

Third parties Cost Hillary the EC in 2016

Alexandra Jaffe, 2016. NBC. By the Numbers: Third-Party Candidates Had an Outsize Impact on Election.

The protest vote cost Hillary Clinton a small but key percentage of the election. Third-party candidates took solid portions of the vote in a handful of key swing states, leaving some too close to call for hours by collectively outnumbering the votes that gave Republican Donald Trump a thin lead.

Third Party Candidates Almost decided 2000x and several other Elections

Lightner, July 1 2016. Washington Post: A Third Party Impact
<http://graphics.wsj.com/third-party-candidate-impact/>

While this year is looking particularly good for third-party candidates, **history is bereft of examples where these candidates have succeeded. The most likely scenario for a third party influencing the election could be upsetting a close race—most likely Florida, where the margin of victory is traditionally narrow.**

The Libertarians may have come close to altering the Florida outcome in the 2012 election. Florida, with its 29 electoral votes, was the closest state in 2012. Barack Obama defeated Republican nominee Mitt Romney there by just over 74,000 votes, a margin that might have been even narrower had Mr. Johnson not won nearly 45,000 votes in the state.

[...]

The Florida outcome in the 2000 election may have been influenced by the Green Party's nominee Ralph Nader. Mr. Nader received far more votes than Republican nominee George Bush's winning margin over Democratic nominee Al Gore. In the end, Mr. Bush won the popular vote of Florida. Without the state's 25 electoral votes, he wouldn't have reached the 270 electoral votes to win the overall election.

EC encourages low turnout and ideological polarization/posturing. Campaign strategy shifts to popular/moderate policy under popular vote.

Robertson 2016 [Brian, "Every State a Swing State," *The American Conservative*. Accessed at: [http://www.theamericanconservative.com/articles/every-state-a-swing/.](http://www.theamericanconservative.com/articles/every-state-a-swing/)] //DNP

The winner-take-all electoral system has had a variety of deleterious effects on politics and policy. It has certainly resulted in low voter turnout in states that are not competitive and a corresponding decrease in civic engagement generally. Ironically, it has fed both the increasing ideological polarization of American political discourse

and the bland similarity of policy priorities of Democrats and Republicans at the national level. In noncompetitive states firmly in the red or blue column, the primary or caucus process is invariably dominated by the most rigid ideological factions who regard the normal process of legislative horse-trading and political compromise as an unpardonable betrayal of principles. This encourages candidates seeking the nomination to mouth the most hardline—or as Mitt Romney famously characterized it, "severe"—positions that cater to what establishment insiders derisively term "the wingnuts."

In the case of candidate Romney, this meant flip-flopping on more moderate positions taken by Governor Romney, resulting in a widespread perception of political opportunism that worked to his great detriment in the general election—when he once again tacked back to the left. Conversely, the views of a substantial minority of voters in red states across the nation—and the substantial number of Republican voters in solidly blue states—can be safely ignored, or even derided in the language of talk radio in

order to prove conservative bona fides. In short, **when candidates are not forced to scrounge for every electoral**

vote in every state to build a majority, normal political compromise, civil dialogue, and policy substance become devalued in favor of posturing and the strategic use of “wedge issues” to win crucial battleground states and districts.

[...]

Correspondingly, the **policy influence of big donors would be lessened because big money spent on advertising in swing states is much less meaningful, and much less effective, when every state is a swing state. Campaigns would be less interested in a posture of intransigence towards the agenda of political enemies—legislative gridlock—and more interested in putting together a positive agenda that finds common interests and serves the common good, an agenda that could actually garner some legislative victories. Campaign efforts and money now spent on motivating the base to turn out in order to get over the top in a few crucial districts might instead be spent on crafting a message and a vision with appeal across state lines, racial lines, class lines, and ideological lines.**

Concretely, there would be **more incentive to carefully craft a middle-ground agenda** that can win the consensus in Congress necessary for its passage, which could really improve the prospects of the middle class, rather than stoking, feeding, and exploiting the fears of those frustrated in their quest to achieve a place in that middle class. That **positive consensus agenda might include prison and sentencing reform; reform of Obamacare** rather than repeal; **less tax relief at the top and more in the middle; immigration and trade policies to support middle-class wages**, not to undermine them; **infrastructure repair and development**; and more emphasis on **government reform and efficiency and less emphasis on shrinking the size of government**. (Our aging population makes cutting total spending virtually impossible since entitlement programs account for the lion's share of spending.)

EC gives on average 2.5x more vote power to low populous states

Collin, Katy. "The Electoral College badly distorts the vote. And it's going to get worse." The Washington Post. 17 Nov. 2016. <<https://www.washingtonpost.com/news/monkey-cage/wp/2016/11/17/the-electoral-college-badly-distorts-the-vote-and-its-going-to-get-worse/>>] //CJC

That means that in **the Electoral College, each individual Wyoming vote weighs 3.6 times more than an individual Californian's vote**. That's the most extreme example, but **if you average the 10 most populous states and compare the power of their residents' votes to those of the 10 least populous states, you get a ratio of 1 to 2.5**. When the Electoral College was first instituted, the ratio of vote weight from state to state was much smaller. Direct parallels are difficult to draw, given the distortions in population caused by the three-fifths compromise and the fact that many residents were not able to vote. But in the election of 1792, residents of Delaware, the least-populous state, had a vote that weighed 1.6 times that of residents of Virginia. Why is the ratio now so much more distorted? **It's because Americans are, increasingly and rapidly, moving into big cities. According to the Census Bureau, urban**

populations increased 12 percent between 2000 and 2010. Cities are growing especially in the biggest states, where each individual vote means the least: in California, New York, North Carolina, Illinois and New Jersey.

4x more inequality in vote power under the EC

David **Strömberg**, June 2008 [IIES, Stockholm University, "How the Electoral College Influences Campaigns and Policy: The Probability of Being Florida," Forthcoming American Economic Review, <http://perseus.iies.su.se/~dstro/ElectoralCollege.pdf>] MJS

**Note: Q/n is distribution of campaign attention under EC and QDV/n is distribution of campaign attention under Direct Vote

Which political system spreads visits more equally? The extremely unequal distribution of Qses creates very strong incentives to concentrate visits under the EC. The highest value (in Ohio) is more than twenty times that of the lowest (in Kansas). By comparison, Maine has only twice as high marginal voter density as California. To make things worse, electoral votes per capita are also more unequally distributed than voter turnout. **Consequently, equilibrium visits are much more concentrated under the EC.** **For example, the Gini-coefficient of Q/n and QDV/n in 2004 were 0.73 and 0.17, respectively.** The equilibrium TV-advertisements across media markets are also more unequally distributed under the Electoral College system than under Direct Vote. **In 2004, the Gini-coefficient of equilibrium advertisements (Qm/pm) across media markets was 0.70 under the Electoral College compared to 0.13 under Direct Vote.**

Donald Trump is the new Normal — Republicans Think so

Janie **Velencia** 2016: Most Republicans Think Donald Trump Has Changed The GOP For The Better: A new poll finds that the president-elect is increasingly winning over Republicans. http://www.huffingtonpost.com/entry/donald-trump-change-gop_us_58599d6ee4b0d9a5945644f2

Seventy-nine percent of Republicans think Donald Trump has changed the Republican Party. Of those that say he's changed the GOP, 83 percent perceive the change as positive, according to a new Pew Research report.

2-5x fewer recounts under the PV

Chris **Pearson**, 2006 [, "National Popular Vote means fewer recounts," FairVote, <http://www.fairvote.org/national-popular-vote-means-fewer-recounts>] MJS 4-30-2017

The current Electoral College system is guaranteed to provide more opportunities for contentious recounts than a national popular vote -- nearly every close election could change hands with a relatively small shift of votes in one or two states, but rarely would one of those close elections be seen as likely to change with a national recount. **Only once since the 19th century has a national popular vote been decided than less than a half million votes --**

and even then the margin was 120,000 votes, far outside what might change in a recount. There is far more chance of contentious recounts that swing the election when there are 51 separate winner-take-all contests for electoral votes. Consider this statement provided this week by **University of Pennsylvania professor Jack Nagel,** who is writing a paper on this subject to be published later this year. "**Defenders of the Electoral College often attempt to turn the Florida 2000 fiasco into a reason for rejecting the direct vote alternative.** Granted, they say, Florida was a national nightmare, but the agony would be far greater if such a dispute extended over the entire nation. They ignore the obvious answer: **The national vote in 2000 was not close enough to dispute, nor has the popular vote been that close in any recent election.** Using any reasonable assumption about how close an election must be for recount demands to arise, the likelihood of disputes is greater under the Electoral College than it would be in a national direct election. **This can be demonstrated both mathematically and historically. Over the full period when most states permitted citizens to vote for president (1828-2004), disputable elections have been two to five more frequent under the Electoral College than they would have been for direct popular elections,** depending on the thresholds assumed for disputability in electorates of varying sizes."

Base only campaigns in the status quo

Johnson 2016 [Eliana Johnson is editor of the National Review, "Ted Cruz's Risky Bet on the Conservative Base", *National Review*, <<http://www.nationalreview.com/article/430298/ted-cruzs-strategy-turn-out-conservative-base>>] //CJC

The country's increasing polarization over the past eight years has reinforced Campbell's thesis, a fact not lost on Cruz. "**Do you know what percent of the electorate is expected to be a swing vote in 2016?**" he asks me on a mid-January tour of New Hampshire. "**About 6 percent. Ninety-four percent or more of the electorate will either be locked on one side or the other and it will be a turnout race.**"

Schumaker 2002 [Paul D. Schumaker, Political Science Professor Kansas University, *Choosing a president: the electoral college and beyond*. New York: Chatham House Publishers, 2002] //WGC

"The district plan has several potential problems that concern the participants in this project. For some, **the district plan** is a minor reform that doesn't address the real problems of the Electoral College and **may** in **fact exacerbate** them. Take **unequal voting power**, for example. Small states will still get the same two extra electors that the large states get, enhancing the vote value of citizens in small states. Simultaneously, whatever advantage accrued to large states would be lost if they abolished the unit rule, which had made them so important to presidential campaigns.

The possible discrepancy between the winner of the Electoral College vote and the winner of the popular vote would also persist and might well worsen. Al Gore would have lost more decisively in an Electoral College allocating votes under the district plan than he did in the existing Electoral College, despite having won the national popular vote. The district plan

would have produced similar discrepancies in 1960 and 1976. This phenomenon occurs because the boundaries of districts can be drawn so as to concede a small number of districts to one party, packing its party identifiers into these districts, while creating a larger number of other districts where the other party has a thinner but still relatively safe partisan majority. The first party may have more supporters overall in the state, but the second party would win more districts and get more electors. **Currently, Democrats seem to be more highly concentrated in some congressional districts, while Republicans have thinner majorities in a larger number of districts.** This enables Republicans to do better under the district plan than in the popular vote.

