% for the states with four electoral votes under the whole-number proportional approach. In fact, this observation is true for every state with an even number of electoral

votes under the whole-number proportional approach. Thus, it no longer would matter which presidential slate carries a state with an even number of electoral votes. The winner of the state would get no particular reward for carrying a state. This characteristic contrasts with the situation in the states with an odd number of electoral votes (where carrying the state would still matter). In other words, the whole-number proportional approach operates in a manner that is politically different in states with an even number of electoral votes from the manner it does in states with an odd number of electoral votes.

Table 4.5 is constructed in the same manner of table 4.3 and shows the consequences of the whole-number proportional approach in the six states with four electoral votes in the 2000 presidential election.

Table 4.5 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH IN STATES WITH FOUR ELECTORAL VOTES

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
HI	59.83%	4	0	2	2	37.50%	62.50%	+2.67%
ID	29.15%	0	4	1	3	12.50%	37.50%	+8.35%
ME	52.75%	4	0	2	2	37.50%	62.50%	+9.75%
NV	48.14%	0	4	2	2	37.50%	62.50%	-10.64%
NH	49.33%	0	4	2	2	37.50%	62.50%	-11.83%
RI	65.65%	4	0	3	1	62.50%	87.50%	-3.15%
Total		12	12	12	12			

Table 4.5 shows the division of electoral votes for the six states with four electoral votes in the 2000 presidential election. The division was 12–12 under the existing statewide winner-take-all system (columns 4 and 5) and would remain at 12–12 under the whole-number proportional approach (columns 6 and 7).

Despite not affecting the overall 12–12 allocation of electoral votes between the presidential candidates, the whole-number proportional approach has a dramatic effect on the particular states within this group of states in terms of their competitiveness.

Figure 4.4 presents, along a horizontal line, Gore’s percentage share of the popular vote in the 2000 presidential election for the six states with

four electoral votes (from column 2 of table 4.5). The figure contains tick marks along the horizontal line at 12.50%, 37.50%, 62.50%, and 87.50% representing the breakpoints (from table 4.4) that are applicable to states with four electoral votes under the whole-number proportional approach. The small numbers between zero and four immediately under the horizontal line show the number of electoral votes that a candidate would receive under the whole-number proportional approach by winning a particular share of the popular vote.

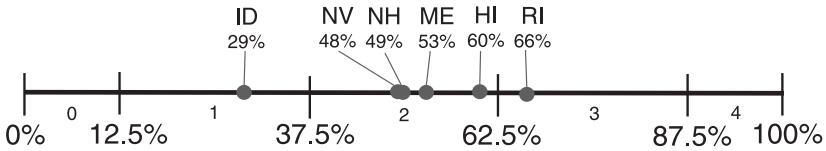


Figure 4.4 2000 presidential vote in states with four electoral votes

New Hampshire (where Gore received 49.33% of the popular vote) and Nevada (where Gore received 48.14%) were competitive under the existing statewide winner-take-all system. However, both New Hampshire and Nevada would become non-competitive under the whole-number proportional approach because there is no breakpoint at 50% for states with an even number of electoral votes. In states with four electoral votes, a candidate gets two electoral votes for receiving anywhere between 37.50% and 62.50% of the popular vote. The Democratic vote shares (49.33% and 48.14%) are almost in the middle of the band between 37.50% and 62.50%. Thus, in anything other than a landslide election, both the Democrats and Republicans would be virtually certain to win two electoral votes each in New Hampshire and Nevada. In New Hampshire, for example, it would take a downswing of 11.83% in the share of the Democratic vote (from 49.33%) for the Democratic candidate to lose one electoral vote. It would take an upswing of 13.19% by the Democrat to gain one electoral vote in New Hampshire. Neither is likely to happen in an ordinary election.

Similarly, Maine (where Gore received 52.75% of the popular vote) becomes distinctly non-competitive under the whole-number proportional approach because a presidential candidate gets two electoral votes for receiving anywhere between 37.50% and 62.50% of the popular vote. The Democratic vote in Maine (52.75%) is far from either 37.50% or 62.50%.

As will be seen in the sections below relating to other states with an even number of electoral votes, the whole-number proportional approach frequently converts current battleground states into non-competitive states.

On the other hand, Hawaii (which is non-competitive under the statewide winner-take-all system) becomes somewhat competitive under the whole-number proportional approach. In Hawaii, a change of +2.67% would result in a gain for the Democrats of one electoral vote.

Thus, the overall effect of the whole-number proportional approach in terms of competitiveness is to make New Hampshire, Nevada, and Maine non-competitive and to make Hawaii borderline competitive.

4.1.3 STATES WITH FIVE ELECTORAL VOTES

There were four states with five electoral votes in the 2000 presidential election—Nebraska, New Mexico, Utah, and West Virginia. For such states, one electoral vote corresponds to a 20% share of the state's popular vote under the whole-number proportional approach.

Table 4.6 shows the number of electoral votes that a presidential slate would receive for various ranges of percentages of the popular vote in the states with five electoral votes.

Table 4.6 TABLE OF BREAKPOINTS FOR STATES WITH FIVE ELECTORAL VOTES

PERCENT OF POPULAR VOTE	NUMBER OF ELECTORAL VOTES	BREAKPOINT
0.00% to 10.00%	0	10.00%
10.01 to 30.00%	1	30.00%
30.01% to 50.00%	2	50.00%
50.01% to 70.00%	3	70.00%
70.01% to 90.00%	4	90.00%
90.01% to 100.00%	5	NA

Table 4.7 shows the consequences of the whole-number proportional approach in the four states with five electoral votes in the 2000 presidential election.

Gore received five electoral votes in 2000 in the four states with five electoral votes but would have received eight under the whole-number proportional approach.

Figure 4.5 presents, along a horizontal line, Gore's percentage share (column 2 of table 4.7) of the popular vote in the 2000 presidential election for the four states with five electoral votes. The figure contains tick

Table 4.7 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH IN STATES WITH FIVE ELECTORAL VOTES

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
HI	59.83%	4	0	2	2	37.50%	62.50%	+2.67%
NB	34.82%	0	5	2	3	30.00%	50.00%	-4.82%
NM	50.03%	5	0	3	2	50.00%	70.00%	-0.03%
UT	28.27%	0	5	1	4	10.00%	30.00%	+1.73%
WV	46.76%	0	5	2	3	30.00%	50.00%	+3.24%
Total		5	15	8	12			

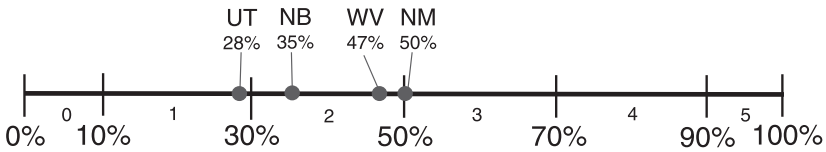


Figure 4.5 2000 presidential vote in states with five electoral votes

marks along the horizontal line at 10%, 30%, 50%, 70%, and 90% representing the breakpoints that are applicable to states with five electoral votes (from table 4.6). The small numbers from zero to five immediately under the horizontal line show the number of electoral votes that a candidate would receive under the whole-number proportional approach by winning a particular share of the popular vote.

As a general rule, states with an odd number of electoral votes always have a breakpoint at 50%. Thus, states that have an odd number of electoral votes and are competitive under the existing statewide winner-take-all system will remain competitive under the whole-number proportional approach. For instance, New Mexico is very competitive under the existing statewide winner-take-all system and would remain so under the whole-number proportional approach.

Utah is an example of a state that is non-competitive under the existing statewide winner-take-all system but that becomes competitive under the whole-number proportional approach. In a state with a lopsided partisan balance, the breakpoint at 30.00% can become politically important under the whole-number proportional approach. Specifically, Gore could have gone from one to two electoral votes by increasing his popular vote

by 1.73% from 28.27% to 30.00%. This is an example of the phenomenon of a non-competitive state becoming a battleground state because of a breakpoint other than 50.00%.

4.1.4 STATES WITH SIX ELECTORAL VOTES

Arkansas and Kansas each had six electoral votes in the 2000 presidential election. For these states, one electoral vote corresponds to a 16.67% share of the state’s popular vote under the whole-number proportional approach. Table 4.8 shows the number of electoral votes that a presidential slate would receive in states with six electoral votes for various ranges of percentages of the popular vote.

Table 4.8 TABLE OF BREAKPOINTS FOR STATES WITH SIX ELECTORAL VOTES

PERCENT OF POPULAR VOTE	NUMBER OF ELECTORAL VOTES	BREAKPOINT
0.00% to 8.33%	0	8.33%
8.34% to 25.00%	1	25.00%
25.01% to 41.66%	2	41.66%
41.67% to 58.33%	3	58.33%
58.34% to 75.00%	4	75.00%
75.00% to 91.677%	5	91.66%
91.67% to 100.00%	6	NA

Table 4.9 shows the consequences of the whole-number proportional approach in the two states with six electoral votes in the 2000 presidential election.

Table 4.9 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH IN STATES WITH SIX ELECTORAL VOTES

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED
								TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
AR	47.20%	0	6	3	3	41.66%	58.33%	-5.54%
KS	39.08%	0	6	2	4	25.00%	41.66%	+2.58%
Total		0	12	5	7			

Gore received no electoral votes in 2000 in the two states with six electoral votes, but he would have received five under the whole-number proportional approach.

Figure 4.6 presents, along a horizontal line, Gore's percentage share of the popular vote in the 2000 presidential election for the two states with six electoral votes.

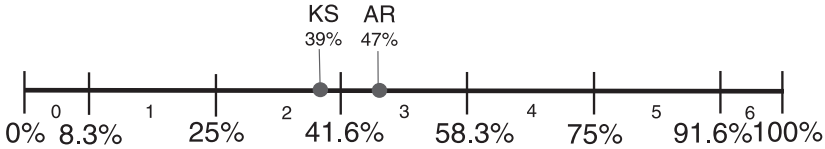


Figure 4.6 2000 presidential vote in states with six electoral votes

Arkansas is borderline competitive under the existing statewide winner-take-all system (requiring a change of 2.80% in the popular vote to switch its six electoral votes). The whole-number proportional approach would make Arkansas considerably less competitive because a change of 5.54% in the popular vote would be necessary to affect one electoral vote there. Meanwhile, Kansas (which is non-competitive under the existing statewide winner-take-all system) would become somewhat more competitive under the whole-number proportional approach.

