

FOREWORD

By Ray Haynes

Elected officials know how to get elected to office. They know how to raise the necessary resources to get their message out to the voters. They know where to find the people who will work on their campaigns. They know what messages to communicate to voters, and how to communicate those messages. They know the rules that determine what they must do to get elected. The “science” of getting elected requires those who pursue public office to know the rules of elections, discover how voters vote, where their likely voters are located, what messages will persuade these voters to vote, and how best to communicate those messages to voters. It requires them to know where to find the money to communicate those messages, where to find the people who will help communicate those messages, and where those messages can be most effectively communicated to maximize the chances of getting elected.

The art of politics is marshaling the resources available, and using the knowledge obtained, and the rules of the election, to maximize the opportunity for getting elected. Elected officials, and those who help them get elected, spend a lot of time and effort attempting to get elected. They have limited resources (reports to the contrary notwithstanding). Therefore, no one can expect them to spend time or money in places where the expenditure of financial, public relations, or operational resources will not affect the outcome of an election. They work within the rules provided to communicate with the voters whose votes will make a difference in the election in the most effective way.

In most elections, a candidate runs in one district, or state, and if he or she gets the most votes in that district or state, he or she wins. People understand that process. Since the United States Constitution awards presidential electors on the basis of the congressional representation in each state, and since most states award their electors to the winner of the popular vote in that state, presidential candidates end up running 50 separate elections in the 50 different states. The goal? Win enough states to get 270 electoral votes for president. In my opinion, our Founding Fathers could have set up any number of ways to choose the president. They chose this one, and I see no reason to change it. The Electoral College (and its allocation of presidential electors to the states based on the number of its congressional representatives) has worked quite well for over 200 years.

These rules, however, have led to elections that a lot of people don't understand. Why do candidates spend a lot of time in Ohio, Florida, New Mexico, Wisconsin, Missouri, Pennsylvania, or a few other states, and virtually no time in most of the other states? Why are the citizens of some states virtually pummeled with political adver-

tisements, while others are literally ignored? The reason is, of course, the rules of the game. A candidate can spend millions in California and New York, and not change the electoral outcome, and thousands in New Mexico and become President. We cannot expect our presidential candidates to do things that will not change the outcome of an election, and quite frankly, spending money in some states will not change a single electoral vote.

The good news is our Constitution grants the states the right to award those electors on any basis the state chooses. While the rules each state has adopted up to this point have skewed the allocation of political resources up to this time, there is no reason that the states cannot change those rules, without changing the Constitution, in order to encourage presidential candidates to run a more national campaign. I believe we should be circumspect in changing the Constitution. Elected officials and voters in the various states should not, however, be afraid of changing the rules of elections in ways the Constitution allows, in order to correct perceived problems in the electoral process.

The National Popular Vote proposal does just that. The proposal does not change the Constitution, or the method of awarding electors to the various states. If it did, I personally would have found it problematic. It respects the Electoral-College system as established in the Constitution, and the role of the various states in the awarding of their presidential electors. It preserves the fundamental framework provided by the United States Constitution in the election of the President.

It also changes the rules by which the states award their electors, by going to each of those states, and convincing the elected officials and the voters in those states, to award their electors to the candidate that wins the popular vote in all 50 states. It changes the rules by which the electors are awarded to the candidates, and therefore, it will change the decisions a candidate makes when trying to allocate resources in that candidate's campaign.

How will the National Popular Vote proposal affect a candidate's decisions?

First, it will require the candidate to campaign in more places, and in more states. No longer will 10, 12, or 15 states determine the outcome of a presidential campaign. Candidates will allocate their resources to change the minds of voters in more places, because now the votes of each voter in each state could change the outcome in the national election. Today, presidential candidates spend millions to pick up a thousand votes in Florida, Pennsylvania, or Ohio. Under National Popular Vote, that money may get spent to change the minds of voters in Washington State, or Georgia, or Texas, or New York, because those votes will now affect the awarding of electoral votes. Since the states will now agree to award their electors to the candidate that receives the most votes in all 50 states, candidates will devote their resources to receiving the most votes nationwide, and not just the most votes in Missouri or Wisconsin.

Second, it will add more legitimacy to the outcome of the presidential election. People still don't really understand how someone can win an election without winning

the most votes. No other election in the country works that way. Governors, Senators, and state legislators throughout the country win office by winning the most votes. People understand that, and do not question that outcome. The National Popular Vote proposal coincides with the beliefs of most voters on how elections should be decided.

Finally, it preserves the Electoral-College system, and the flexibility that comes with a true federalist proposal. Our federal system has set up a workable framework for elections and governance, granting the states a substantial amount of power to organize their elections and their internal rules in the ways that make sense to the various states. The National Popular Vote proposal respects that process. It sets up a system that makes sense, but allows for changes from the states if the states find that the changes the proposal has implemented are not working. It avoids the inflexibility that a constitutional amendment would impose, and protects the rights and powers of the individual states. It is the blending of common sense and constitutional flexibility that I believe our Founding Fathers contemplated when they drafted the Electoral-College framework.

I support this concept because it will change the rules, and therefore the behavior of the candidates, in ways that will add legitimacy to the election of our President. It preserves the rights of states, and the integrity of the framework established by our Founding Fathers. Finally, it maintains a level of flexibility that allows the states to rethink the process should the individual states discover that the process is not working as they thought it would. The National Popular Vote proposal is in keeping with the best political traditions of our country, innovation in elections and governance with a strong respect for the constitutional framework which established this country. I believe it is a proposal we all can, and should, support, and I intend to do what I can to persuade elected officials and voters of the wisdom of this approach.