This feature of the district plan makes it especially inhospitable to racial minorities and the urban poor, who are often concentrated in specific districts; this dilutes their capacity to exercise voting power on behalf of their favored party and raises the problem of congressional districting.⁷⁷ **For the most part, state legislatures determine the boundaries of House seats, and their highly partisan, contentious processes have historically produced districts that work to the disadvantage of racial minorities and the urban poor. As a result of these problems, the district plan is strongly opposed by political scientists whose principles support the idea that our political institutions should be particularly responsive to the interests of our least advantaged citizens.**

Squo solves campaign spending

Phillips 2015 [Amber Phillips is a writer for the Washington Post, "The battle over campaign finance reform is changing. Here's how.", *Washington Post*, <https://www.washingtonpost.com/news/the-fix/wp/2015/11/07/the-battle-over-campaign-finance-reform-is-changing-heres-how/?utm_term=.9f1a62fb13ec>] //CJC

Flying under the radar in the red-blue drama of this week's off-year elections were **a series of election-reform laws that passed on both coasts -- measures that campaign-finance reform advocates hail as turning points in their movement.** **In Maine,** 55 percent of voters agreed to strengthen their two-decade-old Clean Elections Act by boosting public funding for campaigns and putting in place penalties for those who break campaign finance law. **In Seattle,** 60 percent of voters put in place a first-in-the-nation "democracy voucher" system. **Starting in 2017,** citizens will get four \$25 vouchers they can hand out to the campaign or campaigns of their choice. (It was modeled off a successful 2014 Tallahassee initiative giving local campaign donors there a \$25 tax credit rebate.) Both were framed by supporters as attempts to push back against a 2010 Supreme Court decision, known as Citizens United, and subsequent decisions that allow anyone or any corporation or union to spend as much as they want on elections. **In San Francisco,** nearly 75 percent of voters put in a new lobbying reform law proposed by the city's Ethics Commission. **It would require anyone spending more than \$2,500 in a month on lobbying activities to register with the commission.** Election and campaign finance reform advocates argue Tuesday's results suggest that local government **reform movements have the power to push back against the most powerful forces in politics right now: Billionaires.**

Gilens 2007 [Martin, “The Mass Media and the Public's Assessments of Presidential Candidates, 1952–2000,” *The Journal of Politics* 69 Issue 4 (2007). Accessed at: <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-2508.2007.00615.x/abstract>. Gilens is an associate professor of politics] //DNP

Media critics blame contemporary news for increasing levels of apathy and ignorance among the electorate. We agree that **the amount of policy-oriented information in news coverage of presidential campaigns has declined** and the level of news consumption has fallen. Yet, **based on 50 years of data on media content and public attitudes, we find that** over this period of time **Americans have just as much to say about the major-party presidential candidates, what they have to say is more policy oriented, the association of vote choice with policy considerations has strengthened while the association with character considerations has weakened, and factual knowledge about the presidential candidates' issue positions has not declined**. We assess the role of education, party polarization, and paid advertising in explaining trends in Americans' political knowledge and engagement. We show that the public's steady level of information and increased focus on policy in presidential politics reflects the high level of policy content in paid ads, which have compensated for the shift of news coverage toward candidate character, scandal, and the horse race.

Informed and uninformed voters vote for the same candidate

Precedent Proves—Closest Aff Constitutional Amendment to Passing included Runoff Provision

Crezo 2016 [Adrienne Crezo, “The First (And Last) Serious Challenge to the Electoral College System” *Mentalfloss.Com*, December 06, 2016. Accessed March 21 2017. <http://mentalfloss.com/article/13012/first-and-last-serious-challenge-electoral-college-system>.] //WGC

“No election cycle would be complete without a debate over whether or not the Electoral College should be abolished. But **have we ever come close to actually replacing the system that everyone loves to hate? Almost, once.** It all started when Nixon was elected. The 1968 presidential election season was messy and contentious. The Vietnam War, widespread race riots, the assassination of Robert Kennedy, and lame duck LBJ's dissolving popularity created a perfect political storm for a third-party candidate. In 1968, that candidate was former Alabama Governor George Wallace, who ran on the American Independent Party ticket against Republican Richard Nixon and Democrat Hubert Humphrey. Wallace's pro-segregation platform was popular in the South, and when the ballots were counted, he'd snagged 46 of the available 538 electoral votes. Though Nixon garnered 301 electoral votes and Humphrey went home with 191, the two were separated by less than 1 percent of the national total—just 510,314 votes. The disparity between the popular and electoral votes, as well as Wallace's success, led **New York State Representative Emanuel Celler to introduce House Joint Resolution 681, a proposed Amendment to abolish the Electoral College and replace it with a system that**

required a president-vice president pair of candidates to win 40 percent or more of the national vote. In the event of a tie, or **if no pair reached 40 percent, a runoff election would be held between the two tickets with the highest number of votes.** Proponents **argued that this system** was friendlier to third parties (while not being *too* friendly to third parties, as 50 percent was deemed to be), less complicated, and **would never result in contingent elections by the Senate and House for President and Vice President (which is a possibility with the Electoral College).** **The Amendment was passed easily by the House Judiciary Committee** in April 1969. **By September** of the same year, **Celler's Amendment passed with strong bipartisan support in the House of Representatives.** President Nixon endorsed the proposal and urged the Senate to **pass its version**, now called the Bayh-Celler Amendment after it was sponsored by Senator Birch Bayh of Indiana. **A Senate Judiciary Committee approved the proposal with a vote of 11-6 in August 1970.** But things looked grim for the Bayh-Celler Amendment as the proposal prepared to move to the Senate floor. The measure was expected to fall short of the 67 votes needed to pass, so Bayh called Nixon for backup. While he never withdrew his support, the President didn't call for any more favors regarding the Amendment. On September 17, 1970, the Bayh-Celler Amendment was met with a hearty filibuster from both parties, mostly from Southern states. Senators from Mississippi, Arkansas, North Carolina, Nebraska, Hawaii, and South Carolina argued that they would lose influence in the national election, and even though the Electoral College is complicated and has some potentially messy loopholes, it had served the country well and there was no real reason to change it. But most explicit in his reasoning was Carl Curtis of Nebraska, *who said*, "My state of Nebraska has 92/100ths of 1 percent of the electoral vote. Based on the last election, we had 73/100ths of the popular vote. I am not authorized to reduce the voting power of my state by 20 percent." **It was the beginning of the end for the best attempt in history to abolish the Electoral College.** Eventually, the Senate voted to lay the Amendment aside to attend to other business. It officially died with the close of the 91st Congress on January 3, 1971."

Wage laws mean unions hurt low skill workers

Williamsen, 2013 [Kurt Williamsen, staff writer, "Do Progressive Policies Hurt Black Americans?," Thursday, 21 November 2013, The New American, <http://www.thenewamerican.com/culture/family/item/16963-do-progressive-policies-hurt-black-americans>] MJS

The first federal law to mandate that a prevailing wage be paid was the Davis-Bacon Act of 1931. **Prevailing wage laws require that the prevailing local wage — usually the union wage in the area — be paid to laborers working on government building contracts so that itinerant workers can't work for less money than local workers.** The Davis-Bacon Act was passed because out-of-state contractors were low-bidding building contracts in New York through the use of black laborers from the South — the same reason the first of these type laws was passed at the state level in Kansas in 1891.³⁶

Many representatives were very open about the reason for the new law. Representative Clayton Allgood said, "Reference has been made to a contractor from Alabama who went to New York with bootleg labor. This is a fact. That contractor has cheap colored labor that he transports ... and it is labor of that sort that is in competition with white labor throughout the country."³⁶

The movement to pass laws against black labor was moved ahead through the efforts of a labor union, the American Federation of Labor, as Williams pointed out:

William Green, president of the American Federation of Labor, made clear the unions' interests: "[C]olored labor is being sought to demoralize wage rates [in Tennessee]."36

At the same time "blacks were excluded from most major construction unions."36 And the prevailing wage laws did what their backers wanted them to do: They kept blacks from getting jobs and skills to advance in the job market. In practice,

the act's wage and work jurisdiction requirements make it costly for non-union shops to hire and train unskilled workers, because they had to pay workers wages and benefits that exceed worker productivity. Initially, the act's regulations did not make a distinction between unskilled and skilled workers unless the former were members of a union apprenticeship program. As a result, contractors were forced to pay a worker who was not a member of such a program the same wage as a skilled worker. [Emphasis added.]36

Still today, this ensures, said Williams, quoting Ralph C. Thomas, the executive director of the National Association of Minority Contractors, "that a contractor has 'no choice but to hire skilled tradesmen, the majority of which are majority [white].... Davis-Bacon ... closes the door in such an activity in an industry most capable of employing the largest numbers of minorities.'"36

The repercussions of such laws are real and tragic, as, again, pointed out by Williams. The director of one Chicago-based social service organization ... found that Davis-Bacon adds as much as 25 percent to her housing renovation costs. **It frequently prevents her from hiring the low-income, low-skills residents to do rehabilitation work in the housing project in which they live.**

Elzie Higginbottom [who] builds low-income housing in Chicago ... says, "I've got to start out a guy at \$16 an hour to find out if he knows how to dig a hole. I can't do that." As a result he is prevented from hiring unskilled local blacks.

Ralph L. Jones ... manages housing projects for HUD. [In 1990,] when Jones decided to repair 200 dilapidated units, he planned to employ unskilled residents, at \$5 an hour, to pull out unsalvageable parts of the building and later to assist skilled craftsmen in restoring the property. However the Davis-Bacon Act required that he pay laborers \$14 an hour. **He was forced to hire only skilled laborers, very few of whom were blacks or residents of the project.**36

Davis-Bacon also has hefty government paperwork requirements, **which give advantages to large union shops that can afford lawyers over small non-union shops that can't, penalizing black small businesses.**

Construction unions discriminate

Red State, 2011 [Redstate.com, April 10th, 2011, "Unions & Racism: An Age-Old, Institutional Problem Continues Unabated," <http://www.redstate.com/laborunionreport/2011/04/10/unions-racism-an-age-old-institutional-problem-continues-unabated/>] JSM

“It is rather ironic that, last week, union bosses used the anniversary Rev. Martin Luther King’s assassination to try to drum up support for the union cause. You see, even after all these years, racism and discrimination within the walls of the House of Labor is still very real. As noted by UnionFacts.com, since 2000, there have been over 4,200 complaints filed against unions for racial discrimination with the Equal Employment Opportunities Commission. In some cities, it is a bigger problem than in others. However, the one area where union racism seems to rear its ugly head the most often is with the construction trade unions, where African Amex5ricans are often excluded from work.”

“A January 2008 review of trade unionists working on \$500-million worth of Philly public projects during the preceding five years conducted by then Inquirer columnist Tom Ferrick concluded, “these well paid union jobs ... remain all-male, nearly all-white and the majority live in the suburbs.”

The source of this current suburban give-away by Mayor Nutter is a thing called a Project Labor Agreement (PLA).

PLAs are contractual arrangements giving construction trade unions control over jobs, generally on public works projects. PLAs require all companies receiving contracts for those projects to hire union workers.

PLA’s have an ugly history of working against the inclusion of minority workers and minority contractors.

The exclusion comes from the legacy of aggressive job discrimination in too many trade unions ... race discrimination by the large white construction firms that generally get public works contracts abet both actively and passively.”

Urban Neglect in SQuo

Badger 2016 [Emily Badger, New York Times Political and Policy analyst, "As American As Apple Pie? The Rural Vote’s Disproportionate Slice Of Power," *New York Times*, November 21, 2016. Accessed April 27 2017. <https://www.nytimes.com/2016/11/21/upshot/as-american-as-apple-pie-the-rural-votes-disproportionate-slice-of-power.html>.] //WGC

“In 1920, for the first time, the Census Bureau counted more people living in urbanized America than in the countryside. This hasn’t been a rural nation ever since. Yet the idea of Thomas Jefferson’s agrarian America has receded slowly despite demographic change. We still romanticize the family farm, though relatively few of them exist anymore. We view even suburbia in pastoral terms — the “crabgrass frontier,” as the historian Kenneth T. Jackson put it. And, as the recent Electoral College results make clear, **we still live with political institutions that have baked in a distinctly pro-rural bias, by design.** The Democratic candidate for president has now won the popular vote in six of the last seven elections. But in part because **the system empowers rural states**, for the second time in that span, the candidate who garnered the most votes will not be president. **Rural America**, even as it laments its economic weakness, **retains vastly disproportionate electoral strength.** Rural voters were able to nudge Donald J. Trump to

power despite Hillary Clinton's large margins in cities like New York. **In a House of Representatives that structurally disadvantages Democrats because of their tight urban clustering, rural voters helped Republicans hold their cushion. In the Senate, the least populous states are now more overrepresented than ever before. And the growing unity of rural Americans as a voting bloc has converted the rural bias in national politics into a potent Republican advantage.** "If you're talking about a political system that skews rural, that's not as important if there isn't a major cleavage between rural and urban voting behavior," said Frances Lee, a professor of government and politics at the University of Maryland. "But urban and rural voting behavior is so starkly different now so that this has major political consequences for who has power. "And it's not just in terms of policy outcomes," she continued. **"This pervasively advantages Republicans in maintaining control of the U.S. national government." The Electoral College is just one example of how an increasingly urban country has inherited the political structures of a rural past.** Today, states containing just 17 percent of the American population, a historic low, can theoretically elect a Senate majority, Dr. Lee said. **The bias also shapes the House of Representatives.** It exists, as a result, in the formulas that determine where highway funds are spent or who gets Homeland Security dollars. **It exists in state capitols, where bills preferred by urban delegations have been much more likely to be rejected."**

[...]