4.1.5 STATES WITH SEVEN ELECTORAL VOTES

Iowa, Mississippi, and Oregon each had seven electoral votes in the 2000 presidential election. For states with seven electoral votes, one electoral vote corresponds to a 14.29% share of the state’s popular vote under the whole-number proportional approach. Table 4.10 shows the number of electoral votes that a presidential slate would receive in states with seven electoral votes for various ranges of percentages of the popular vote.

Table 4.10 TABLE OF BREAKPOINTS FOR STATES WITH SEVEN ELECTORAL VOTES

PERCENT OF POPULAR VOTE	NUMBER OF ELECTORAL VOTES	BREAKPOINT
0.00% to 7.14%	0	7.14%
7.15% to 21.43%	1	21.43%
21.44% to 35.71%	2	35.71%
35.72% to 50.00 %	3	50.00%
50.01% to 64.28%	4	64.28%
64.29% to 78.57%	5	78.57%
78.58% to 92.86%	6	92.86%
92.87% to 100.00%	7	NA

Table 4.11 shows the consequences of the whole-number proportional approach in the three states with seven electoral votes.

Table 4.11 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH IN STATES WITH SEVEN ELECTORAL VOTES

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
IA	50.16%	7	0	4	3	50.00%	64.28%	-0.16%
MS	41.39%	0	7	3	4	35.71%	50.00%	-5.68%
OR	50.24%	7	0	4	3	50.00%	64.28%	-0.24%
Total		14	7	11	10			

Gore received 14 electoral votes in 2000 in the three states with seven electoral votes, but he would have received 11 under the whole-number proportional approach.

Figure 4.7 presents, along a horizontal line, Gore’s percentage share of the popular vote in the 2000 presidential election for the two states with seven electoral votes.

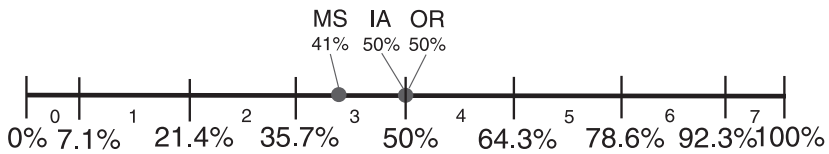


Figure 4.7 2000 presidential vote in states with seven electoral votes

Iowa and Oregon are competitive under the existing statewide winner-take-all system. They would remain so under the whole-number proportional approach because Gore’s popular vote in those states was near the breakpoint of 50.00%. Mississippi, however, would have been non-competitive under both systems.

4.1.6 STATES WITH EIGHT ELECTORAL VOTES

Arizona, Colorado, Connecticut, Kentucky, Oklahoma, and South Carolina each had eight electoral votes in the 2000 presidential election. For those states, one electoral vote corresponds to a 12.5% share of the state’s popular vote under the whole-number proportional approach.

Table 4.12 shows the number of electoral votes that a presidential slate would receive in states with eight electoral votes for various ranges of percentages of popular votes.

Table 4.12 TABLE OF BREAKPOINTS FOR STATES WITH EIGHT ELECTORAL VOTES

PERCENT OF POPULAR VOTE	NUMBER OF ELECTORAL VOTES	BREAKPOINT
0.00% to 6.25%	0	6.25%
6.26% to 18.75%	1	18.75%
18.76% to 31.25%	2	31.25%
31.26% to 43.75%	3	43.75%
43.76% to 56.25%	4	56.25%
56.26% to 68.75%	5	68.75%
68.76% to 81.25%	6	81.25%
81.26% to 93.75%	7	93.75%
92.9% to 100.0%	8	NA

Table 4.13 shows the consequences of the whole-number proportional approach in the six states with eight electoral votes in the 2000 presidential election.

Table 4.13 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH IN STATES WITH EIGHT ELECTORAL VOTES

STATE	GORE VOTE	GORE EV UNDER		BUSH EV UNDER		BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
		WTA	WTA	WNP	WNP			
AZ	46.72%	0	8	4	4	43.75%	56.25%	-2.97%
CO	45.51%	0	8	4	4	43.75%	56.25%	-1.76%
CT	59.26%	8	0	5	3	56.25%	68.75%	-3.01%
KY	42.27%	0	8	3	5	31.25%	43.75%	+1.48%
OK	38.92%	0	8	3	5	31.25%	43.75%	+4.83%
SC	41.85%	0	8	3	5	31.25%	43.75%	+1.90%
Total		8	40	22	26			

Among these six states, Gore carried only Connecticut in 2000. His popular vote was in the 40% range in the other five states of this group. Gore, therefore, received only eight electoral votes out of the 48 available from these six states. He would have received 22 under the whole-number proportional approach.

Figure 4.8 presents, along a horizontal line, Gore's percentage share of the popular vote in the 2000 presidential election for the six states with eight electoral votes.

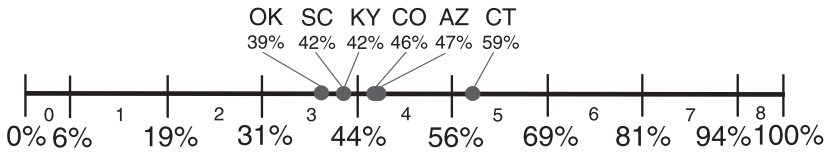


Figure 4.8 2000 presidential vote in states with eight electoral votes

Only Arizona was even border-line competitive under the existing statewide winner-take-all system in the six states with eight electoral votes. Colorado, Kentucky, and South Carolina become competitive under the whole-number proportional approach.

4.1.7 STATES WITH NINE ELECTORAL VOTES

Alabama and Louisiana each had nine electoral votes in the 2000 presidential election. For these states with nine electoral votes, one electoral vote corresponds to an 11.11% share of the state’s popular vote under the whole-number proportional approach.

Table 4.14 shows the consequences of the whole-number proportional approach in these states. The relevant breakpoints for this table are at 38.88% (the boundary between three and four electoral votes) and 50.00% (the boundary between four and five electoral votes).

Table 4.14 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH IN STATES WITH NINE ELECTORAL VOTES

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
AL	42.39%	0	9	4	5	38.88%	50.00%	-3.51%
LA	46.06%	0	9	4	5	38.88%	50.00%	+3.94%
Total		0	18	8	10			

Figure 4.9 presents, along a horizontal line, Gore’s percentage share of the popular vote in the 2000 presidential election for the two states with nine electoral votes.

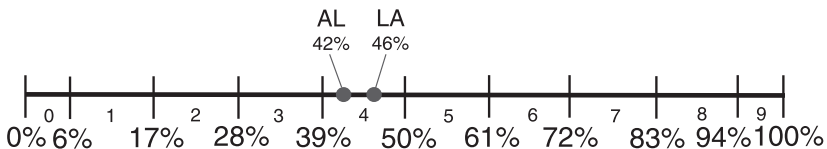


Figure 4.9 2000 presidential vote in states with nine electoral votes

4.1.8 STATES WITH 10 ELECTORAL VOTES

There were two states with 10 electoral votes in the 2000 presidential election—Maryland and Minnesota. For those states, one electoral vote corresponds to a 10% share of the state’s popular vote under the whole-number proportional approach.

Table 4.15 shows the consequences of the whole-number proportional approach in these states. The relevant breakpoint for this table is at 55.00% (the boundary between five and six electoral votes).

Table 4.15 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH IN STATES WITH 10 ELECTORAL VOTES

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
MD	58.47%	10	0	6	4	55.00%	65.00%	-3.47%
MN	51.29%	10	0	5	5	45.00%	55.00%	+3.71%
Total		20	0	11	9			

Figure 4.10 presents, along a horizontal line, Gore’s percentage share of the popular vote in the 2000 presidential election for the two states with 10 electoral votes.

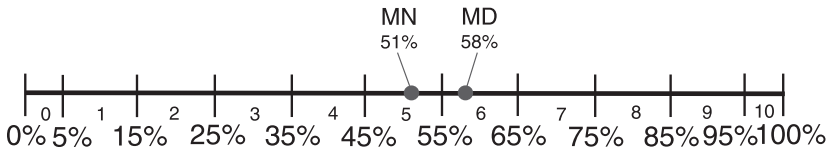


Figure 4.10 2000 presidential vote in states with 10 electoral votes

4.1.9 STATES WITH 11 ELECTORAL VOTES

There were four states with 11 electoral votes in the 2000 presidential election—Missouri, Tennessee, Washington, and Wisconsin. For states with 11 electoral votes, one electoral vote corresponds to a 9.09% share of the state’s popular vote under the whole-number proportional approach.

Table 4.16 shows the consequences of the whole-number proportional approach in these states. The relevant breakpoint for this table is at 50.00% (the boundary between five and six electoral votes).

Table 4.16 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH IN STATES WITH 11 ELECTORAL VOTES

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
MO	48.29%	0	11	5	6	40.91%	50.00%	+1.71%
TN	48.04%	0	11	5	6	40.91%	50.00%	+1.96%
WA	52.94%	11	0	6	5	50.00%	59.09%	-2.94%
WI	50.12%	11	0	6	5	50.00%	59.09%	-0.12%
Total		22	22	22	22			

Figure 4.11 presents, along a horizontal line, Gore’s percentage share of the popular vote (column 2 of table 4.16) in the 2000 presidential election for the four states with 11 electoral votes.

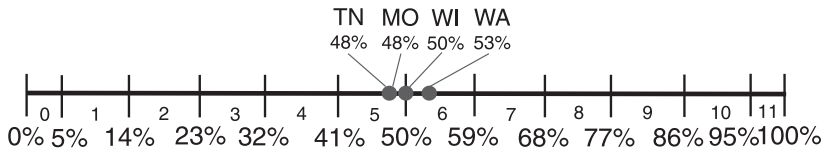


Figure 4.11 2000 presidential vote in states with 11 electoral votes

Because Gore’s percentage was reasonably close to 50.00% in all four of the states with 11 electoral votes in the 2000 presidential election (table 4.16), the whole-number proportional approach makes no difference in terms of the degree of competitiveness for these particular states.

