

PROPOSAL: THE POP SEAT

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It's time to start thinking of some remedies for this kind of a mess. The complaints du jour concern the Electoral College, low voter turnout, miscounting of votes and alleged voter disenfranchisement. Consider the problems in reverse order, and watch some limited solutions appear.

Which voters are the most disenfranchised? Not the ones who failed to vote, or those famously few who claim they couldn't follow the cute little arrow on the ballot.

About two-thirds of Americans -- including all those in California, New York and Texas, the three most populous states -- do not cast a meaningful vote for president. Their sin? They do not live in a so-called "battleground state." The same is true in my home area, the nation's capitol. The voters in Virginia, Maryland and the District of Columbia, are also not battlegrounders.

Everyone knows that California, New York, Maryland and D.C. will end up choosing a full slate of Democratic electors, just as everyone knows that Texas and Virginia will choose all Republican electors. So why should voters in these jurisdictions bother to cast a vote in a presidential year? Perhaps the voter's brother-in-law is running for sheriff. Perhaps there is a tight House or Senate race. Perhaps they regard it as symbolic duty, as do I. But these non-battleground voters are not casting an effective vote for president.

The facile answer to this problem is to have the national popular vote determine the outcome. But that would only compound the problem we see in Florida. We would have 50 other Floridas, with partisans in every county and precinct claiming voter irregularities. Moreover, going to a full popular-vote system would require a constitutional amendment, which would almost certainly never pass, because the smaller states, which gain some leverage through the Electoral College, can easily block a constitutional amendment.

But suppose, via a constitutional amendment, we added a small number of electoral votes -- say 21, or 11 or 1 -- to the winner of the national popular vote. First off, adding an odd number would eliminate the possibility of a 269-269 tie. And everyone in every state would have a bolstered reason to turn out. Can't you hear it: "Honey, we better vote today, remember how close it was back in 2000; that one electoral vote might count."

It is hard to imagine that such a system would not boost turnout. Of course, in a truly tight election it could get us into a "50 Floridas" syndrome, but, as we see, in a truly tight election we've got big problems anyway. Depending on how it would be scaled, such a plan could also diminish the possibility of one candidate winning the popular vote while another won the electoral vote.

(And, by the way, I have a bet that Bush will end up with a popular majority when all the votes are counted, in all the states.)

Moreover, such a Pop Seat, or Seats, could plausibly lead to a special national presidential ballot pre-certified as fair and clear. This would put the Feds into the act, which is not what I normally wish for. But, the presidency is a federal office.

There seems to be no obvious reason why small states should resist the Pop Seat; their leverage remains roughly intact, as long as the number of new electoral seats created is relatively small.

The other great disenfranchised bloc in America are the voters who live in states where the presidential primaries come late in the season. Al Gore effectively eliminated Bill Bradley's hope for the presidency after the Iowa caucuses, and early primaries in New Hampshire and California. The rest of America's Democrats and some independents never got to play a meaningful role.

John McCain had a few more primaries to contest than Bradley, during which he captured the hearts of many millions of Americans. But he too was closed out in California by March, leaving a majority of Republicans and some independents without a chance to help pick their candidate.

There was a smart scheme on the table to amend the process. "The Delaware Plan" had great support within Republican party circles. Simply put, the small states would vote first, the largest states last. This would likely decrease the number of voters shut out of the primaries, a process that is a great American contribution to democratic theory and practice. We get to pick our leaders as well as a choice of who will compete for leadership.

The plan was designed to go into effect in 2004 but was scuttled at the last moment, with Gov. Bush's approval. Presidential candidates don't like intramural party fights in an election year. But given the current controversy about low participation, it seems that he could go back to the Republican National Committee to ask for reconsideration. That should happen after he is

inaugurated as president, which I expect he will be.

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