Still, **the House retains a rural bias.** Republican voters are more efficiently distributed across the country than Democrats, who are concentrated in cities. That means that even when Democrats win 50 percent of voters nationwide, they invariably hold fewer than 50 percent of House seats, regardless of partisan gerrymandering.

[...]

In Washington, these imbalances directly influence who gets what, through small-state minimums (no state can receive below a certain share of education funding) and through formulas that privilege rural states (early road spending was doled out in part by land area and not road use).

There are policy reasons that the country might want to disproportionately spend resources on places with few people. Repairing an interstate highway in rural Oklahoma keeps national commerce flowing. And when the private market won't build essential infrastructure, public investments like the New Deal's rural electrification help fight poverty.

But **even when you control for policy need, Dr. Lee's research has found that a significant rural bias in resources persists.** You can see it in Homeland Security funding that gave Wyoming, for example, seven times as much money per capita as New York after the Sept. 11 terrorist attacks. You can see it in Alaska's proposed "bridge to nowhere."

"In that case," Dr. Ansolabehere said, "Alaska has so much disproportionate power in the negotiation over funds that in order for California to get some, Alaska gets a lot — to the point of not knowing what to spend the money on."

These calculations also mean that populous states subsidize less populous ones, which receive more resources than the tax dollars they send to Washington."

PV eliminates impending city bias — alternative is minorities in large states not voting but the white people in large states getting more electoral votes

Griffin 2012 [KATHRYN GRIFFIN has a BA, ABJ, and masters from University of Georgia, "REASSESSING ADVANTAGES IN THE ELECTORAL COLLEGE: FRAMERS' INTENTIONS AND MINORITY INFLUENCE", *University of Georgia*,

<https://getd.libs.uga.edu/pdfs/griffin_kathryn_g_201205_ma.pdf>] GST

Foreign-born residents, which consist largely of **Hispanic and Asian ethnic groups, must not only overcome class disparities, but also language and culture barriers²⁰ before voting equal to whites, which explains why this demographic has a larger negative effect on voting rates.** Foreign-born minorities are increasing in more populous states. Currently California, Texas, New York, and Florida are the four largest states in the country totaling 147 Electoral College votes. In addition, these four states have some of the highest percentages of foreign-born residents-- 26.8%, 16%, 21.7%, and 18.5%--respectively. **These states demonstrate lower levels of voting (with the mean voting rates never reaching above 75% in the eleven elections discussed). Increasing minority populations, particularly foreign-born, are adding to the population of these larger states thereby increasing their total Electoral College votes. However, at the same time, the overall voting rates of these states are decreasing.** In other words, **the results demonstrate that the growing minority populations are currently increasing voting biases of large states, with voters in these states having a disproportionate impact on the Electoral College vote.**

[...]

Contemplating the relationship between minorities and the election system in the long term requires a discussion of alternative plans to the Electoral College. As far as biases are concerned, **voting power analysis shows that the strength of biases for voters in large states would be eliminated in a direct election**, heightened by the proportional plan, and lessened in the district plan (Longley & Dana 1984, 1992).

Fattest roast of the UCSD voter ID study in existence

Lopez 3/15/2016 [German Lopez is a writer for Vox, "A major study finding that voter ID laws hurt minorities isn't standing up well under scrutiny", Vox, <http://www.vox.com/identities/2017/3/15/14909764/study-voter-id-racism>] //CJC

It was supposed to be the study that proved voter ID laws are not just discriminatory but can also have a big impact on elections. And it was picked up widely, with outlets including ThinkProgress and **the Washington Post** reporting that the study found voter ID laws hurt Hispanic voters in particular and skewed elections to the right. But **a follow-up study suggests the findings in the original were bunk.** According to researchers at Stanford, Yale, and the University of Pennsylvania, **the original study was based on surveys of voters that are extremely unreliable — skewing the results.** On top of that, **several calculation errors led to even more problems. When the errors are corrected,** the follow-up researchers found, **there's no evidence in the analyzed data that voter ID laws have a statistically significant impact on voter turnout.**

In other words, it's possible that voter ID laws still have an impact on elections, but the original study just doesn't have the data to prove it. The findings aren't too surprising. Looking at the broader research, the empirical evidence has tended to find that voter ID laws have a small impact on elections. While they still may be racially discriminatory or unnecessary, ultimately voter ID laws may not have a strong enough effect on voter turnout, based on the available research so far, to swing anything but the closest election. And the newest study backs that up. The new study suggests voter ID laws have little to no impact on minority voter turnout.

The previous study, published in January **by a trio of researchers at UC San Diego,**

Michigan State University, and Bucknell University, used 2006–2014 data from the Cooperative Congressional Election Studies (CCES) to study the effect of voter ID laws. They concluded, "The analysis shows that strict identification laws have a differentially negative impact on the turnout of racial and ethnic minorities in primaries and general elections. We also find that voter ID laws skew democracy toward those on the political right." Specifically, the researchers found that Hispanic voters are hit hardest by voter ID. They wrote in the Post, "Hispanics are affected the most: Turnout is 7.1 percentage points lower in general elections and 5.3 points lower in primaries in strict ID states than it is in other states. Strict ID laws mean lower African American, Asian American and multiracial American turnout as well.

White turnout is largely unaffected." Given that minority groups are likelier to vote for Democrats, that may skew elections in a conservative direction. **The follow-up**

study, published this month, took a close look at the data and models the original researchers

used to reach these conclusions. It **found big problems: The CCES data that the**

researchers relied on is notoriously unreliable for a voter ID study in a way that could

skew the results. "In the 2006 CCES, the estimated turnout rate was 10 points below actual

turnout in 15 states, most of which showed practically zero turnout according to the CCES.

Virginia had almost no validated voters in 2008, as well. Given the error in the 2006 study, that

year is not suitable for use in the analysis, nor are Virginia's records from 2008. But [the

researchers] include these data in their analysis," the new study stated **The study's main**

model didn't control for variables that could have influenced the results. If the model had

successfully controlled for all other variables besides voter ID, it would have been able to find,

for example, that all states without voter ID laws have roughly the same voter turnout. "This is not the

case," according to the follow-up. The follow-up replication "suggest[s] that turnout is about 6 percentage points lower in places that will adopt a strict ID law" — meaning that the model picked up an effect on voter turnout before a state actually passed a voter ID law, suggesting that it's picking up something else that is correlated with but not caused

by voter ID laws. **The original study had other errors, including miscalculations and**

misinterpretations of the data Taken together, these errors indicate that **the original**

study was deeply flawed.

Low conflict is because of globalization and MAD

Benjamin H. **Friedman 2014**, [research fellow in defense and homeland security studies. He writes about U.S. defense politics, focusing on strategy, budgeting, and wars, graduate of Dartmouth College, a Ph.D. candidate in Political Science at the Massachusetts Institute of Technology, and an Adjunct Lecturer at George Washington's Elliot School of International Affairs, "Debating American Engagement: The Future of U.S. Grand Strategy",

http://www.mitpressjournals.org/doi/pdf/10.1162/ISEC_c_00140] MJS

An increasingly peaceful world. An array of research, some of which Brooks et al. cite, indicates that **factors other than U.S. power are diminishing interstate war and security competition.**

These factors combine to make the costs of military aggression very high, and its benefits low.³

A **major reason for peace is that conquest has grown more costly. Nuclear weapons make it**

nearly suicidal in some cases.⁴ **Asia**, the region where future great power competition is most likely, has a "geography of peace": its maritime and mountainous regions are formidable barriers to conflict. **Conquest also yields lower economic returns than in the past.**

Post-industrial economies that rely heavily on human capital and information are more difficult to exploit.⁶

Communications and transport technologies aid nationalism and other identity politics that make

foreigners harder to manage. **The lowering of trade barriers limits the returns from their forcible**

opening.⁷ Although states are slow learners, they increasingly appreciate these trends. That

should not surprise structural realists. Through two world wars, the international system

“selected against” hyper aggressive states and demonstrated even to victors the costs of major war. Others adapt to the changed calculus of military aggression through socialization.⁸

4/5 proposals for EC reform don't centralize voting restrictions in Congress

CRS 2005 [The Congressional Research Service, “The Electoral College: Reform Proposals in the 108th Congress”, CRS, <<https://www.everycrsreport.com/reports/RL32612.html>>] //CJC

As noted previously, **proposals for electoral college reform fall into two basic categories: those that would eliminate the electoral college and substitute direct popular election** of

the President and Vice President, and those that would retain the existing system in some form and correct perceived defects. Direct Popular Election. Proponents of direct popular election cite a number of factors in support of their proposal. At the core of their arguments, they assert that their process would be simple, national, and democratic: They assert that direct popular election would provide for a single, democratic, choice in which all the nation's voters would directly elect the two highest-ranking officials in the United States government, the President and Vice President. Further, the candidates who won the most popular votes would always win the election, and in the event no one received at least 40% of the vote, a runoff election between the two leading tickets would decide the choice. (Some direct election proposals would substitute election by joint session of Congress for a runoff in the event no ticket received at least 40% of the vote.) Every vote would carry the same weight in the election, no matter where in the nation it was cast. All the various and complex mechanisms of the existing system, such as the contingent election process, would be supplanted by these simple requirements.⁽⁴⁾ Proponents assert that, in contrast, the electoral college system is cumbersome and potentially anti-democratic: The electoral college, some assert, is the antithesis of their simple and democratic proposal. It is, they contend, philosophically obsolete: indirect election of the President is an 18th century anachronism that dates from a time when communications were poor, the literacy rate was much lower, and the nation had yet to develop the durable, sophisticated, and inclusive political system it now enjoys. Moreover, they find the 12th Amendment provisions that govern cases in which no candidate attains an electoral college majority (contingent election) to be even less democratic than the primary provisions of Article II, section 1.(5) (see footnote 3). By providing a fixed number of electoral votes per state that is adjusted only after each census, they maintain, the electoral college does not accurately reflect state population changes in intervening elections. The two "constant" or "senatorial" electors assigned to each state regardless of population give some of the nation's least populous jurisdictions a disproportionate advantage over more populous states, from this viewpoint. The office of presidential elector itself, and the resultant "faithless elector" phenomenon,⁽⁶⁾ provide opportunities for political mischief, and deliberate distortion of the voters' choice. They argue that by awarding all electoral votes in each state to the candidates who win the most popular votes in that state, the "winner-take-all" or "general ticket" system effectively disenfranchises everyone who voted for other candidates. Moreover, this same arrangement is the centerpiece of one category of electoral college reform proposals, the automatic plan. Finally, the electoral college system has the potential to elect presidential and vice presidential candidates who obtain an electoral vote majority, but fewer popular votes than their opponents, as happened in 2000. The Electoral College and Electoral College Reform. Defenders of the electoral college, either as presently structured, or reformed, offer various arguments in its defense: They reject the suggestion that it is undemocratic. Electors are chosen by the voters in free elections, and have been in nearly all instances since the first half of the 19th century. The electoral college system prescribes a federal election of the President by which votes are tallied in each state. The founders intended that choosing the President would be the action of citizens of a federal republic, in which they participate both as citizens of the United States, and as members of their state communities. While electoral vote allocation does provide the "constant two," or "senatorial" electors for each state, regardless of population, defenders believe this is another federal element, and is no less justifiable than equal representation for all states in the Senate. Moreover, the same formula also assigns additional electors equal in number to each state's delegation in the House of Representatives, which more than compensates for any minor distortion. Further, defenders reject the suggestion that less populous states like Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont and Wyoming, as well as the District of Columbia, each of which casts only three electoral votes, are somehow "advantaged" when compared with California (currently 55 electoral votes). These 55 votes alone constitute more than 20% of the electoral votes needed to win the presidency, thus conferring on California voters, and those of other populous states, a "voting power" advantage that far outweighs the minimal arithmetical edge conferred on the smaller states.⁽⁷⁾ The electoral college system promotes political stability, they argue. Parties and candidates must conduct ideologically broad-based campaigns throughout the nation in hopes of assembling a majority of electoral votes. The consequent need to forge national coalitions having a wide appeal has been a contributing factor in the moderation and stability of the two-party system. They find the faithless elector phenomenon to be a specious argument. Only nine such electoral votes have been cast against instructions since 1820, and none has ever influenced the outcome of an election. Moreover, nearly all electoral college reform plans would remove even this slim possibility for mischief by eliminating the office of elector. Electoral college defenders also point to what they assert are flaws in direct election: Direct election proponents claim their plan is more democratic, and provides for "majority rule," yet most direct election proposals require that victorious candidates gain as little as 40% of the vote in order to be elected. How, ask its critics, could such plurality Presidents be reconciled with the concept of strict "majority rule" enshrined by direct election's proponents? Further, they assert that direct election will foster acrimonious and protracted post-election struggles. For instance, as the presidential election of 2000 demonstrated, close results in a single state in a close election are likely to be bitterly contested. Under direct election, those favoring an electoral college claim, every close contest could resemble the post-election contests in 2000, not only in one state, but also on a nationwide basis, as both parties sought to gain every vote. Such rancorous disputes could have profound negative effects on political comity in the nation, and possibly even the stability of the federal government. **Reform Proposals**