4.1.10 STATES WITH 12 ELECTORAL VOTES

Indiana and Massachusetts each had 12 electoral votes in the 2000 presidential election. For these two states, one electoral vote corresponds to an 8.33% share of the state’s popular vote under the whole-number proportional approach.

Table 4.17 shows the consequences of the whole-number proportional approach in states with 12 electoral votes. The relevant breakpoints for this table are at 45.83% (the boundary between five and six electoral votes) and 62.50% (the boundary between seven and eight electoral votes).

Table 4.17 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH IN STATES WITH 12 ELECTORAL VOTES

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED
								TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
IN	42.00%	0	12	6	6	37.50%	45.83%	+3.83%
MA	64.79%	12	0	7	5	62.50%	70.83%	-2.29%
Total		12	12	13	11			

Figure 4.12 presents, along a horizontal line, Gore’s percentage share of the popular vote in the 2000 presidential election for the two states with 12 electoral votes.

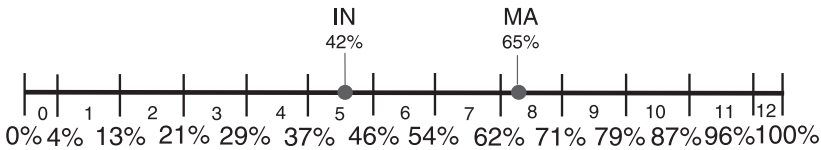


Figure 4.12 2000 presidential vote in states with 12 electoral votes

4.1.11 STATES WITH 13 ELECTORAL VOTES

There were two states with 13 electoral votes in the 2000 presidential election—Georgia and Virginia. For the states with 13 electoral votes, one electoral vote corresponds to a 7.69% share of the state’s popular vote under the whole-number proportional approach.

Table 4.18 shows the consequences of the whole-number proportional approach in the states with 13 electoral votes. The relevant breakpoints for this table are at 42.31% (the boundary between five and six electoral votes) and 50.00% (the boundary between six and seven electoral votes).

Table 4.18 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH IN STATES WITH 13 ELECTORAL VOTES

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED
								TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
GA	44.02%	0	13	6	7	42.31%	50.00%	-1.71%
VA	45.85%	0	13	6	7	42.31%	50.00%	-3.54%
Total		0	26	12	14			

Figure 4.13 presents, along a horizontal line, Gore’s percentage share of the popular vote for the two states with 13 electoral votes in the 2000 presidential election.

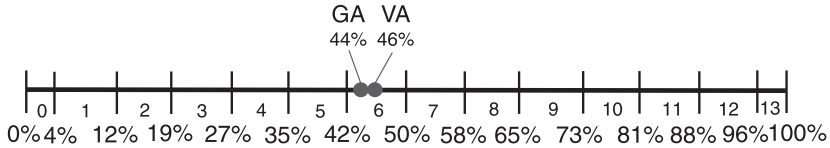


Figure 4.13 2000 presidential vote in states with 13 electoral votes

Under the whole-number proportional approach, Gore would have received 12 of the 26 electoral votes available from these two states (compared to none under the statewide winner-take-all system).

One of Georgia’s electoral votes would have been contested under the whole-number proportional approach.

4.1.12 THE 10 STATES WITH 14 OR MORE ELECTORAL VOTES

The remaining 10 states (North Carolina, New Jersey, Michigan, Ohio, Illinois, Pennsylvania, Florida, Texas, New York, and California) each had a different number of electoral votes (between 14 and 54) in the 2000 presidential election.

Table 4.19 shows the percentage share of the popular vote that corresponds to one electoral vote under the whole-number proportional approach for the 10 states with 14 or more electoral votes in the 2000 election.

Table 4.19 SHARE OF THE POPULAR VOTE CORRESPONDING TO ONE ELECTORAL VOTE FOR THE 10 LARGEST STATES

STATE	ELECTORAL VOTE	SHARE OF POPULAR VOTE CORRESPONDING TO 1 ELECTORAL VOTE
North Carolina	14	7.1%
New Jersey	15	6.7%
Michigan	18	5.6%
Ohio	21	4.8%
Illinois	22	4.5%
Pennsylvania	23	4.4%
Florida	25	4.0%
Texas	32	3.1%
New York	33	3.0%
California	54	1.9%
Total	254	

The breakpoints for the 10 states with 14 to 54 electoral votes were different because each of these states had a different number of electoral votes. Table 4.20 shows the consequences of the whole-number proportional approach for these 10 states for the 2000 presidential election.

Table 4.20 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH FOR THE 10 STATES WITH 14 OR MORE ELECTORAL VOTES

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
NC	43.54%	0	14	6	8	39.28%	46.42%	+2.88%
NJ	58.21%	15	0	9	6	56.66%	63.33%	-1.55%
MI	52.63%	18	0	10	8	47.22%	52.78%	+0.15%
OH	48.18%	0	21	10	11	45.23%	50.00%	+1.82%
IL	56.18%	22	0	12	10	52.27%	56.82%	+0.18%
PA	52.15%	23	0	12	11	50.00%	54.35%	-2.15%
FL	49.99%	0	25	12	13	46.00%	50.00%	+0.01%
TX	39.04%	0	32	12	20	35.94%	39.06%	+0.02%
NY	63.09%	33	0	20	13	62.12%	65.15%	-0.97%
CA	56.20%	54	0	30	24	54.63%	56.48%	+0.28%
Total		165	92	133	124			

Figure 4.14 presents, along a horizontal line, Gore’s percentage share of the popular vote in the 2000 presidential election in North Carolina (14 electoral votes). As can be seen, the Democrats were within 2.88% of the breakpoint (46.42%) between getting six and seven electoral votes in North Carolina and therefore could have gained one electoral vote in North Carolina under favorable circumstances. This opportunity is, however, not symmetrical. There would have been little likelihood of the Republicans being able to reduce Gore’s share of the electoral vote from six to five.

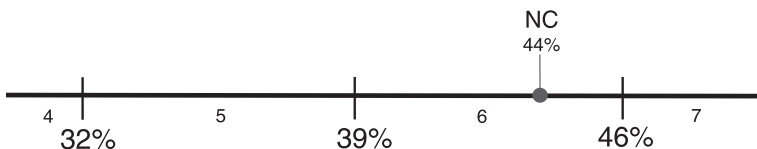


Figure 4.14 2000 presidential vote in North Carolina (14 electoral votes)

Figure 4.15 presents, along a horizontal line, Gore's percentage share of the popular vote in New Jersey (15 electoral votes) in the 2000 presidential election. As can be seen, the Democrats were within 1.55% of the breakpoint between getting nine and eight electoral votes. Thus, the Republicans could have gained one electoral vote in New Jersey under favorable circumstances. This opportunity to affect one electoral vote is not, however, symmetrical. There would have been little likelihood of the Democrats being able to increase their share of the electoral vote from nine to 10.

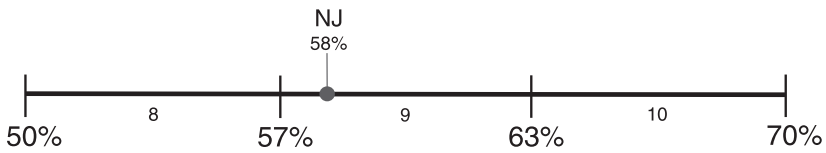


Figure 4.15 2000 presidential vote in New Jersey (15 electoral votes)

Figure 4.16 presents, along a horizontal line, Gore's percentage share of the popular vote in the 2000 presidential election in Michigan (18 electoral votes). The Democrats were within 0.15% of getting 11 (as compared to 10) electoral votes from Michigan. Neither party, however, has any realistic chance of gaining or losing as many as two electoral votes in Michigan in anything other than a landslide election.

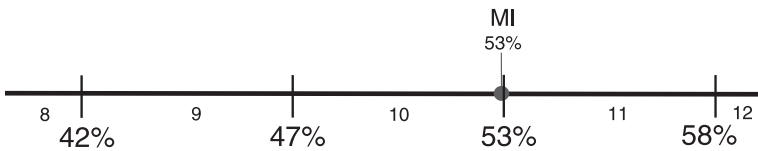


Figure 4.16 2000 presidential vote in Michigan (18 electoral votes)

Figure 4.17 presents, along a horizontal line, Gore's percentage share of the popular vote in the 2000 presidential election in Ohio (which had 21 electoral votes in 2000). The Democrats were within 1.82% of the breakpoint between getting 10 and 11 electoral votes in Ohio and could have gained one electoral vote in the state under favorable circumstances. There would have been little likelihood, however, of the Republican's decreasing the Democrat's share of the electoral vote in Ohio from 10 to nine.

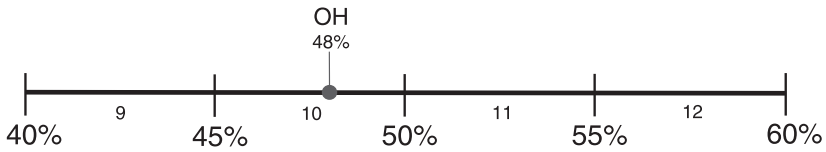


Figure 4.17 2000 presidential vote in Ohio (21 electoral votes)

Figure 4.18 presents, along a horizontal line, Gore's percentage share of the popular vote in the 2000 presidential election in Illinois (which had 22 electoral votes in 2000). The Democrats were within 0.18% of the breakpoint between getting 12 and 13 electoral votes in Illinois.

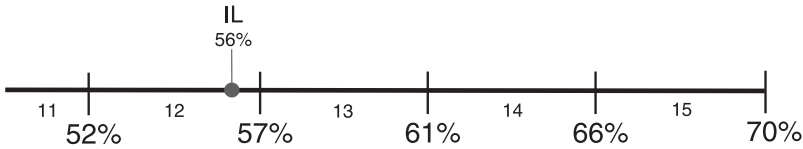


Figure 4.18 2000 presidential vote in Illinois (22 electoral votes)

Figure 4.19 presents, along a horizontal line, Gore's percentage share of the popular vote in the 2000 presidential election in Pennsylvania (23 electoral votes). The Democrats were within 2.15% of the nearest breakpoint, and the Republicans were within 2.20% of the nearest breakpoint. Thus, one electoral vote is potentially in play for both parties. Because both parties are more than 2% away from gaining or losing one electoral vote, it is entirely conceivable that Pennsylvania might be passed over in favor of states where less effort would be necessary to affect one electoral vote.

