



Bush/Edwards in 2004?

by Amy K. Frantz

By the time you read this *INSTITUTE BRIEF*, the Presidential Election will be over and hopefully we will know who the winner is, unlike four years ago. Colorado voters will also have had the opportunity to vote on a ballot measure that could have an impact on the way our country chooses a President.

Colorado's Amendment 36 is an Initiative to amend the state's Constitution regarding the selection of Presidential Electors. The proposed amendment "eliminates the current system in which the presidential candidate receiving the most votes gets all of the state's electoral votes," and "allocates Colorado's electoral votes based on the percentage of votes for each presidential candidate."¹ If Colorado voters approve this Initiative on Election Day, it becomes effective for the November 2004 presidential election.

On Election Day, voters do not vote directly for a presidential candidate, instead they are actually choosing Electors. Each state's Electors meet in mid-December (December 13 this year) to cast their votes for a presidential candidate. The number of Electors in each state is equal to the number of Representatives and Senators that represent that state in the U.S. Congress. Iowa has seven Electors.

In all but two states, Electors are chosen based on a winner-take-all system. If one of the presidential candidates in Iowa receives 51% of the vote, that candidate receives all seven of Iowa's electoral votes.

Maine and Nebraska are the two current (at present) states that don't award all of their electoral votes to the winner of the popular vote in the state. These two states award two electoral votes to the winner of the statewide popular vote and one electoral vote to the winner of each Congressional district. However, in practice, both of these states have continued to award all of their electoral votes to a single candidate. Since adopting the change in the way Electors are chosen, in 1969 in Maine and 1992 in Nebraska, the popular vote winner in each election has also been the winner of each Congressional district in both of those states.²

Colorado's proposed change in the way the state's Electors are chosen will, in practice, divide Colorado's nine electoral votes between the presidential candidates. If a presidential candidate receives at least 1/9 of the votes in Colorado, the candidate will receive at least one electoral vote. In 1992, Ross Perot received 23% of the vote in Colorado.³ Under the proposed system, Perot would likely have received two of Colorado's electoral votes.

A Publication of:

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Rick Ridder, Howard Dean's former campaign manager, spearheaded this effort and has gained the support of many of the state's Democrats, no doubt still stinging after the close race in 2000. That year, George Bush received 51% of the vote in Colorado while Al Gore received 42%.⁴ Under the system in place in 2000, Bush received all of Colorado's electoral votes. If the system proposed in Amendment 36 had been in place in 2000, Gore would have received part of those electoral votes, swinging the electoral vote count in Gore's favor.

If Amendment 36 succeeds in Colorado, other states may soon see attempts to change the way they allocate electoral votes. Republican activists in states that traditionally are electoral vote winners for Democrat candidates, such as California, will try to change the electoral system to a proportional one rather than the traditional winner-take-all. Democrat activists would also be emboldened by a win in Colorado and look to make a similar change in other states that traditionally are winners for Republican candidates.

This could lead to more closely contested presidential races similar to the 2000 election. If more states awarded their electoral votes proportionally, and third-party candidates picked up an electoral vote here and there, it is possible that no candidate would be able to obtain the 270 electoral votes necessary for victory. In that case, the President is chosen by the U.S. House of Representatives and the Vice President is chosen by the U.S. Senate, with each state receiving one vote. Theoretically, the President and Vice President could be from two different political parties.

Now that would make for an interesting government!

Endnotes:

¹Legislative Council of the Colorado General Assembly, *Analysis of the 2004 Ballot Proposals*, <http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2004/ballot/2004BluebookforInternet.PDF> (October 6, 2004).

²John Harwood, "Challenge to Electoral College in Colorado Could Have Big Impact," *Wall Street Journal Online*, September 13, 2004, <http://online.wsj.com/article_print/0,,SB109503410789515921,00.html> (September 13, 2004).

³Terence Samuel, "Mile-High Deadlock," *U.S. News & World Report*, October 4, 2004, p. 28.

⁴Ibid.

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