in the 108th Congress H.J.Res. 28 (Representative Jesse Jackson, Jr., and Others). H.J.Res. 28, a proposed constitutional amendment, was introduced by Representative Jesse Jackson, Jr., on March 3, 2003,⁽⁸⁾ and was subsequently cosponsored by 39 other Representatives.⁽⁹⁾ The resolution included several provisions designed to guarantee the right to vote in public elections, including the authorization of nationwide election performance standards established by Congress, and election day voter registration. Section 4 applied particularly to the electoral college, requiring states to: establish and abide by rules for appointing electors; conduct these elections, in effect presidential elections, on a day selected by Congress; and, most pertinently, "ensure that each Elector votes for the candidate for President and Vice President who received a majority of the popular vote in the State or District."⁽¹⁰⁾ Section 4 would have affected the electoral college system in two ways. First, it would have eliminated the faithless elector phenomenon by requiring electors to vote for the candidates who won the most votes. While the resolution would not have eliminated the office of elector, as would many other reform proposals, it would have had a similar effect by constitutionally binding electors to vote for the candidates who won the most votes in their state or district. The second impact was that the resolution would have had the effect of incorporating either the winner-take-all (general ticket) system or the district system into the Constitution, which is currently silent on methods of allocating electoral votes. Section 4 thus implicitly authorized the states to opt for either plan. H.J.Res. 28 was received the customary referral to the Judiciary Committee, and was later referred to the Subcommittee on the Constitution. No further action was been taken during the 108th Congress.

H.J.Res. 103 (Representative Gene Green and Others). This proposed constitutional amendment, introduced on September 14, 2004 by Representative Gene Green, was cosponsored by Representatives Brian Baird and William Delahunt. It proposed to eliminate the electoral college and provide for direct popular election of the President and Vice President. The amendment would have provided for popular election of the President and Vice President, with voters casting a single vote for a joint ticket of candidates for those offices. The latter requirement would ensure that the chief executive and the Vice President be nominees of the same party. Further, the resolution sought to guarantee nationwide uniformity on the ticket by requiring that the candidates must consent to having their names joined on the ballot with only one other person. The ticket winning the most votes would be elected; the winners would not need to gain a minimum percentage of votes, nor is there provision for a runoff if the minimum percentage is not attained.⁽¹¹⁾ Other sections of H.J. Res 103 dealt with issues in voter eligibility and election administration. Section 2 proposed to change the formula for voting eligibility in presidential elections from that provided in Article I, Section 1 of the Constitution: "Each State shall appoint, in such Manner as the Legislature thereof may direct...." to "The electors in each State shall have the qualifications requisite for electors of Senators and Representatives...." This would establish uniform voter qualifications for all federal

elections. This section would, however, have permitted the state legislatures to provide "less restrictive qualifications with respect to residence...." It also would have empowered Congress to establish uniform residence and age qualifications. This was a considerable expansion of federal authority over the election process, because it would permit Congress to raise or lower both voting age and residence requirements by legislation.(12) Finally, it would have eliminated the state legislatures' power to choose some other method of selecting electors. It may be recalled that in the early years of the republic, many state legislatures chose electors themselves, without any participation by the voting public. This practice declined throughout the first half of the 19th century, so that by 1868, electors were chosen by the voters in all states. During the controversy following the 2000 presidential election, there was some discussion as to whether the Florida legislature could reclaim its constitutional right to choose electors, in order to resolve disputes over the statewide winner. This provision would have eliminated such considerations in the future. Section 5 empowered Congress to provide by law for the case of a tie vote, and for the death of any candidate who died before election day. The latter process is currently administered by the major parties through their internal rules. H.J.Res. 103 was referred to the House Committee on the Judiciary and to the Subcommittee on the Constitution. No further action was taken during the 108th Congress. **H.J. Res**

109 (Representative Jesse Jackson, Jr., and Others). This proposed constitutional amendment, introduced on October 8, 2004, by Representative Jesse Jackson, Jr., was cosponsored by Representatives John Conyers, Jr., Elijah Cummings, Dennis Kucinich, and Jerrold Nadler. It proposed to eliminate the electoral college and provide for direct popular election of the President and Vice President. A notable feature of the amendment was that Section 1 of the amendment would mandate election by "direct vote of the citizens of the United States, without regard to whether the citizens are residents of a state [emphasis added]." Although the intent of this language was not clearly stated, the inference may be drawn that the amendment would extend the right to vote in presidential elections to citizens who reside in U.S. territories and the Commonwealth of Puerto Rico. All native born or naturalized residents of these jurisdictions are U.S. citizens, but at present they cannot vote for President and Vice President unless they are residents of and registered voters in one of the 50 states or the District of Columbia. The same language in Section 1 might also have had implications for the conduct of election administration in the United States. As noted above, Section 1 states that "The President and Vice President shall be elected jointly by the direct vote of the citizens of the United States, without regard to whether the citizens are residents of a state [emphasis added]." This language could arguably be interpreted as conferring on the federal government the authority to establish and maintain a nationwide system of voter registration and election administration, at least for presidential elections. In theory, a citizen would be able to vote for President and Vice President anywhere in the nation. This would supersede the current practices of registration, voting, and counting and verifying the presidential vote state by state, functions that have been traditionally performed by state and local election authorities. It would not, however, have affected current practices for Senate and House elections, because it referred specifically only to the presidential contest. Section 2 of the amendment provided for majority election; that is, in order to win, a joint ticket for President and Vice President would require an absolute majority of votes cast. It would not, however, have provided for a runoff election or election in Congress in the event a majority were not attained, features found in some direct election proposals. It is therefore unclear what mechanism would be available in cases where no candidates received the requisite majority. These have occurred frequently in recent years: no candidates received a popular vote majority in the presidential elections of 1992, 1996, and 2000.(13) Section 3 did, however, authorize Congress to "enforce this article through appropriate legislation." It is thus arguable that this section would have granted implicit authority to Congress to provide for elections in which no candidates received the requisite majority of popular votes. H.J.Res. 109 was referred to the House Committee on the Judiciary, and subsequently to the Subcommittee on the Constitution, but no further action was taken during the 108th Congress. **H.J. Res 112**

(Representative Zoe Lofgren). This proposed **constitutional amendment**, introduced on November 18, 2004, by Representative Zoe Lofgren, **proposed to eliminate the electoral college and provide for direct election** of the President and Vice President. Voting qualifications in Section 2 closely resembled existing qualifications, in that "[t]he electors in each State shall have the qualifications requisite for electors of the most populous branch of the legislature of the state; although Congress may establish uniform age qualifications." The latter clause of this sentence would, however, have apparently empowered Congress to adjust the voting age for President either upward or downward by law. Under Section 3 of this proposal, each voter would cast a single vote for a joint ticket of presidential and vice presidential candidates, thus establishing existing state requirements as part of the Constitution. This section also specifically permitted candidates on the same ticket to be from the same state, eliminating the current requirement that when electoral college electors vote, at least one of the candidates "shall not be an inhabitant of the same state with themselves...."(14) Section 4 provided for election by plurality, in that the candidates "having the greatest number of votes" would be elected. There would thus be no need for either a second round if a certain threshold of popular support were not attained, or for any form of contingent election, as required in some direct election proposals. Section 6, however, empowered Congress to provide by law for tied elections, or for cases in which any candidate either died or was otherwise disqualified before the election. This language would appear to have given Congress broad authority in these situations, extending to such options as rescheduling elections in case of candidate vacancies that occurred close to election day, or providing for a second round election in the event of a tie. It is less clear whether the amendment would make an implicit grant of authority to Congress to intervene in the process of replacing party candidates under such circumstances, a process which the parties historically have addressed through internal procedures. Finally, **Section 5 empowered Congress to provide by law for the "times, places, and manner of holding such elections...."** This language parallels that found in Article I, Section 4 of the Constitution,(15) but the section went on to include "**entitlement to inclusion on the ballot shall be determined by Congress.**" This language would have provided a substantial new **power to the legislative branch in that Congress could supersede existing state laws on ballot access, legislating nationwide standards, or perhaps making ad hoc determinations as to ballot access in any particular presidential election cycle.** **H.J. Res. 112 was referred to the House Committee** on the Judiciary on November 18, 2004, but **no further action was taken** during the 108th Congress. **H.R. 4867** (Representative Peter Deutsch and Others). This bill, introduced on July 20, 2004, by Representative Peter Deutsch, and cosponsored by Representatives Alcee Hastings and Corinne Brown, would have affected the electoral college indirectly. It proposed to change the procedures under which Congress counts and certifies electoral votes as set out in Title 3, Section 15 of the U.S. Code. Currently, in order for congressional objections to the validity or legality of electoral votes to be in order,(16) such objections must be filed in writing, and be signed by one Senator and one Representative. H.R. 4867 would have amended that requirement, making it possible for a valid objection to be filed and signed by "at least one Senator or Member of the House of Representatives." The bill was referred to the Committee on House Administration and also to the Committee on Rules for a period to be determined subsequently by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. No further action was taken during the 108th Congress. This bill arguably arose from the context of the 2001 electoral vote count joint session of Congress, during which several Representatives sought to introduce objections to the electoral vote returns from Florida. None of these objections had been signed by a Senator, so they could not be entertained by the Vice President, who presided over the session. For additional information on the electoral vote count session and its procedures, Members of Congress and their staff should consult CRS Report RL32717(pdf), Counting Electoral Votes: An Overview of Procedures at the Joint Session, Including Objections by members of Congress , by [author name scrubbed], available to Members of Congress and congressional staff from the author.