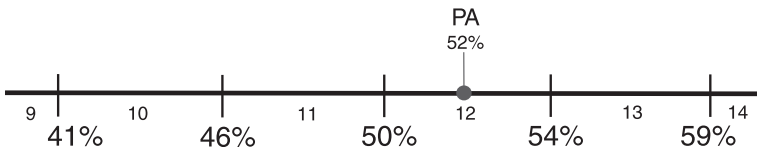


Figure 4.19 2000 presidential vote in Pennsylvania (23 electoral votes)

Figure 4.20 presents, along a horizontal line, Gore's percentage share of the popular vote in the 2000 presidential election in Florida (which had 25 electoral votes in 2000). The Democrats were within +0.01% of the breakpoint between getting 12 and 13 electoral votes in Florida.

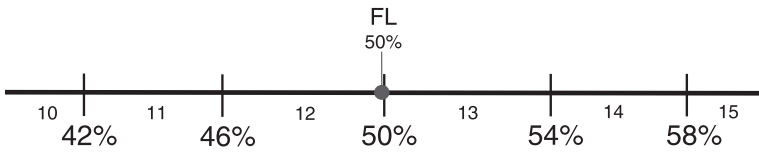


Figure 4.20 2000 presidential vote in Florida (25 electoral votes)

Figure 4.21 presents, along a horizontal line, Gore’s percentage share of the popular vote in the 2000 presidential election in Texas (32 electoral votes in 2000). The Democrats were within +0.02% of the breakpoint between getting 12 and 13 electoral votes in Texas.

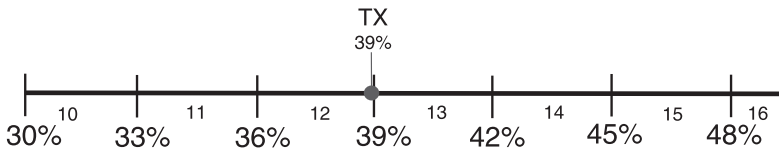


Figure 4.21 2000 presidential vote in Texas (32 electoral votes)

Figure 4.22 presents, along a horizontal line, Gore’s percentage share of the popular vote in the 2000 presidential election in New York (which had 33 electoral votes in 2000). The Democrats were within 0.97% of the breakpoint between getting 20 and 19 electoral votes in New York. Thus, the Republicans could possibly have gained one electoral vote in the state under favorable circumstances. The opportunity is not, however, symmetrical. It is less likely that the Democrats would have been able to increase their share of the electoral vote from 20 to 21.

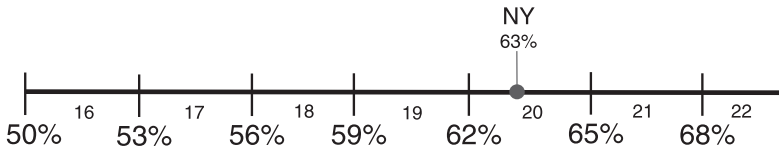


Figure 4.22 2000 presidential vote in New York (33 electoral votes)

Figure 4.23 presents, along a horizontal line, Gore’s percentage share of the popular vote in California (which had 54 electoral votes in the 2000 presidential election). The Democrats were within 0.28% of getting 31 (as compared to 30) electoral votes from California. One electoral vote was in play in California for both parties. Moreover, two electoral votes might

sometimes be in play in California because one electoral vote corresponds to a mere 1.85% share of the state’s popular vote. For example, if the Democrats were to increase their share of the popular vote by 2.13% (0.28% plus 1.85%), they would pick up two electoral votes. That is, the whole-number proportional approach could operate as a “statewide winner-take-two” system for the Democrats in California. Note that this opportunity is not symmetric. A change of 3.43% in the popular vote would have been necessary for the Bush 2004 campaign to pick up two electoral votes in California.

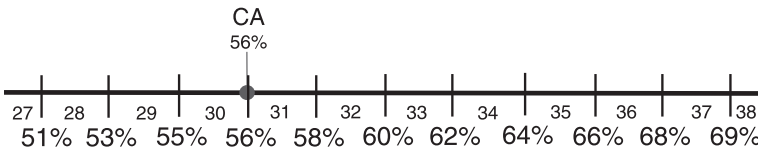


Figure 4.23 2000 presidential vote in California (54 electoral votes)

In summary, table 4.20 shows that all of the 10 most populous states are competitive to some degree under the whole-number proportional approach.

In particular, the six biggest states (North Carolina, New Jersey, Illinois, Texas, New York, and California) that are spectator states under the statewide winner-take-all system become battleground states under the whole-number proportional approach. The “battle” would only be for one electoral vote (“winner-take-one”) in five of these six states. In California, the battle would sometimes be for two electoral votes (“winner-take-two”).

Michigan, Ohio, Pennsylvania, and Florida are battleground states under the current statewide winner-take-all system. These four states would remain competitive under the whole-number proportional approach. However, the battle would not be for 18, 21, 23, or 25 electoral votes but, instead, for only one electoral vote in each state.

4.1.13 NATIONWIDE ANALYSIS OF THE WHOLE-NUMBER PROPORTIONAL APPROACH

This section addresses two questions. The first is whether the whole-number proportional approach would, if adopted by every state, more accurately reflect the nationwide popular vote than the existing statewide winner-take-all system. The second question is whether the whole-

number proportional approach would, if adopted by every state, improve the competitiveness of presidential elections on a nationwide basis.

Table 4.21 combines the information from 12 of the foregoing tables in order to show the overall consequences of the whole-number proportional approach for all 50 states and the District of Columbia for the 2000 presidential election. Table 4.21 is sorted in descending order according to the percentage change (column 9) in popular votes that Gore would have needed to change his electoral vote count by one electoral vote in each jurisdiction.

Table 4.21 shows that, if the whole-number proportional approach had been in use throughout the country in the 2000 presidential election, it would not have awarded the most electoral votes to the candidate receiving the most popular votes nationwide. Instead, the result would have been a tie of 269–269 in the electoral vote, even though Al Gore led by 537,179 popular votes across the nation.⁴ That is, the whole-number proportional approach would not have accurately reflected the nationwide popular vote.

In order to analyze competitiveness, let us try to visualize how each political party might have approached the 2004 presidential election if all states had used the whole-number proportional approach.

The best starting point for planning a strategy in any election is the outcome of the previous election. Thus, under the whole-number proportional approach, the starting point for planning a strategy for the 2004 presidential election would have been the data in table 4.21 (showing both parties tied at 269 electoral votes). The central question for each party's campaign would have been focused on the way to win more than 269 electoral votes. Each party's campaign would have been aware that the whole-number proportional approach is predominantly a "statewide winner-take-one" system. Thus, the challenge to each party would be to

⁴ If there had been a tie when the electoral votes for the 2000 presidential election were counted on January 6, 2001, the election for President would have been thrown into the House of Representatives (voting on a one-state-one-vote basis). Based on the party alignment of the newly elected House, George W. Bush would have been elected President. However, the newly elected Senate—responsible for electing the new Vice President—was equally divided after the 2000 elections. The U.S. Constitution is not entirely clear as to whether Vice President Gore (whose term of office ran until January 20, 2001) would have been entitled to vote to break the tie in the Senate in order to elect a new Vice President.

Table 4.21 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
ND	35.27%	0	3	1	2	16.67%	50.00%	14.18%
MT	36.34%	0	3	1	2	16.67%	50.00%	13.66%
SD	38.39%	0	3	1	2	16.67%	50.00%	11.61%
ME	52.75%	4	0	2	2	37.50%	62.50%	9.75%
ID	29.15%	0	4	1	3	12.50%	37.50%	8.35%
OK	38.92%	0	8	3	5	31.25%	43.75%	4.83%
LA	46.06%	0	9	4	5	38.88%	50.00%	3.94%
IN	42.00%	0	12	6	6	37.50%	45.83%	3.83%
MN	51.29%	10	0	5	5	45.00%	55.00%	3.71%
WV	46.76%	0	5	2	3	30.00%	50.00%	3.24%
NC	43.54%	0	14	6	8	39.28%	46.42%	2.88%
HI	59.83%	4	0	2	2	37.50%	62.50%	2.67%
KS	39.08%	0	6	2	4	25.00%	41.66%	2.58%
TN	48.04%	0	11	5	6	40.91%	50.00%	1.96%
SC	41.85%	0	8	3	5	31.25%	43.75%	1.90%
OH	48.18%	0	21	10	11	45.23%	50.00%	1.82%
UT	28.27%	0	5	1	4	10.00%	30.00%	1.73%
MO	48.29%	0	11	5	6	40.91%	50.00%	1.71%
KY	42.27%	0	8	3	5	31.25%	43.75%	1.48%
CA	56.20%	54	0	30	24	54.63%	56.48%	0.28%
IL	56.18%	22	0	12	10	52.27%	56.82%	0.18%
MI	52.63%	18	0	10	8	47.22%	52.78%	0.15%
FL	49.99%	0	25	12	13	46.00%	50.00%	0.01%
TX	39.04%	0	32	12	20	35.94%	39.06%	-0.02%
NM	50.03%	5	0	3	2	50.00%	70.00%	-0.03%
WI	50.12%	11	0	6	5	50.00%	59.09%	-0.12%
IA	50.16%	7	0	4	3	50.00%	64.28%	-0.16%
OR	50.24%	7	0	4	3	50.00%	64.28%	-0.24%
NY	63.09%	33	0	20	13	62.12%	65.15%	-0.97%
NJ	58.21%	15	0	9	6	56.66%	63.33%	-1.55%
GA	44.02%	0	13	6	7	42.31%	50.00%	-1.71%
CO	45.51%	0	8	4	4	43.75%	56.25%	-1.76%
PA	52.15%	23	0	12	11	50.00%	54.35%	-2.15%
MA	64.79%	12	0	7	5	62.50%	70.83%	-2.29%
WA	52.94%	11	0	6	5	50.00%	59.09%	-2.94%

Table 4.21 2000 ELECTION UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH (cont.)