Any shift to DPV = Election Administration Reform

Gaughan 2016 [Anthony J. Gaughan, Law Professor at Drake University Law School, "Ramshackle Federalism: America's Archaic and Dysfunctional Presidential Election System," *Fordham Law Review*, October 1, 2016 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2919975] //WGC

"But **uniform standards are not possible until the country resolves the debate over voter ID laws.** Republican-controlled states, such as Kansas, Georgia, and Mississippi, have adopted strict photo ID laws that contrast sharply with the less burdensome voter identification policies employed in Democratic-controlled states, such as New York, Minnesota, and California.¹⁴⁴ The diversity in state laws would be particularly dangerous during a nationwide popular vote for President. As Derek Muller has warned, in a direct election, states could manipulate their voting laws to promote a partisan advantage in the presidential race.¹⁴⁵ Accordingly, **any move to a direct election must be made contingent upon nationwide voting standards that reject strict voter ID laws.**

Media is horserace now

Enten 2016 [Harry Enten is a writer for FiveThirtyEight, "How The Media Have Covered The 2016 Campaign", *FiveThirtyEight*, <<https://fivethirtyeight.com/features/how-the-media-have-covered-the-2016-campaign/>>] //CJC

Harry Enten: I don't have very much to add, mostly because I don't tend to follow this type of stuff. I'm much more interested in the numbers than in **the narratives created by major newspapers**, but I can say I agree with Clare. The Trump stuff is very, very easy. Taco bowls, "my African-American" — very easy to figure out. You don't have to be a genius to understand what's going on, and I do know, there may be more liberals in **the media** than conservatives, but **the overwhelming bias** isn't towards the left or right, **it's towards a horse race — trying to create excitement and equivalency.** I do think we see some of that sometimes by trying to equate what's going on with Clinton with what's going on with Trump. These are both flawed candidates. I think the people think of both of these candidates as flawed, but I think one candidate has said many more things that are offensive, at least to me, than another candidate.

Status-quo solves for campaign finance

Washington Post, 11-7-2015 [, "The battle over campaign finance reform is changing. Here's how," https://www.washingtonpost.com/news/the-fix/wp/2015/11/07/the-battle-over-campaign-finance-reform-is-changing-heres-how/?utm_term=.985a014af6aa] MJS 4-18-2017

Flying under the radar in the red-blue drama of **this week's** off-year elections were a **series of election-reform laws** that **passed on both coasts -- measures that campaign-finance reform advocates hail as turning points in their movement.** In **Maine, 55 percent of voters** agreed to strengthen their two-decade-old Clean Elections Act by **boosting public funding for campaigns and putting in place penalties for those who break campaign finance law.** In **Seattle, 60 percent of voters put in place a first-in-the-nation "democracy voucher" system.** Starting in 2017, citizens will get four \$25 vouchers they can hand out to the campaign or campaigns of their choice. (It was modeled off a successful 2014 Tallahassee initiative giving local campaign donors there a \$25 tax credit rebate.) **Both were framed by** supporters as attempts to **push back against** a 2010 Supreme Court decision, known as **Citizens United**, and subsequent decisions that allow anyone or any corporation or union to spend as much as

they want on elections. In San Francisco, nearly **75 percent of voters put in a new lobbying reform law** proposed by the city's Ethics Commission. It would require anyone spending more than \$2,500 in a month on lobbying activities to register with the commission. Election and campaign finance reform advocates argue **Tuesday's results suggest that local government reform movements have the power to push back against the most powerful forces in politics right now: Billionaires.** THE FIX: So what do these wins mean for your movement? Silver: **You're seeing this movement emulating gay marriage or gun rights** -- gay marriage on the left or gun rights on the right -- on issues that were getting nowhere with folks in Washington until people said "Let's take this fight local" and started winning big. And that's what we're seeing starting to happen from Tallahassee, Fla., to these three locations this year. THE FIX: Do people really put campaign-finance and election-law reform that high on their list of priorities? Silver: Yes. **In 2012, a Gallup poll showed corruption was second only to jobs in the last presidential election.** We've seen some surprisingly high polling. **People mistakenly think this is a liberal issue, and it's just not.** All you have to do is look at a poll or talk to people on the street to see people don't want the politicians being bought by the highest bidder. THE FIX: You're pitching these reforms as "anti-corruption" as opposed to "campaign finance reform." Why is that? SILVER: We're finding that when we call this what it is -- "corruption" -- and redefine this as a fight against corruption, **it resonates across the political spectrum in huge numbers.** As opposed to campaign finance reform or democracy reform. People like democracy, but they're fired up about corruption. THE FIX: Tell me about the ups and downs of your movement in years past. SILVER: For decades, this movement suffered one step forward, two steps back, and then Citizens United at once became the worst and the best thing that ever happened to this movement. It made things worse, but it also increased exponentially the number of Americans who are aware of this crisis -- this money in politics crisis. And so the challenge now is to show the American people that fixing this problem is possible, because vast majorities believe it's not. And that's been our biggest obstacle, and that's why it's been so inspiring to see these local communities taking matters into their own hands. THE FIX: What do you think when politicians like Hillary Clinton call for constitutional amendments to change campaign finance reform? SILVER: The constitutional amendment is an easy out for politicians, because the constitutional amendment isn't going to pass anytime soon, and everybody knows it. So it's a way for politicians to vocalize support for reform but they don't have to do anything -- when in fact, if our leaders would exert political capital to pass bold legislative reform, we could fix the problem tomorrow. THE FIX: So who are your biggest sales people on the campaign trail, then? SILVER: Donald Trump and Bernie Sanders, if you can believe it. Donald Trump's biggest applause lines are when he says, "I'm not bought. Everybody else is. We have to get money out of politics." Those conservatives who support Donald Trump feel as passionate about the tissue as just about anything else he says. THE FIX: What can we expect in the way of campaign and election-law reform on ballots in 2016? SILVER: **This week's campaigns** -- that was the beta test. **We proved that the American people will vote 'yes' for bold reforms,** and that's why **it sort of clears the runway for big, bold proposals on the ballot in many other cities.** Next year, we're going to be in quite conservative states, and we're going to be talking about corruption a lot. You can change things by direct ordinances or charter amendments in more than half of cities and states in America.

No cross regional appeal in the squo,

George C. **Edwards**, Professor, Political Science, Texas A&M University, WHY THE ELECTORAL COLLEGE IS BAD FOR AMERICA, 2005, p.148.

Presidents often win election under the electoral college without a majority, and winning a major it)' of the vote in and of itself docs not make a president more effective in dealing with Congress. Although widespread perceptions of a mandate arc an advantage for a president, elec- tion results seldom translate into them. The electoral college is not essential for a two-party system and actually encourages third parties to run presidential candidates and

discourages party competition in many states. There is no evidence that direct election of the president would polarize political parties. **The notion that the electoral college produces concurrent majorities around the country and forces winning candidates to appeal successfully to all segments of society and all geographic locations is pure fan-tasy. Nothing like that actually occurs.** Equally problematic is the view that victory in the electoral college ensures presidents effective coalitions for governing. Moreover, the electoral college does not produce compromise within states, and it is fundamentally different from constitutional provision that require supermajorities to take positive ac- tion.

Delink: Money Doesn't Help Elect Candidates

Stephen J. Dubner, 1-12-2012 ["Does Money Really Buy Elections? A New Marketplace Podcast," *Freakonomics*, <http://freakonomics.com/2012/01/12/does-money-really-buy-elections-a-new-marketplace-podcast/>] JSM, accessed: 4-4-2017

In a paper that tried to isolate the effect of spending in campaigns, here's what Steve Levitt found:

LEVITT: When a candidate doubled their spending, holding everything else constant, they only got an extra one percent of the popular vote. It's the same if you cut your spending in half, you only lose one percent of the popular vote. So we're talking about really large swings in campaign spending with almost trivial changes in the vote.

What Levitt's study suggests is that **money doesn't necessarily cause a candidate to win — but, rather, that the kind of candidate who's attractive to voters also ends up attracting a lot of money.** So winning an election and raising money do go together, just as rain and umbrellas go together. But umbrellas don't cause the rain. And it doesn't seem as if money really causes electoral victories either, at least not nearly to the extent that the conventional wisdom says. For every well-funded candidate who seems to confirm that money buys elections (paging Michael Bloomberg), you can find counterexamples like Meg Whitman, Linda McMahon, Steve Forbes, and Tom Golisano.

And take a look at the Iowa caucuses last week. Rick Perry was the top spender, buying \$4.3 million worth of ads — which got him only 10 percent of the vote. Santorum, meanwhile, spent only \$30,000 on ads (the least of any candidate) and practically tied Romney — who spent \$1.5 million this time around on Iowa ads, versus \$10 million in 2008.

No Removal w/o Congress

Francis 16 [David Francis, March 21 2016, Obama's Cuba Reset is now in the hands of congress. Too bad it won't budge", *Foreign Policy*, <http://foreignpolicy.com/2016/03/21/obamas-cuba-reset-is-now-in-the-hands-of-congress-too-bad-congress-wont-budge/>] //BS

For U.S. President Barack Obama, this week's trip to Cuba helps cement a foreign-policy legacy that now includes ending more than five decades of strife with a onetime Cold War rival. For Cuban President Raúl Castro, the visit represents a chance to

welcome American tourists and businesses. **But without help from Congress, Obama will have done about all he can to normalize relations.**

What the American president has done since the normalization process began in December 2014 is significant. He has made it easier for U.S. citizens to travel there, though tourism in the traditional sense is still prohibited. Obama has eased restrictions on U.S. businesses plying their trade in Cuba; as he visited, Starwood Hotels & Resorts became the [first](#) U.S. hotel chain to sign a deal with Cuba since the 1959 revolution. Obama is set to attend a Major League Baseball exhibition game in Havana on Tuesday. In December 2015, Washington and Havana announced the resumption of direct flights between the countries.

But Obama can't do much more unless Congress acts to repeal the 1996 Helms-Burton Act, which formalized the embargo put in place by President John F. Kennedy in 1962 **and bars the executive branch from lifting it without congressional approval.** In other words, without the help of Congress, Obama can't fully lift all financial penalties against Havana, and proponents of the move have [acknowledged](#) that is unlikely to happen while Republicans control both the House and the Senate. Some Republicans, including Rep. Ileana Ros-Lehtinen (R-Fla.) and Rep. Mario Diaz-Balart (R-Fla.), have vowed to fight it down the line.

Helms burton requires prior democratization, which isn't happening

Stratfor 16 [Reggie Thompson, September 2016, "Why Cuba's Half-Century Embargo Won't Be Lifted Overnight" <https://www.stratfor.com/analysis/why-cubas-half-century-embargo-wont-be-lifted-overnight>] //WGC

"Analysis

Whether Cuba will soon undergo an economic revolution depends more on politics in Washington than in Havana. After all, the only thing standing in the way of unrestricted trade between the world's largest economy and the island nation just 145 kilometers (90 miles) south of it is an embargo that rests on U.S. law. But after U.S. voters in November choose a new president, and perhaps change the makeup of the Senate and House of Representatives, the U.S. Congress could begin discussing the embargo's end. Lifting the long-standing sanctions against Cuba will be easier said than done, though, especially given the lingering controversy over [Havana's thawing relations with Washington](#). Even if the next U.S. president were willing to begin restoring trade ties between the two countries, there is little to suggest that a post-embargo Cuban government would look much different from the one in power today — a problem that will no doubt create headaches for whoever wins the U.S. election."

“But even with Castro's departure, the structure of the Cuban government is unlikely to change enough to comply with the Cuban Liberty and Democratic Solidarity Act, one of the most important pieces of U.S. law presently upholding the embargo. **The law, also known as the Helms-Burton Act, stipulates that U.S. recognition of the Cuban government would require the disbandment of several Cuban intelligence and security institutions, the establishment of an independent judiciary and competitive elections. Yet it is unlikely that any Cuban administration — even one in financial straits as dire as the Diaz-Canel government would be — would agree to such a massive overhaul in exchange for the embargo's end.** Cuba's reluctance can largely be explained by the fact that many of the officials in its current government rose to power under Fidel Castro and will continue to serve after his brother is replaced in 2018. The government the Castro brothers erected during their five-decade rule is civilian in name only and is heavily underpinned by the political and economic backing of [the Cuban armed forces.](#)”

Non-voters are minorities — higher turnout helps them

Citrin 2003 [Jack Citrin is political science professor at UC Berkeley, “What if Everyone Voted? Simulating the Impact of Increased Turnout in Senate Elections”, *American Journal of Political Science*, <https://www.researchgate.net/profile/John_Sides/publication/227605053_What_If_Everyone_Voted_Simulating_the_Impact_of_Increased_Turnout_in_Senate_Elections/links/0c96052d3f74aea136000000.pdf>] //CJC

It is commonplace to bemoan the low level of turnout in American elections. Many believe that this signifies public disinterest in and disenchantment from political life. Others worry that officials elected by a declining segment of eligible voters will lack legitimacy. There is thus a plethora of ostensibly nonpartisan, civic-minded proposals intended to **increase voter turnout**. Yet despite the consensual rhetorical support for increased turnout, support for specific reforms tends to break down along party lines. The conventional wisdom is that **since nonvoters in America are drawn disproportionately from the poor, the working class, and ethnic minorities—groups that tend to support Democrats—higher turnout would produce more Democratic votes.**¹

[...]

This article outlines a new methodology for projecting the consequences of higher turnout for American party politics. By simulating the outcomes of Senate elections under alternative turnout scenarios, we revisited the proposition that **increasing the level of voter participation would benefit Democratic candidates and, by implication, promote government policies aimed at benefiting ethnic minorities, low-income, and working-class citizens.** The initial conclusion of our simulations is that there are indeed meaningful differences in the partisan leanings of voters and nonvoters.

High turnout key to helping the poor

Sean **Mcelwee, 2015** [, “Why Increasing Voter Turnout Affects Policy,” *Atlantic*, <https://www.theatlantic.com/politics/archive/2015/09/why-non-voters-matter/405250/>] MJS 3-24-2017

It's not just the demographics of voters and nonvoters that differ; so do their views. Four questions from the American National Elections Studies (ANES) data show a stark divide on issues related to economic inequality. **Nonvoters tend to support increasing government services and spending, guaranteeing jobs, and reducing inequality—all policies that voters, on the whole, oppose. Both groups support spending on the poor, but the margin among nonvoters is far larger. Across all four questions, nonvoters are more supportive of interventionist government policies by an average margin of 17 points.** Measuring these differences with other data sets produces similar results. I took numbers from Pew and YouGov comparing registered voters with the non-registered population. These polls were not taken close to elections, so registration can serve as a rough proxy for the voting and nonvoting population. The polls show the same dramatic differences. **In every instance, net support for greater government intervention in economic affairs was higher for the non-registered populations—sometimes dramatically so.** For instance, while net support for free community college was 7 points for the registered population, it was 46 points within the non-registered population. Since **nonvoters tend to be younger, less white, poorer and more mobile than voters,** this isn't entirely surprising. But one reason these findings are so striking is that voters and nonvoters hold broadly similar views on a range of other controversial issues. Christopher Ellis, an assistant professor of political science at Bucknell, tells me that gaps on issues like abortion, immigration, and gun control are comparatively modest (he is supported by Pew research). But economic issues are different. That's a remarkable finding, because there's a mass of evidence to suggest that the views of voters play a hugely significant role in changing policy. Brian Newman and John Griffin, **who have found that voters are “almost always more conservative” than nonvoters, have argued that, “increases in turnout may lead to greater policy liberalism.”** While many scholars have focused on the rather pedestrian question of whether turnout would benefit Republicans or Democrats, Griffin and Newman argue that even beyond the party differences, “voter ideology substantially affects the way Senators cast votes.” They note, for example, that, “in states where voters are more conservative than nonvoters, Senators tend to be more conservative.” Other recent studies bear out the conclusion that, lobbyists and wealthy donors notwithstanding, **elected politicians really do tend to act in accordance with the views of their electorates.** One researcher, for example, found that higher turnout among the wealthy changes the legislative agenda: Policymakers spend less time on bills relating to housing, welfare and healthcare. They're also likely to pass anti-predatory lending statutes, expand children's health insurance, or increase the minimum wage. Conversely, **another study finds that higher turnout among the poor leads to higher spending on welfare programs.** Counties with higher turnout receive more funding from the federal government, while districts with lower turnout have less influence on the policy positions taken by their representatives.

[...]

Inequality creates a worrying double-bind: Low-income people become more supportive of interventionist policies, even as they drop out of the political system. The result is a troubling divergence between the economic views of the population as a whole, and the policies that voters and the politicians that they elect tend to favor. The simplest way to reverse that is to mobilize the great mass of potential voters who don't currently head to

the polls. Universal registration, Jan Leighley said, would lead to a “more serious conversation about economic inequality, and one that included a wider range of views.”

[...]

Higher turnout may lead to policies that somewhat better reflect the views of poor and middle-class Americans, but other factors will continue to favor the affluent. Members of Congress tend to come from white-collar occupations, and may therefore be less likely to support policies that benefit blue-collar workers. They are also wealthier than the average citizen, and perhaps unsurprisingly, more favorably inclined to policies like eliminating the estate tax that yield disproportionate benefits for the wealthy. More affluent Americans remain more likely to contact members of Congress, to work on campaigns, to donate to funds, or to have social networks that include elected officials. If higher turnout cannot change all of these factors, though, then lower turnout certainly exacerbates them. **In low turnout elections, politicians are incentivized to cater to the interests of a small portion of the general public—in a system with near-universal voting, they might take into account a wider array of interests.** After all, for what shall it profit a politician, if she shall gain a Super PAC, and lose her own seat?

EC Makes Voter ID More Effective

Keelty 2016 [Christopher Keelty, “The Electoral College Must Go,” *Medium*, November 29, 2016 <https://medium.com/@keeltyc/the-electoral-college-must-go-86e664f4349a>] //WGC

“The Electoral College Makes it Easier to Steal an Election.

During the pre-election controversy about voter fraud, many experts remarked that America’s state-by-state election system makes it *difficult, almost impossible, for any single entity to rig an election outcome*. This is true in the given context: to rig an election by stuffing ballot boxes or hacking voting machines *is* borderline impossible. **Thanks to the Electoral College,** however, **rigging an election by keeping voters away from the polls is disturbingly easy.** All you need is a complete lack of integrity, party control of a state legislature, and cynical contempt for the right to vote. **Take Michigan,** for example, **where Donald Trump won by a mere 10,704 votes.** Ahead of the election, activists in Michigan sued the state over **new voting regulations** they said **disenfranchised 300,000 or more voters,** disproportionately minority voters who were likely to cast ballots for the Democrats. If you’ve any doubt that party politics motivates voter ID laws, one need only look at Texas or North Carolina, where courts found that voter ID laws were clearly racially motivated—or take it from Mike Turzai, Pennsylvania legislator and architect of that state’s failed voter ID attempt, who *openly stated that it was intended to help the GOP win*. To illustrate the way the Electoral College makes voter suppression immeasurably more effective at stealing an election, **we need not suppose that Michigan’s voter suppression tactics erased 300,000 votes. We only need to suppose that it kept away 10,705 more votes** for Hillary Clinton than Donald Trump. Clinton received (*at time of writing*) 2.27 million votes in the state of Michigan, and in an nationwide popular election every one of those votes would count toward her majority, as would Donald Trump’s 2.28 million. Instead, **because of the Electoral College, it is possible that suppression of less than 11,000 voters erased all of Hillary’s support in the state.** Voter ID laws, and reports of related irregularities, factored in other states including North Carolina, Alabama, Florida, Ohio, and Pennsylvania. But one need not look only at Voter ID—the actual impact of which can be difficult or impossible to measure—to see how states keep voters away from the polls. Felony disenfranchisement has a demonstrated impact on US election results. The Electoral College incentivizes voter suppression and disenfranchisement. Imagine for a moment that you are a person convicted of a felony. It doesn’t have to be a murder or robbery—let’s say you got caught with a beer when you were 19, or got in a fistfight outside a bar after a football game and a drink too many. Each of these is a felony offense, and depending on what state you live in, you may never get to vote again *According to the Sentencing Project*, more than 6 million Americans have lost their right to vote because of a felony conviction—and states are wildly different in how they treat voting rights for convicts. Two states (Vermont and Maine) bring ballots into their prisons so that convicts can vote even while serving time. Eleven states strip felons of all voting rights, for life. The majority of states fall somewhere in between, denying felons the right to vote while incarcerated, while on probation, and/or while on parole. **Felony disenfranchisement has been shown to have dramatic racial disparities:** The Sentencing Project says one in 13 African-American voters has

lost their voting rights to felony disenfranchisement, compared with one in 56 non-black voters. In the context of the Electoral College, the impact becomes even more stark: The list of states with the harshest felony disenfranchisement laws includes Wyoming, Delaware, Nebraska, and others [where individual votes are weighted most heavily](#). Florida has by far the worst felony disenfranchisement laws in the nation, with more than a million and a half voters (including [nearly a quarter of all African-Americans](#)) denied their

right to vote based on felony convictions. **After the 2000 election, in which Al Gore won the popular vote but lost the Electoral College, researchers at Northwestern University conducted a study that showed Gore would have won Florida if felons had been allowed to vote.** Florida is not alone; **based on actual 2016 results, the number of felons denied the right to vote exceeded Donald Trump's margin of victory in three states Trump won (Wisconsin, Florida, and Georgia) and two won by Clinton (New Hampshire and Nevada) as well as**

Michigan, where Trump holds a small lead. In Florida, Wisconsin, and Michigan the number of disenfranchised felons is double or more Trump's margin of victory. Because African-Americans are disproportionately represented among Americans convicted of felonies, and overwhelmingly voted for Clinton in 2016, it's entirely reasonable to suppose that different laws would mean different results in those states, and therefore in the Electoral College. Wisconsin, Florida, and Georgia all have Republican-controlled legislatures. In fact, harsher felony disenfranchisement laws are generally associated with Republican lawmakers, notable when one considers that left-leaning voters are dramatically overrepresented among felons. One need not make a leap to suppose that at least some of the motive for such laws is partisan in nature. **And yet, in a nationwide popular vote such efforts would fall short of delivering reliable results. It is only thanks to the Electoral College, which makes it possible to negate the will of millions of voters across a state by suppressing only a few hundred thousand—or less—that such tactics are effective.** It might still be difficult to steal a US election, but the Electoral College makes it much, much easier.