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
AZ	46.72%	0	8	4	4	43.75%	56.25%	-2.97%
CT	59.26%	8	0	5	3	56.25%	68.75%	-3.01%
RI	65.65%	4	0	3	1	62.50%	87.50%	-3.15%
MD	58.47%	10	0	6	4	55.00%	65.00%	-3.47%
AL	42.39%	0	9	4	5	38.88%	50.00%	-3.51%
VA	45.85%	0	13	6	7	42.31%	50.00%	-3.54%
NB	34.82%	0	5	2	3	30.00%	50.00%	-4.82%
VT	55.44%	3	0	2	1	50.00%	83.33%	-5.44%
AR	47.20%	0	6	3	3	41.66%	58.33%	-5.54%
MS	41.39%	0	7	3	4	35.71%	50.00%	-5.68%
DE	56.74%	3	0	2	1	50.00%	83.33%	-6.74%
DC	90.49%	3	0	3	0	83.33%	100.00%	-7.16%
NV	48.14%	0	4	2	2	37.50%	62.50%	-10.64%
NH	49.33%	0	4	2	2	37.50%	62.50%	-11.83%
WY	29.02%	0	3	1	2	16.67%	50.00%	-12.35%
AK	32.06%	0	3	1	2	16.67%	50.00%	-15.39%
Total		267	271	269	269			

devise a strategy for accumulating additional electoral votes by targeting particular states.

Landslides take care of themselves. Thus, the planning process for a political campaign inevitably concentrates on what might happen if the upcoming election turns out to be close. Planners for the Bush 2004 campaign would have carefully considered what might happen if they were to improve their nationwide popular vote by various reasonably attainable percentages—1%, 2%, or 3%.

We *now* know that the Republicans increased their share of the two-party popular presidential vote by 1.98% (from 49.72% in 2000 to 51.71% in 2004). Hindsight of this sort is not, however, required for us to know that, at the beginning of the 2004 presidential campaign, it was imperative for each campaign to consider small percentage swings such as 1%, 2%, or 3%.

Referring to table 4.21, those involved in planning the Bush 2004 campaign would have immediately identified the nine battleground states

where a gain of 2% or less in the popular vote could yield them one additional electoral vote under the whole-number proportional approach. These nine states (shown in table 4.22 and in figure 4.24) would have been the highest-priority “upside” battleground states for Bush in 2004.

Table 4.22 shows that the Bush 2004 campaign could have picked up nine electoral votes in the following way under the whole-number proportional approach:

- **Lowest-Hanging Fruit:** Pick up one electoral vote in Texas by reducing the Democratic share of the vote there by a mere 0.02% (from 39.04% to the breakpoint of 39.02%).
- **Easy Pickings:** Pick up one electoral vote in each of four states by reducing the Democratic share of the vote by 0.03% in New Mexico, 0.16% in Iowa, 0.12% in Wisconsin, and 0.24% in Oregon.
- **1% Neighborhood:** Pick up one electoral vote in New York by reducing the Democratic share of the vote by 0.97% (from 63.09% to the breakpoint of 62.12%).
- **2% Neighborhood:** Pick up one electoral vote by reducing the Democratic share of the vote by 1.55% in New Jersey, 1.71% in Georgia and 1.76% in Colorado.

Similarly, those involved in planning the Kerry 2004 campaign under the whole-number proportional approach would surely have considered the consequences of improving upon Gore’s popular vote in 2000 by various attainable small percentages. Referring to table 4.21, planners for the Kerry 2004 campaign surely would have quickly identified the 10 battleground states where a gain of 2% or less could yield them one additional electoral vote. These 10 states (shown in table 4.23 and in figure 4.25) would have been the highest-priority “upside” battleground states for Kerry in 2004.

Table 4.23 shows that the Kerry 2004 campaign could have picked up 10 electoral votes in the following way under the whole-number proportional approach:

- **Lowest-Hanging Fruit:** Pick up one electoral vote in Florida by increasing the Democratic share of the vote in Florida by 0.01% (from 49.99% to the breakpoint of 50.00%).
- **Easy Pickings:** Pick up one electoral vote by increasing the Democratic share of the vote by 0.15% in Michigan, 0.18% in Illinois, and 0.28% in California.

Table 4.22 THE NINE “UPSIDE” BATTLEGROUND STATES FOR BUSH IN 2004 UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
TX	39.04%	0	32	12	20	35.94%	39.06%	-0.02%
NM	50.03%	5	0	3	2	50.00%	70.00%	-0.03%
WI	50.12%	11	0	6	5	50.00%	59.09%	-0.12%
IA	50.16%	7	0	4	3	50.00%	64.28%	-0.16%
OR	50.24%	7	0	4	3	50.00%	64.28%	-0.24%
NY	63.09%	33	0	20	13	62.12%	65.15%	-0.97%
NJ	58.21%	15	0	9	6	56.66%	63.33%	-1.55%
GA	44.02%	0	13	6	7	42.31%	50.00%	-1.71%
CO	45.51%	0	8	4	4	43.75%	56.25%	-1.76%
Total		78	53	68	63			

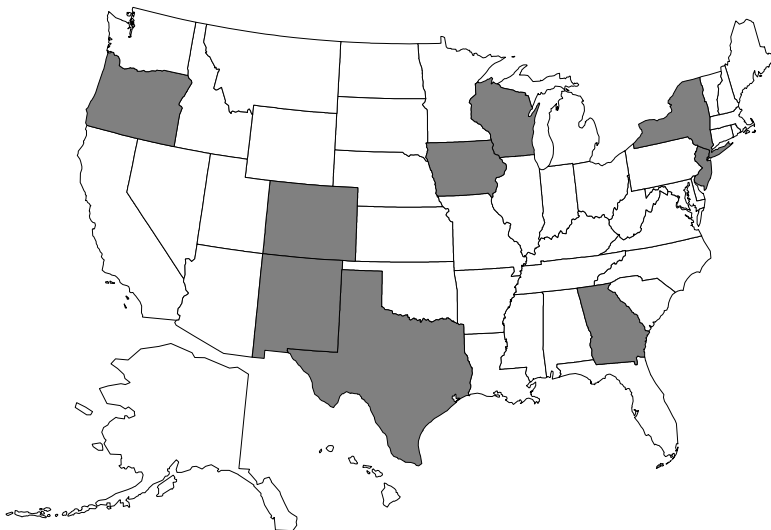


Figure 4.24 The nine “upside” battleground states for Bush in 2004 under the whole-number proportional approach

Table 4.23 THE 10 “UPSIDE” BATTLEGROUND STATES FOR KERRY IN 2004 UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH

STATE	GORE VOTE	GORE EV UNDER WTA	BUSH EV UNDER WTA	GORE EV UNDER WNP	BUSH EV UNDER WNP	BREAKPOINT JUST BELOW GORE VOTE	BREAKPOINT JUST ABOVE GORE VOTE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER WNP
TN	48.04%	0	11	5	6	40.91%	50.00%	1.96%
SC	41.85%	0	8	3	5	31.25%	43.75%	1.90%
OH	48.18%	0	21	10	11	45.23%	50.00%	1.82%
UT	28.27%	0	5	1	4	10.00%	30.00%	1.73%
MO	48.29%	0	11	5	6	40.91%	50.00%	1.71%
KY	42.27%	0	8	3	5	31.25%	43.75%	1.48%
CA	56.20%	54	0	30	24	54.63%	56.48%	0.28%
IL	56.18%	22	0	12	10	52.27%	56.82%	0.18%
MI	52.63%	18	0	10	8	47.22%	52.78%	0.15%
FL	49.99%	0	25	12	13	46.00%	50.00%	0.01%
Total		94	89	91	92			

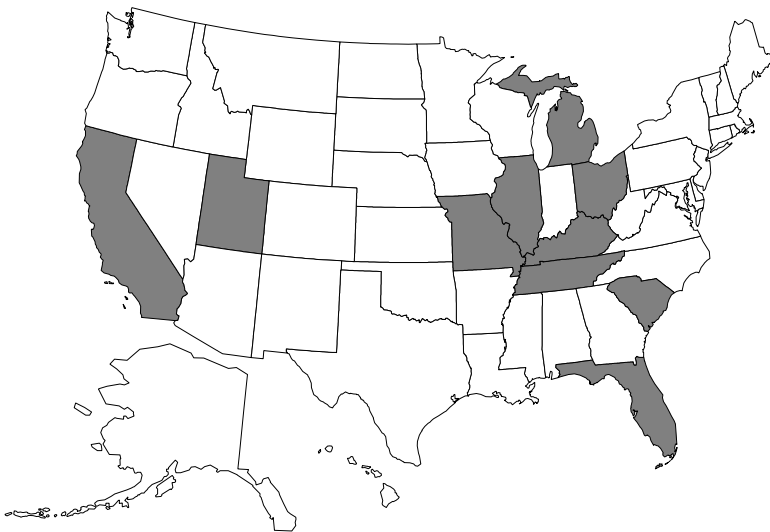


Figure 4.25 The 10 “upside” battleground states for Kerry in 2004 under the whole-number proportional approach

- **1% Neighborhood:** Pick up one electoral vote in Kentucky by increasing the Democratic share of the vote by 1.48% (from 42.27% to the breakpoint of 43.75%).
- **2% Neighborhood:** Pick up one electoral vote by increasing the Democratic share of the vote by 1.71% in Missouri, 1.73% in Utah, 1.82% in Ohio, 1.90% in South Carolina, and 1.96% in Tennessee.

Of course, the 10 “upside” states for the Kerry 2004 campaign would have been the same states where the Bush 2004 campaign would have had to play defense under the whole-number proportional approach. Conversely, the nine “upside” states for the Bush 2004 campaign are the states where Kerry would have been on the defensive.