Spending among big donors specifically has skyrocketed

U Chicago Stigler Center, 5-2-2016 [, "Historical Comparison Shows the Extent of Growth in Political Contributions from Big Donors," Stigler Center for the Study of the Economy and the State, <https://research.chicagobooth.edu/stigler/indexes/campaign-financing-capture-index/campaign-financing-capture-historical-comparisons>] MJS 4-12-2017

The 2016 presidential election is widely expected to be the most expensive election in U.S. history. **With campaign expenditures rising to unprecedented levels, evidence is pointing to a growing concentration among campaign donors, with fewer and fewer donors supplying a growing share of political contributions.** As part of the Stigler Center's Campaign Financing Capture Index—a project tracking the attempts of large political contributors to affect public policy by focusing on the fraction of total funds raised from large donors—we compared the fundraising records of presidential candidates during the 2016 election cycle to candidates' fundraising during the corresponding periods of the 2008 and 2012 presidential elections. The comparison shows the extent of the **rapid growth in political contributions from big donors during the last eight years.** The Stigler Center's analysis of the latest available fundraising filings from this election's candidates shows that presidential hopefuls raised \$391.1 million in donations above \$5,000, and \$297 million from donors giving more than \$100,000 (as of late March). At this point in the 2008 race, presidential candidates raised only \$3.1 million from donations above \$5,000, and donations above \$100,000 were virtually non-existent. More than a third of total contributions raised by candidates from both parties during the 2016 election cycle have come from donors who gave more than \$5,000. In contrast, \$533.9 million out of the \$537.1 million in individual contributions that were raised by presidential candidates through March 2008 came from donations below \$5,000. **Political contributions from big donors in the 2016 election cycle are 91 percent higher than the large donations raised during the corresponding period in the 2012 presidential race.** In March 2012, donations above \$100,000 represented 41 percent of large campaign contributions—in the 2016 election this figure is currently at 76 percent. A comparison of the 2008, 2012 and 2016 races shows that the growing luster of big donors extends to both parties. During this election cycle, contributions above \$100,000 account for 19 percent of donations to Democratic candidates, and 40.5 percent of donations raised by Republican candidates. During the corresponding period in the 2012 race, those figures were 2.8 percent and 29.7 percent, respectively. Among Republicans, donations above \$5,000 now represent 54.4 percent of all contributions to presidential candidates. At this point in the 2008 race, donations above \$5,000 represented less than 1 percent of contributions to presidential campaigns in both parties. From the beginning of the race through March 2008, Democratic presidential candidates raised \$403.4 million from donors giving less than \$5,000, and \$2.2 million from large donors. In the 2016 election cycle, they have raised \$113.5 million so far from large donors, and \$361.3 million from donors

giving less than \$5,000. Among Republicans, the picture becomes more skewed. At this point in the 2008 race, Republican presidential candidates raised only \$900,000 from large donors giving more than \$5,000 (less than the Democrats). In 2012, this number grew to \$88 million (still much less than Democrats). In the 2016 cycle, Republican candidates have raised \$277.6 million from large donors, surpassing the \$232.5 million they raised in donations below \$5,000 and outpacing Democrats among large donors. The Campaign Financing Capture Index analyzes the distribution of political contributions to presidential candidates and takes into account individual contributions and contributions made to the PACs, super PACs and joint fundraising committees that support each candidate. The idea behind the index is that large political contributions represent more than the mere expression of political preference, and are more likely meant to influence policy in favor of the donor's interest. When the percentage of funds raised from large donors is significant, as it has been in recent years, this problem becomes acute.

Bigger chance of swinging the election does not increase chance of turnout

Ryan D. Enos and Anthony Fowler, Mar 2014 [, "Pivotality and Turnout: Evidence from a Field Experiment in the Aftermath of a Tied Election*," Cambridge Core, <https://www.cambridge.org/core/journals/political-science-research-and-methods/article/pivotality-and-turnout-evidence-from-a-field-experiment-in-the-aftermath-of-a-tied-election/EFC53E5761492F1E766C81495782F74F>] MJS 4-3-2017

Many citizens abstain from the political process, and the reasons for this abstention are of great interest and importance. Most scholars and pundits assume that greater electoral competition and the increased chance of pivotality will motivate citizens to participate. We test this hypothesis through a large-scale field experiment that exploits the rare opportunity of a tied election for major political office. Informing citizens that an upcoming election will be close has little mobilizing effect. Any effect that we do detect is concentrated among a small set of frequent voters. The evidence suggests that increased pivotality is not a solution to low turnout and the predominant models of turnout focusing on pivotality are of little practical use.

No difference in turnout when controlling for demographics

Scott Ashworth and Joshua D. Clinton, 2006 [Department of Politics, Princeton University, "Does Advertising Exposure Affect Turnout?," Quarterly Journal of Political Science, https://my.vanderbilt.edu/joshclinton/files/2011/10/AC_QJPS2007.pdf] MJS 3-27-2017

We identify an exogenous source of variation in exposure to campaign advertising in the 2000 presidential election, based on residence in battleground states. If exposure to campaign advertising makes a potential voter significantly more likely to vote, then we should see significantly greater turnout in battleground states. We do not. This result is robust to several specifications and evident in a natural experiment consisting of New Jersey residents. Conditional on existing campaign targeting strategies, campaigns do not affect the turnout decisions of the voters we study.

[...]

We analyze the results of a survey administered by Knowledge Networks. The survey was administered to 4,000 randomly selected panelists over the age of 18 from the Knowledge Networks panel on 27 October 2000. Respondents could complete the survey until 7 November 2000 and 68% of the respondents completed the survey.

[...]

We control for individual-level heterogeneity based on: political interest, gender, strength of partisanship, an indicator for Black respondents, an indicator for Hispanic respondents, and age. We also use indicators for union members and respondents who attend church “once or twice a month” or more to control for possible mobilization efforts undertaken by unions and churches in the 2000 election.⁵ We also use an indicator variable for voters who live in one of the 20 states identified by CNN as a battleground state for the 2000 presidential election: Washington, Oregon, Nevada, Arizona, New Mexico, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Michigan, Ohio, West Virginia, Florida, Delaware, Pennsylvania, New Hampshire, Maine.⁶ Approximately 39% of our sample resides in a battleground state. Finally, we control for the political context by indicating whether senatorial and gubernatorial elections were held in the state.

[...]

Our main empirical finding is readily apparent in Table 1: residents of battleground states are no more likely to vote than residents of other states. Even if we attribute all of the possible differences in campaign activity and news coverage between battleground and non-battleground states to advertising – a move that surely overstates the true impact of advertising – the effect is essentially 0.7. And this is in spite of a considerable difference in self-reported exposure to advertising (21.2%). This represents prima-facie evidence against the claim that advertising increases turnout. (The next section addresses concerns that covariate differences explain this pattern, but the substantive conclusion of Table 1 persists.)

No difference between voters and non voters

Stein 2002 [Political Science Professor Robert M. Stein, *Rice University*, Political Science Professor Paul Johnson, *University of Kansas*, American Government and Elections Professor Daron Shaw, *University of Texas*, Political Science Professor Robert Weissberg, *University of Illinois*, “Citizen Participation and Electoral College Reform,” *Choosing a President: The Electoral College and Beyond (Book)*, Edited by Paul D. Schumaker, 2002] /WGC

“*The Case for Full Voter Participation*”

Normative democratic theorists have argued that, in a society with diverse preferences and interests, maximization of participation is both desirable and necessary for the maintenance of democratic institutions.³³ First, failure to achieve maximum participation leaves many preferences unrevealed and potentially unmet. Under majority rule it is expected that the median voter’s position will be adopted. Failure of some to participate may skew the outcome of elections and government policies away from the median citizen’s preference. **The consequences are less public support and compliance with government policies.** Chronic levels of nonparticipation erode support for the political system and its institutions **penultimate to serious challenges to the legitimacy of political institutions. Policies under a political system with nonparticipation from a majority of the electorate are likely to be inefficient and ineffectual.**

Several empirical conditions should be observable among the eligible electorate if these normative prescriptions and empirical **predictions about citizen participation are true.** We should observe significantly **higher levels of dissatisfaction, distrust, and alienation with government among**

nonvoters. Furthermore, **policy preferences should be significantly at variance between those who participate and those who do not**. Moreover, **there should be a significant and positive correlation between the policy preferences of participants and the actions of government**. Conversely there should be **a weak or insignificant relationship between the policy preferences of nonparticipants and government policies**.

Comparing Voters and Nonvoters

There is little evidence in the literature **to support any of these hypotheses**. It appears that **there are no significant differences between voters and nonvoters on** several affective dimensions, including **trust in government, perceived responsiveness of government, and satisfaction with the actions and policies of government**.³⁴ Moreover, **the policy preferences of voters and nonvoters on a wide range of issues were virtually identical**.³⁵ **Also suggestive of the point that maximum voter turnout really doesn't matter is** the finding that **the outcomes of the 1980, 1984, and 1988 presidential elections would have been the same even if non voters had balloted**.³⁶ What makes these findings even more perplexing is that "the core group of people that participate in election after election, time after time is remarkably small."³⁷ Citizen participation in general and in voting specifically is episodic with different people voting in different elections.³⁸

In short, the very conditions necessary to justify maximum electoral participation for the maintenance of democratic institutions appear not to be operative. What explains this apparent disconnect between theory and reality? What do these findings suggest about the importance of citizen participation for the healthy operation of democratic political institutions? Moreover, how can so few voters (i.e., less than half the electorate) produce an electoral outcome identical to what would have occurred if all voters balloted?

An important study of nonvoters offers some answers to these questions.³⁹ **First**, it rejects the stereotypic image of the nonvoter as "a decidedly downcast lot...insufficiently motivated to participate in politics."⁴⁰ Though some portion of the non voting electorate (approximately 18 percent) fits this image, **the overwhelming majority of nonvoters are engaged in and knowledgeable about politics, candidates, and the actions of government**. **Their choice not to vote is voluntary and conscious**, and not solely determined by limited resources and contextual obstacles to voting (e.g., restrictive registration laws for mobile voters). **Nonvoters** are often thought of as people who never enter the political arena, but they **are better understood as individuals who enter and exit the electorate with greater regularity (and reason) than core or habitual voters**. For such citizens the irregularity of voting is partially a function of candidate and party mobilization of voters, but we think another explanation may also be operative. This explanation centers on the marginal or intermittent voter. **For such voters, nonvoting is itself a form of political behavior**."

IMPACT DEFENSE Voter ID Laws — They Don't work.

German Lopez, Vox, Nov 2, 2016. The silver lining of voter ID laws: they aren't effective at suppressing the vote.

<http://www.vox.com/policy-and-politics/2016/11/2/13481816/voter-id-suppression-turnout> ZA

But there's some good news: **Despite Republican legislators' best attempts to suppress minority voters, study after study has found that voter ID laws have little to no effect on voter turnout. At worst, the effect is small — barely detectable** even in studies that employ multiple controls. **At best, there's no effect at all or even an increase.**

Studies on voter ID laws are surprisingly consistent: No matter what, the effect seems to be fairly small.

Studies looking into voter ID laws' effect on voter turnout back this up. The research, including multiple studies conducted over several years, has generally found that voter ID laws have a small to no impact on voter turnout, even when looking at specific racial groups.

One study of nationwide data from the past decade, widely reported by outlets like the Washington Post and ThinkProgress, tried to suggest the previous research was wrong. The study, released by three researchers at the University of California San Diego earlier this year, was very high on the rhetoric, warning that "voter ID laws skew democracy toward those on the political right."

But **when you looked at the study's numbers more closely, the effect of voter ID laws was tiny.** In fact, **the study actually found that black voter turnout increased in general elections where strict voter ID laws were in place.** The increase wasn't statistically significant, but the finding means that voter ID laws have essentially no effect on black voter turnout in general elections.