Of course, those planning a campaign would have, in practice, added or deleted certain states from the above list of 19 battleground states for numerous reasons, including the following:

First, planners of both campaigns would have considered adding or deleting a state with various unusual local political factors, such as a noticeable shift in partisan alignment since the last election, significant demographic changes since the last election, the localized impact of a controversial existing or planned government policy, the effect of an unusually popular or unpopular state administration, the home states of the candidates, or other political considerations.

Second, those involved in planning the Bush 2004 campaign would have given some consideration to the three states where they could have picked up one electoral vote each by reducing the Democratic share of the popular vote by between 2% and 3% (e.g., 2.29% in Massachusetts, 2.94% in Washington, and 2.97% in Arizona). Similarly, planners for the Kerry 2004 campaign would have given some consideration to the four states where they could have picked up one electoral vote each by increasing the Democratic share of the popular vote by between 2% and 3% (e.g., 2.15% in Pennsylvania, 2.29% in Massachusetts, 2.94% in Washington, and 2.97% in Arizona). Both campaigns would have glanced briefly at states where they might conceivably pick up an electoral vote by increasing their popular vote by 4% or more.

Third, California is the one exception to the statement that, except in landslide elections, the whole-number proportional approach is a “winner-take-one” system. In California, one electoral vote corresponds to a

1.85% share of the state's popular vote. If, for example, the 2004 Kerry campaign could have increased the Democratic share of the vote by 2.13% (0.28% plus 1.85%), it would have picked up two electoral votes in California. It would have required a change of 3.43% in the popular vote for the Bush 2004 campaign to have gained two electoral votes in California. In states other than California, the share of popular vote corresponding to one electoral vote is considerably larger than 1.85%. For example, for the two next largest states (New York and Texas), the shares of the popular vote corresponding to one electoral vote were 3.0% and 3.1%, respectively. For the fourth largest state (Florida), the percentage was 4.0%. As mentioned earlier, 41 of the 51 jurisdictions that are entitled to appoint presidential electors had 13 or fewer electoral votes in 2000. The share of the popular vote corresponding to one electoral vote is 7.69% for states with 13 electoral votes. The share of the popular vote corresponding to one electoral vote is 33.33% for states with three electoral votes.

Notwithstanding the above caveats, the political reality is that campaign strategies in ordinary elections are based on trying to change a reasonably achievable small percentage of the votes—1%, 2%, or 3%. The bottom line is that the number of battleground states under the whole-number proportional approach would approximate the list of 19 states shown in tables 4.22 and 4.23. Something like 32 states would be non-competitive.

Table 4.24 presents the 19 battleground states in 2004 (based on a 2% swing) under the whole-number proportional approach. The states in this table are sorted in order of the absolute value of the percentage change that would have been needed in order to gain or lose one electoral vote under the whole-number proportional approach.

Figure 4.26 summarizes the information in table 4.24. The figure presents, along a horizontal line, Gore's percentage share of the popular vote in the 19 battleground states listed in table 4.24.

Several observations can be made by comparing the 19 battleground states under the whole-number proportional approach listed in table 4.24 with the 19 closest states in the 2000 presidential election (table 1.3) and the 16 closest states in the 2004 presidential election (table 1.4 and figure 1.1).

First, over half of the 19 battleground states under the whole-number proportional approach in table 4.24 are different from the actual battleground states of the 2004 election. The 19 battleground states under the

Table 4.24 THE 19 BATTLEGROUND STATES IN 2004 UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH

STATE	CHANGE NEEDED TO GAIN OR LOSE 1 ELECTORAL VOTE UNDER THE WHOLE-NUMBER PROPORTIONAL APPROACH
Florida	0.01%
Texas	-0.02%
New Mexico	-0.03%
Wisconsin	-0.12%
Michigan	0.15%
Iowa	-0.16%
Illinois	0.18%
Oregon	-0.24%
California	0.28%
New York	-0.97%
Kentucky	1.48%
New Jersey	-1.55%
Missouri	1.71%
Georgia	-1.71%
Utah	1.73%
Colorado	-1.76%
Ohio	1.82%
South Carolina	1.90%
Tennessee	1.96%

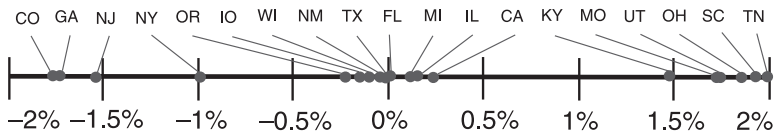


Figure 4.26 The 19 battleground states in 2004 under the whole-number proportional approach

whole-number proportional approach include states such as Texas, Illinois, California, New York, Kentucky, New Jersey, Georgia, Utah, South Carolina, and Tennessee. None of these 10 states was a battleground state in the actual 2004 presidential election. Five of these newcomers are among the nation’s 10 largest states (i.e., states with 14 or more electoral votes). Kentucky, Georgia, Utah, South Carolina, and Tennessee are newcomers because of the accident of the numerical breakpoints.

Second, the biggest states are more likely to be battleground states under the whole-number proportional approach (subject to a caveat

below concerning the difference between vote percentages and popular votes). The reason is that the share of the popular vote corresponding to one electoral vote is smaller for large states. Eight of the 10 states with 14 or more electoral votes are among the 19 battleground states under the whole-number proportional approach (table 4.24). Moreover, Pennsylvania and North Carolina would be included on the list of battleground states if the percentage window considered by a particular campaign were widened to 3%. In contrast, six of the nation's 10 largest states (California, Texas, New York, Illinois, New Jersey, and North Carolina) are decidedly non-competitive under the current statewide winner-take-all system.

Third, five states (Florida, New Mexico, Wisconsin, Iowa, and Oregon) are battleground states under both the existing statewide winner-take-all-system and the whole-number proportional approach. These states are on the list either because the major parties received close to 50% of the vote in those states in 2000 or because these states happen to have had an odd number of electoral votes in 2000 (and hence have a breakpoint at 50.00%). On the other hand, states with an even number of electoral votes that were battlegrounds under the existing statewide winner-take-all system, such as New Hampshire, would not be battlegrounds under the whole-number proportional approach because there is no breakpoint at 50.00%.

It is, of course, difficult to predict exactly how a new system, such as the whole-number proportional approach, would actually work in practice if all the states were to adopt it for a future presidential election. For one thing, the above discussion is based on *percentages* and therefore somewhat overstates the degree of competitiveness of the larger states under the whole-number proportional approach. Almost all of the 19 or so battleground states under the whole-number proportional approach offer a campaign the possibility of winning or losing only one electoral vote. Changing the statewide percentage of the popular vote in a large state is more costly (in terms of campaigning time, advertising, and organizational efforts) than generating the same percentage change in a small state. Thus, in practice, the largest of the 19 battleground states in table 4.24 might receive less attention because they would offer far less “bang for the buck” to the campaign managers who are responsible for prudently allocating limited resources. If we were to exclude the 10 largest states (i.e., the states with 14 or more electoral votes), the actual list of battleground states under the

whole-number proportional approach might consist of the following 11 states (as shown in figure 4.27):

- New Mexico,
- Iowa,
- Wisconsin,
- Oregon,
- Kentucky,
- Missouri,
- Georgia,
- Utah,
- Colorado,
- South Carolina, and
- Tennessee.

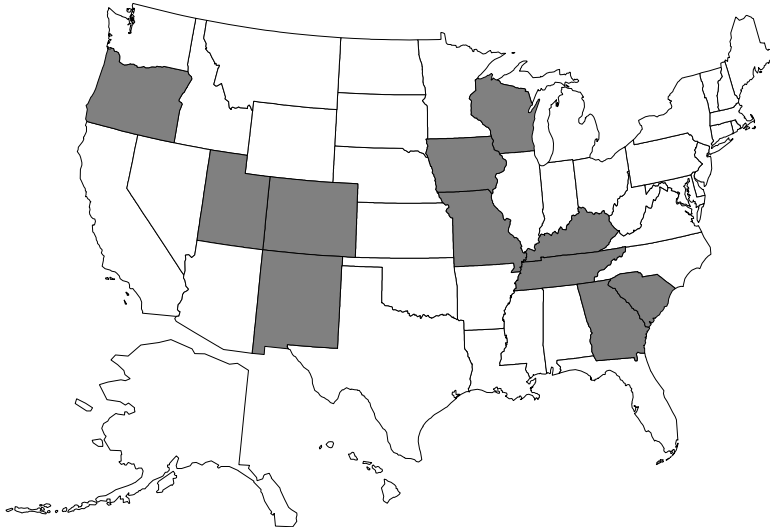


Figure 4.27 The 11 battleground states with greatest “bang for the buck” under the whole-number proportional approach

4.1.14 AMENDMENT 36 IN COLORADO IN 2004

The whole-number proportional approach was on the ballot in November 2, 2004, as a proposed amendment to the Colorado state constitution. It received 35% of the vote. There are three main reasons why the voters defeated Amendment 36 in 2004.

First, Amendment 36 was written so that it would take effect immediately and apply to the November 2004 presidential election. That is, the initiative would have applied to the very election in which the voters were deciding the initiative’s fate. Many voters said that they would have approved the change for a subsequent election but that they were troubled by changing the rules of the game in the midst of a presidential campaign.

Second, Amendment 36's retroactivity provision interacted with the changing fortunes of the presidential candidates during the campaign. During the summer of 2004, Bush was expected to carry Colorado easily. Given that expectation, the political effect of Amendment 36 would have been to give four of Colorado's nine electoral votes in 2004 to the candidate who was expected to lose the state (Kerry). Part of the historical context of the 2004 presidential campaign was that Bush received only 271 votes in the Electoral College in 2000 (i.e., one more electoral vote than is necessary to win). In addition, it was widely (and correctly) predicted that the national vote in the Electoral College was likely to be very close in 2004. Therefore, Amendment 36 was perceived to have a strong possibility of affecting the outcome of the 2004 presidential election nationally. Indeed, Bush ultimately received only 16 more electoral votes than he needed in order to win in 2004. Thus, from the beginning, there was little Republican support for Amendment 36 because it was perceived to be a partisan issue. Bill Owens, Colorado's Republican Governor, made a decision to spend over a million dollars in opposition to Amendment 36. Then, as election day approached, some polls showed Kerry almost tied with Bush in Colorado. At that point, Democrats started believing that the measure could cost Kerry four electoral votes, and the proposition's remaining support evaporated.

Third, if Amendment 36 had been adopted, Colorado would have been the only state in the country dividing its electoral votes proportionally. Everyone agreed that the practical political effect of Amendment 36 would be to convert Colorado from a "winner-take-nine" state into a "winner-take-one" state. Many voters in Colorado felt that Colorado's influence would be greatly reduced if it were the only state in the nation to select its presidential electors proportionally. In his campaign against Amendment 36, Governor Owens argued that it did not make sense for just one state to adopt the whole-number proportional approach. The Governor's argument was, in essence, the same argument that Thomas Jefferson had made in his January 12, 1800, letter to James Monroe concerning the district system that had worked to Jefferson's disadvantage by dividing Virginia's electoral votes in the 1796 presidential election (quoted immediately below in the next section).

4.1.15 PRACTICAL POLITICAL IMPEDIMENT CONCERNING THE WHOLE-NUMBER PROPORTIONAL APPROACH

Whatever the merits of the whole-number proportional approach, there is a prohibitive practical impediment associated with the adoption of this approach on a piecemeal basis by individual states, namely the political disadvantage suffered by states that divide their electoral vote in a political environment in which other states do not divide their votes.

Thomas Jefferson summed up this objection in his January 12, 1800, letter to James Monroe arguing that Virginia should switch from its existing district system to the statewide winner-take-all system. As Jefferson wrote:

“All agree that an election by districts would be best, if it could be general; but while 10. states chuse either by their legislatures or by a general ticket, **it is folly & worse than folly** for the other 6. not to do it.”⁵ (Emphasis added; spelling and punctuation as per original)

The now-prevailing statewide winner-take-all system became entrenched in the political landscape by the 1830s precisely because virtually all parties came to realize that any fragmentation of a state’s electoral votes diminishes a state’s political influence in comparison to states employing a statewide winner-take-all approach. Once even one state adopts the statewide winner-take-all approach, it is disadvantageous for any other state not to do so as well.

Suppose, for the purpose of argument, that 50 of the 51 jurisdictions entitled to appoint presidential electors decided to allocate their electoral votes using the whole-number proportional approach. Recall (from table 4.24) that there would be about 19 battleground states under the whole-number proportional approach where one electoral vote would be in play. If even one state with 19 or more electoral votes were to retain the statewide winner-take-all system, then that single state would immediately become the only state that would matter in presidential politics. Indeed, even a single state with 10 or 15 electoral votes would, as a practical matter, become the most important state in an environment in which

⁵ The entire letter and citations appear in the text and footnotes of section 2.2.3 of this book.

all the other jurisdictions used the whole-number proportional approach. The same argument would apply *a fortiori* if 49, 48, 47, or 46 jurisdictions were to adopt the whole-number proportional approach.

Moreover, if states were to ever start adopting the whole-number proportional approach on a piecemeal basis, each additional state adopting the approach would increase the influence of the remaining states and thereby would decrease the remaining state's incentive to adopt it. Thus, a state-by-state process of adopting the whole-number proportional approach would quickly bring itself to a halt, leaving the states that adopted it without any influence in presidential elections.

Of course, the above impediment associated with piecemeal adoption by the states of the whole-number proportional approach would not apply if it were adopted on a uniform national basis in the form of a federal constitutional amendment. A federal constitutional amendment would, if ratified, take effect simultaneously in all 50 states and the District of Columbia.

4.2 CONGRESSIONAL-DISTRICT APPROACH

The congressional-district approach would retain the existing statewide winner-take-all approach for both of the state's senatorial electors; however, it would use a district-level winner-take-all rule for the state's remaining presidential electors.

Of the three approaches described in chapter 3 and the two approaches described in this chapter, the congressional-district approach is the only approach that has ever been used in the United States. In recent times, the district approach has been used in Maine since 1969 and in Nebraska since 1992. Maine has only two congressional districts, and Nebraska has only three. In the nine presidential elections in which the congressional-district approach has been used in Maine and in the four elections in which it has been used in Nebraska, the presidential candidate carrying the state has also carried all of the state's congressional districts. Thus, the congressional-district approach has had no practical effect in terms of affecting the ultimate disposition of electoral votes in either Maine or Nebraska.

In this section, we will analyze two questions. The first is whether the congressional-district approach, if adopted nationwide, would more accurately reflect the nationwide popular vote than the existing statewide

winner-take-all system. The second is whether the approach, if adopted nationwide, would improve the competitiveness of presidential elections on a nationwide basis.

As will be seen in the analysis below, if the congressional-district approach were adopted nationwide,

- it would not accurately reflect the nationwide popular vote; and
- it would not make every state or district competitive, but, instead, would simply create a small group of battleground congressional districts and battleground states (with most districts and most states remaining non-competitive in presidential elections).

We again start our analysis with a close recent election (the 2000 election) because almost any electoral system will yield the desired outcome in a landslide.

In the 2000 presidential election:

- George W. Bush carried 228 of the 435 congressional districts, whereas Al Gore carried 207 districts.
- Bush carried 30 states (having 60 senatorial electors), whereas Gore carried 20 states (having 40 senatorial electors).
- Gore carried the District of Columbia, which has three electoral votes.

If the congressional-district approach were applied to the results of the 2000 presidential election, then Bush would have received 288 electoral votes (53.3% of the total number of electoral votes), and Gore would have received 250 electoral votes (46.5% of the total). That is, the congressional-district approach would have given Bush a 6.8% lead in electoral votes over Gore in 2000.

Gore received 50,992,335 popular votes (50.2% of the two-party popular vote), whereas Bush received 50,455,156 (49.7% of the two-party popular vote). Under the existing statewide winner-take-all system, Bush received 271 electoral votes in 2000 (50.4% of the total number of electoral votes)—a 0.8% lead in electoral votes over Gore.

In summary, the congressional-district approach would have been even less accurate than the existing statewide winner-take-all system in terms of mirroring the nationwide popular vote.

There are three reasons why the congressional-district approach would not accurately reflect the nationwide popular vote in presidential elections.

First, congressional districts are generally skewed in favor of the Republican Party because the Democratic vote is relatively more heavily concentrated in those geographic areas where Democrats are in the majority than is the case for the areas where Republicans are in the majority. This is one reason why Bush carried 228 of the 435 congressional districts, whereas Gore carried only 207 districts in 2000 despite the fact that Gore received 537,179 more popular votes nationwide than Bush.

The Republican geographical bias in congressional districts became more pronounced after the 2000 census. The congressional district boundaries that were in place at the time of the 2000 presidential election were, of course, the ones that were adopted in the early 1990s using data from the 1990 federal census. If the results of the 2000 presidential election are viewed from the perspective of the up-to-date congressional districts based on data from the 2000 federal census (i.e., those first used in the 2002 congressional elections), George W. Bush would have carried 241 (55%) of the 435 congressional districts.⁶

In the 2004 presidential election, George W. Bush carried 255 (59%) of the 435 congressional districts, whereas John Kerry carried 180.⁷ Bush also carried 31 (61%) of the 51 jurisdictions entitled to appoint presidential electors. If the congressional-district approach had been in place nationwide for the 2004 presidential election, Bush would have won 317 (59%) of the 538 electoral votes in an election in which he received 51.5% of the two-party popular vote.

Second, the congressional-district approach retains the existing statewide winner-take-all approach for 100⁸ of the 538 presidential electors (i.e., the two presidential electors to which each state is entitled regardless of its population). That is, the congressional-district approach overlays a “statewide winner-takes-two” system on top of a “district-wide winner-takes-one” system.

⁶ Barone, Michael; Cohen, Michael; and Ujifusa, Grant. 2003. *The 2004 Almanac of American Politics*. Washington, DC: National Journal Group.

⁷ America's choice in 2004: Votes by congressional district. *Cook Political Report*. 2005.

⁸ This total would be 102 if one were to count the District of Columbia (which has three presidential electors) as a state. The District of Columbia, like the seven states with three electoral votes, employs the winner-take-all rule. The District does not have any representation in Congress.

The third, and most fundamental, reason why the congressional-district approach does not accurately reflect the nationwide popular vote is simply that it is a *district* system. At the end of the day, the congressional-district approach would merely replace one kind of district (the existing state boundaries) with another (the congressional district boundaries) for 435 of the 538 presidential electors. Whenever a single political office is filled by an electoral process in which the winner-take-all rule is applied to geographic areas that are smaller than the entire jurisdiction encompassed by the office, there will be significant differences in the political value of individual votes. The inequality arises because some geographic areas will be battlegrounds, whereas others will not. Inevitably, candidates will compete vigorously for votes in the closely divided areas, while ignoring the voters in non-competitive areas. In addition, there is always the possibility, in any district system, of electing a candidate who did not receive the most popular votes in the jurisdiction as a whole.

Turning now to competitiveness, table 4.25 lists the 55 congressional districts in which the difference between George W. Bush and Al Gore was 4% or less in the 2000 presidential election.⁹ Column 2 shows Bush's percentage of the popular vote for President in the district, and column 3 shows Gore's percentage. Column 4 shows the difference.

Overall, table 4.25 shows that

- in 6.7% of the congressional districts (29 of 435), the difference in the presidential vote was 2% or less;
- in 10.8% of the congressional districts (47 of 435), the difference in the presidential vote was 3% or less; and
- in 12.6% of the congressional districts (55 of 435), the difference in the presidential vote was 4% or less.

In short, the vast majority of congressional districts are non-competitive in terms of a presidential election.¹⁰

One reason why the congressional-district approach is so much less competitive than the existing statewide winner-take-all approach is that congressional districts are gerrymandered in many states. Gerrymandering is most commonly done to give a partisan advantage to

⁹ *The Cook Political Report*. April 10, 2001.

¹⁰ Of course, the vast majority of congressional districts are also non-competitive in congressional elections.

**Table 4.25 THE 55 CLOSEST CONGRESSIONAL DISTRICTS IN
THE 2000 PRESIDENTIAL ELECTION**

DISTRICT	BUSH	GORE	DIFFERENCE
California-22	49%	45%	4%
Florida-7	51%	47%	4%
Ohio-13	50%	46%	4%
Wisconsin-4	50%	46%	4%
Arizona-5	49%	46%	3%
California-11	50%	47%	3%
California-41	50%	47%	3%
New Hampshire-1	49%	46%	3%
Pennsylvania-4	50%	47%	3%
Pennsylvania-10	50%	47%	3%
Texas-10	46%	43%	3%
California-44	49%	47%	2%
Florida-8	50%	48%	2%
Iowa-4	50%	48%	2%
Minnesota-1	48%	46%	2%
Minnesota-6	48%	46%	2%
Oregon-5	48%	46%	2%
Arkansas-2	49%	48%	1%
Florida-2	49%	48%	1%
Iowa-3	49%	48%	1%
Pennsylvania-21	49%	48%	1%
Tennessee-8	50%	49%	1%
Washington-3	48%	47%	1%
Michigan-10	49%	49%	0%
California-22	49%	45%	4%
Michigan-11	49%	49%	0%
New York-24	48%	48%	0%
Texas-27	49%	49%	0%
Virginia-4	49%	49%	0%
California-23	47%	48%	-1%
New Hampshire-2	47%	48%	-1%
Wisconsin-7	47%	48%	-1%
California-20	48%	50%	-2%
California-28	47%	49%	-2%
New Mexico-1	47%	49%	-2%
Pennsylvania-15	47%	49%	-2%
Texas-25	48%	50%	-2%
Virginia-11	47%	49%	-2%
Washington-2	46%	48%	-2%
Washington-8	47%	49%	-2%

**Table 4.25 THE 55 CLOSEST CONGRESSIONAL DISTRICTS IN
THE 2000 PRESIDENTIAL ELECTION (cont.)**

DISTRICT	BUSH	GORE	DIFFERENCE
Wisconsin-1	47%	49%	-2%
Arkansas-1	47%	50%	-3%
Arkansas-4	47%	50%	-3%
Florida-16	47%	50%	-3%
Michigan-8	47%	50%	-3%
North Carolina-4	48%	51%	-3%
Ohio-1	47%	50%	-3%
Ohio-3	47%	50%	-3%
Pennsylvania-7	47%	50%	-3%
Pennsylvania-8	47%	50%	-3%
Texas-24	48%	51%	-3%
Wisconsin-3	46%	49%	-3%
Florida-5	46%	50%	-4%
Ohio-19	46%	50%	-4%
Pennsylvania-20	47%	51%	-4%
West Virginia-3	47%	51%	-4%

one political party. It is sometimes done to protect congressional incumbents of both parties.

If the presidential election were based on congressional districts, then the incentive for politically motivated districting would be even greater than it is today.

Many current efforts to change the process of congressional districting require districts to be compact in shape and to adhere closely to existing city and county boundaries. Generally, geometrically compact districts that adhere closely to local government boundaries tend to yield non-competitive areas. In most cases, the only way to achieve competitiveness (in the context of the single-member districts) is to intentionally create irregularly shaped districts that make competitiveness the top priority (after population equality). Thus, to the extent that redistricting procedures are changed to favor compact districts adhering to local government boundaries, one can expect to see fewer (not more) competitive districts.

Table 4.26 shows that the congressional districts that are close in the presidential race are heavily concentrated in the 10 largest states. Specifically, 58% of the close congressional districts (32 of the 55) lie in eight of the 10 largest states. Thus, the congressional-district approach

would not only focus presidential campaigns on a tiny fraction of the nation's congressional-districts, but it would also concentrate the presidential race on the 10 largest states to a degree that exceeds their share of the nation's population and that exceeds their prominence under the current winner-take-all system. Four of the eight large states in the table are currently competitive statewide in presidential elections (i.e., Pennsylvania, Florida, Ohio, and Michigan), whereas four are not (i.e., California, Texas, New York, and North Carolina).

Table 4.26 CONGRESSIONAL DISTRICTS IN THE 10 LARGEST STATES THAT ARE CLOSE IN THE PRESIDENTIAL ELECTION

STATE	NUMBER OF CONGRESSIONAL DISTRICTS THAT ARE CLOSE IN THE PRESIDENTIAL RACE
California	7
Pennsylvania	7
Florida	5
Ohio	4
Texas	4
Michigan	3
New York	1
North Carolina	1

Votes do not have equal weight under the congressional-district approach. In fact, there are four different inequalities inherent in the congressional-district approach, namely

- inequalities resulting from the fact that each state has two statewide (senatorial) presidential electors regardless of its population;
- inequalities stemming from the decennial apportionment of the membership of the House of Representatives among the states;
- inequalities caused by differences in voter turnout caused by the level of civic participation in the state or the state's rate of population growth; and
- inequalities caused by differences in voter turnout in particular congressional districts.

First, a vote cast in a large state for the two statewide (senatorial) presidential electors has less weight than a vote cast in a small state for

its two statewide electors. For example, in the 2000 presidential election, Wyoming had two statewide presidential electors (with a 1990 population of 453,588), whereas California had two statewide presidential electors (with a 1990 population of 29,760,021). As shown in table 4.27 for the presidential elections of 1992, 1996, and 2000, each statewide presidential elector corresponded to 226,794 people in Wyoming but to 14,880,011 people in California. The last column of this table shows the ratio of California’s population per electoral vote compared to that of Wyoming—a 65.6-to-1 variation.

Table 4.27 DIFFERENCE IN WEIGHT OF A VOTE CAST FOR THE TWO STATEWIDE PRESIDENTIAL ELECTORS UNDER THE CONGRESSIONAL-DISTRICT APPROACH

STATE	POPULATION	POPULATION CORRESPONDING TO EACH STATEWIDE PRESIDENTIAL ELECTOR	RATIO TO LOWEST
California	29,760,021	14,880,011	65.6
Wyoming	453,588	226,794	1.00

Second, a vote cast in certain states has less weight than a vote cast in certain other states because of inequalities in the apportionment of the membership of the House of Representatives among the several states. For example, in the 1990 census, Wyoming had a population of 453,588, and Montana had 799,065; however both states received one House seat. As shown in table 4.28, in the presidential elections of 1992, 1996, and 2000, each statewide presidential elector corresponded to 226,794 people in Wyoming but to 399,533 in Montana. The last column of this table shows the ratio of Montana’s population per electoral vote to that of the lowest in the table (Wyoming)—a 1.76-to-1 variation.

Table 4.28 DIFFERENCE IN WEIGHT OF A VOTE CAST BECAUSE OF CONGRESSIONAL APPORTIONMENT UNDER THE CONGRESSIONAL-DISTRICT APPROACH

STATE	POPULATION	POPULATION CORRESPONDING TO EACH STATEWIDE PRESIDENTIAL ELECTOR	RATIO TO LOWEST
Montana	799,065	399,533	1.76
Wyoming	453,588	226,794	1.00

Numerous other such substantial variations could be cited between various pairs of states, including variations between states with differing numbers of electoral votes.

Third, among states with equal numbers of electoral votes, a vote cast in a state with a lower voter turnout has a greater weight than a vote cast in a state where more votes are cast. Voter turnout may be high in a particular state because of a high level of civic participation (e.g., Utah) or because the state is fast-growing (e.g., Nevada). See table 3.5.

Fourth, a vote cast in a congressional district where fewer total votes are cast has a greater weight than a vote cast in a congressional district where more total votes are cast. There are many congressional districts (typically those with lopsided majorities in favor of one party) where voter turnout is noticeably lower than that of other districts within the state.

Summarizing the above points, if the congressional-district approach were adopted nationwide,

- it would not more accurately reflect the nationwide popular vote than the existing statewide winner-take-all approach, and
- it would not produce greater competition.

4.2.1 PRACTICAL POLITICAL IMPEDIMENT CONCERNING THE CONGRESSIONAL-DISTRICT APPROACH

Whatever the merits of the congressional-district approach, there is a prohibitive practical impediment associated with the adoption of this approach on a piecemeal basis by individual states.

In his January 12, 1800, letter to James Monroe, Thomas Jefferson argued that Virginia should switch from its then-existing district system to the statewide winner-take-all system because of the political disadvantage suffered by states that divided their electoral votes by districts in a political environment in which other states use the winner-take-all approach:

“All agree that an election by districts would be best, if it could be general; but while 10. states chuse either by their legislatures or by a general ticket, **it is folly & worse than folly** for the other 6. not to do it.”¹¹ (Emphasis added; spelling and punctuation as per original)

¹¹ The entire letter and citations appear in the text and footnotes of section 2.2.3 of this book.

Indeed, the now-prevailing statewide winner-take-all system became entrenched in the political landscape in the 1830s precisely because dividing a state's electoral votes diminishes the state's political influence relative to states employing the statewide winner-take-all approach.

The Florida legislature considered adopting the congressional-district approach in the early 1990s. The proposal failed there largely because of concern that it would reduce the state's political importance in presidential elections. As it happened, George W. Bush carried 13 of Florida's 23 congressional districts in the 2000 presidential election, whereas Gore carried 10. If the congressional-district approach had been used in Florida in the 2000 presidential election (with the electoral system remaining unchanged in all other states), Gore would have been elected President because Bush would not have received all of Florida's 25 electoral votes.

The "folly" of individual states adopting the congressional-district approach on a *piecemeal* basis is shown by the listing of the 55 closest congressional districts in table 4.25. Suppose that 50 of the 51 jurisdictions entitled to appoint presidential electors were to allocate electoral votes by district but that California (with 55 electoral votes in the 2004 presidential election) did not. California would immediately become the only state that would matter in presidential politics. The same thing would happen if two or three medium-sized states were to retain the statewide winner-take-all system while the remaining states decided to employ the congressional-district approach. The congressional-district approach only makes sense if 100% of the states adopt it.

Moreover, if states started adopting the congressional-district approach on a piecemeal basis, each additional state adopting the approach would increase the influence of the remaining states and thereby would increase the disincentive for the remaining states to adopt it. Thus, a state-by-state process adopting the congressional-district approach would bring itself to a halt.

Of course, the above impediment associated with piecemeal adoption of the congressional-district approach would not apply if the system were adopted simultaneously on a nationwide basis as a federal constitutional amendment (such as Senator Mundt's proposed amendment described in section 3.2).