Medley of Responses

Edwards, George C. 2004. Distinguished Professor of Political Science, *Why the electoral college is bad for America*. New Haven, Conn: Yale University Press. //WGC

"Causes of Two-Party Systems The existence of two-party systems is explained by at least five broad theories. The first is the structure of the electoral system. Are officials elected in single-member member districts in plurality elections or in multi-member districts by proportional tional election? A second theory emphasizes social diversity and cleavages. Into how many interests and groups is a society divided, and are these divisions reinforcing? -3" The third explanation stresses an underlying duality of interests in a society. A fourth theory is a cultural explanation that focuses on the political maturity turity of the citizenry and the development of a political culture that recognizes the need for compromise, the wisdom of pragmatism, and the need to avoid dogmatism. Last, there is the social consensus theory, which traces the two parties ties to a broad acceptance of social, economic, and political institutions.³¹ Only the first explanation, the structure of the electoral system, is open to change in the short run, and it is this structure that has attracted the attention of opponents of direct election of the president. A half century ago, Maurice Duverger concluded that plurality election single-ballot systems are likely to produce two-party systems whereas proportional representation and runoff systems encourage multipartyism.³² Since then, many other scholars have studied the impact of electoral systems on party systems and found that electoral toral systems influence the number of parties much as Duverger said and that, despite the importance of social structure, electoral structure has an independent dent impact on the number of parties.³³ Single-member districts with plurality elections (elections with no runoffs) are winner-take-all methods of selecting officials. The impact of such an electoral toral system on the number of parties is commonly explained as operating through two complementary influences. The mechanical effect is that in a plurality rality rule, single-ballot system all but the two strongest parties are underrepresented sented because votes for third parties do not translate into pluralities in many districts. The psychological factor reinforces the mechanical one in that electors do not want to waste votes by giving them to third parties, who are unlikely to win, so they so vote strategically for the lesser of two evils among the major parties. ties. Similarly, politicians do not waste their energies running as third-party candidates because they cannot win. Is the electoral college the basis of the two-party system? **Nothing in the scholarly literature or our historical experience suggests that the electoral college is a cause of the two-party system in America.**^{3'} **Americans fill virtually every elected office in the country by directly electing officials in single-member districts in plurality elections. This system is the real structural basis for our two-party system, not the electoral college.** In other words, we have vast experience with direct election and have not

endured splintering, much less crippling, effects on the party system. **In addition, American political culture, with its pragmatism, consensus, and relative lack of reinforcing cleavages, provides the additional underpinnings for a two-party system.** As Gary Cox has shown, it takes more than the absence of a runoff to create bipartisanship.³⁵ **The electoral college is simply irrelevant.** As Clinton Rossiter has written, "The bounty of the American economy, the fluidity of American society, the remarkable unity of the American people, and, most important, the success of the American experiment have all mitigated against the emergence of large dissenting groups that would seek satisfaction of their special needs through the formation of political parties."³⁶ **In addition, the institution of the presidency encourages a two-party system.** According to V. O. Key, "**The Presidency, unlike a multiparty cabinet, cannot be parceled out among miniscule parties. The circumstances stimulate coalition within the electorate before the election** rather than in parliament after the vote. **Since no more than two parties can for long compete effectively for the Presidency, two contending groups tend to develop,** each built on its constituent stituent units in each of the 50 states."³⁷ James MacGregor Burns adds that parties polarize around single executives, which force third parties to amalgamate with major parties to achieve some of their desired ends.³⁸ **There are other structural impediments to third parties. Federal campaign funding statutes** require a third party to have obtained at least 5 percent of the vote in the previous presidential election to receive any funding and 25 percent to receive full funding. **The open and permeable nature of American parties,** as epitomized by the primary system, **channels dissent into the two major parties and works against the development of third parties.** **State statutes ranging from restricting ballot access** to preventing primary losers from running in the general eral election under another party label, **handicap third parties,** as does the prohibition hibition of "fusion" candidates in most states.³⁹ **According to the dean of students of American political parties, Leon Epstein, state laws restricting third parties have created an "institutionalized electoral duopoly."**⁴⁰ **As several scholars concluded after studying the impact of abolishing the electoral college on the party system, there is "no reliable, convincing evidence to suggest that changing the presidential election system, in and of itself, would alter significantly the party system in a predictable manner. There are simply too many other factors that reinforce our system of two-party dominance beside Electoral College rules."**⁴¹

Delink: Removing EC still keeps plurality voting which is the real obstructor of third parties.

Hamlin 2016 [Aaron Hamlin, Director of The Center for Election Science, "A Blueprint To Good Presidential Elections," *The Center For Election Science*, November 13, 2016. Accessed March 23 2017. <https://www.electology.org/blog/blueprint-good-presidential-elections>] //WGC

"The 2016 presidential race has been called for Donald Trump. But Clinton won the national popular vote. This is the fifth time in history that the popular vote winner wasn't elected president—a failure rate of about 10%. For most people(link is external)—irrespective of political ideology— denying the national popular vote winner seems unfair. But our presidential voting method failures extend well past the national popular vote. Fortunately, we can fix it. And it

doesn't take a constitutional amendment. Step through this imaginary door for a moment where we have a national popular vote. That scene still has a lot of problems unrelated to the Electoral College. We use a voting method that forces all of us to choose only one candidate—plurality voting. And that plurality voting method **causes a lot of problems**. Here are the beginnings of that long list of problems. Plurality voting changes who wins because of vote splitting between similar candidates. Fewer people vote because they're afraid of throwing their vote away, or they don't like the lesser-of-two-evils dilemma. Plurality creates a shallow pool of candidates by shunning away other good candidates who fear a spoiler label. **The media gives horserace-style coverage to the two major candidates and excludes others**. They do this because our plurality voting method gives alternatives an artificially low reflection of support, making it easy to marginalize them. That distorted reflection of support under polling with plurality voting is also a criterion that debate commissions use. That's how they rationalize excluding independents and third parties. And **elected major parties pass draconian ballot access laws** to prevent other candidates from running. They do this because plurality voting breaks down so easily when more than two candidates are on the ballot. **None of that has to do with the Electoral College. And it's of far greater consequence. If you had just the national popular vote, then all of that would still be a problem. You can't ignore it. We have to get rid of plurality voting.**"

Moderates are 34% of the country

Gallup, Inc., 2015 [, "U.S. Liberals at Record 24%, but Still Trail Conservatives," Gallup, <http://www.gallup.com/poll/180452/liberals-record-trail-conservatives.aspx>] MJS 4-29-2017

PRINCETON, N.J. -- Conservatives continued to outnumber moderates and liberals in the U.S. population in 2014, as they have since 2009. However, their 14-percentage-point edge over liberals last year, 38% vs. 24%, is the smallest in Gallup's trends since 1992. The percentage of U.S. adults identifying themselves as politically conservative **in 2014** was unchanged from 2013, as was **the percentage of moderates, at 34%**, while the percentage considering themselves liberal rose a percentage point for the third straight year.

No uniform voting restrictions

Derek T. Muller, 5-1-2012 [Pepperdine University - School of Law, "Invisible Federalism and the Electoral College," Arizona State Law Journal, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2049630] //WGC

"After all, **in our federalist system, and under current proposals to alter the Electoral College, either by constitutional amendment or by interstate compact, states would continue to run elections. And, states would continue to have the primary responsibility, subject to a few federally-mandated floors,210 of determining voter eligibility.** Instead, we may assume that the legislatures of individual states believe it is in their best interests to act and, in this case, enfranchise a number of new voters.211"

[...]

"Indeed, for whatever faults **the Electoral College had**, it had **one important, and simple, virtue:** just as all other elections were left to the states, so, too, would the election of the

President. Not only would **states** decide whether to hold a popular election for the selection of electors in the first place, but they **would** also **be responsible for** the administration of that election, from **determining voter eligibility** to establishing the procedures for counting ballots.⁹⁸ The importance of this virtue extends beyond the simplicity of administration. It permitted states to act as the first movers in the expansion of enfranchisement.⁹⁹ Far from a theoretical possibility, states used this power to define voter eligibility to expand enfranchisement at a pace far more rapidly than federal efforts.¹⁰⁰ And **it is this framework that any seriously-considered Electoral College reform assumes.** Advocates of the National Popular Vote emphasize that states will continue to control their own election systems.¹⁰¹ **Even a constitutional amendment would largely keep the federal government out of** the minutiae of administering presidential elections or **establishing voter eligibility.**¹⁰²

[...]

“102. **See, e.g., S.J. Res. 11, 109th Cong. (2005)** (proposed constitutional amendment to abolish the Electoral College and authorize Congress to establish uniform residency and age voter qualifications); see also KOZA, *supra* note 101, at 489 (“Under the National Popular Vote plan, **each state would conduct the election under its own laws**—the same thing **that would have occurred under the constitutional amendment that was approved by the U.S. House of Representatives in 1969.**”)

[...]

“263. See *supra* note 102 and accompanying text (noting that **neither the National Popular Vote nor proposed constitutional amendments permit uniform voter qualifications.**”

[...]

“269. Cf. Gerhard Casper, *Apportionment and the Right to Vote: Standards of Judicial Scrutiny*, 1973 SUP. CT. REV. 1, 4 (1973) (“To be sure, by the middle of the nineteenth century the right to be a voter had generally been granted to all white adult males, but this was the result of state, not national, command.”). One contra, raised by Akhil and Vikram Amar, is that the enfranchisement of women was delayed because of the nature of the Electoral College. States could have doubled their clout by enfranchising women, adding those voters to the national pool. See Akhil Reed Amar & Vikram David Amar, *History, Slavery, Sexism, The South, and The Electoral College: Part One of a Three-part Series on the 2000 Election and the Electoral College*, FINDLAW (Nov. 30, 2001), <http://writ.news.findlaw.com/amar/20011130.html>. Of course, this belies two important points. First, states did enfranchise women, even without that incentive, well before the Nineteenth Amendment. Second, it fails to recognize the negative; that is, **states may also disenfranchise individuals whom they believe would be inclined to vote against the perceived interests of the state—entirely within the prerogative of the state, as nefarious a purpose as it may be. The abolition of the Electoral College does not remedy that problem.** See *supra* Part II.A.

Candidates would have to go to cities and appeal to minorities

Ryan Teague **Beckwith 2016**, 11-17-2016 [Ryan Beckwith is a writer for Time, "How Campaigns Would Work If We Ended the Electoral College," <http://time.com/4573821/electoral-college-popular-vote-campaigns/>] MJS 3-5-2017

First, strategists say **a popular vote would push Democratic presidential candidates to run up the tally in urban centers**, while Republicans sought to crank out votes in suburban and exurban areas around them. "I would never go to another county fair. I'd never go to a local fish fry. I'd never go to a VFW," said Hogan Gidley, who advised Republican candidates Rick Santorum in 2012 and Mike Huckabee this year. "Instead, **I'd send my candidate the major city centers on the coasts. ... There'd be no reason to campaign in Middle America because the votes wouldn't be there.**" Democratic strategist Josh Cohen agreed. "You've been trick or treating: **You want to get to as many houses as possible**," he said. "It's the same idea." President-elect Donald Trump, who criticized the Electoral College in the wake of Republican Mitt Romney's defeat in 2012, echoed that logic in a tweet Tuesday, noting that he would have had a much different strategy if he were aiming to win the popular vote. "If the election were based on total popular vote I would have campaigned in N.Y. Florida and California and won even bigger and more easily," he wrote. Gidley argued that would be a disservice to the eventual winner, who would be less familiar with the issues facing rural voters. And he said it would reduce voters' access to the candidates, since events in big cities would be more likely to be massive rallies than more accessible town-hall meetings held in places like Iowa and New Hampshire. On the other hand, Dave Hamrick, who ran Democrat Martin O'Malley's presidential campaign, said that **candidates would pay more attention to minorities**. "I think that **you have a lot of voters, including large swaths of African-Americans, Asian-Americans and Hispanics, that are currently disenfranchised because they live in states that are not battlegrounds and they're not sought after in the current system,**" he said. "I think more people will participate in an election where everybody's vote is being sought."

City demographics and state size make the EC racist—and demographic trends mean minorities will only be more screwed in the future—and Trump will rollback progressive progress

Dreyfuss 12/8/2016 [Emily Dreyfuss is a writer for Wired, "The Electoral College Is Great for Whiter States, Lousy for Cities", *Wired*, <<https://www.wired.com/2016/12/electoral-college-great-whiter-states-lousy-cities/>>] //CJC

The Constitution gives every state two electoral votes in addition to the number of House members allocated to each state by population. As a result, a small state like Wyoming—population 584,000—gets three Electoral College votes. But that guaranteed minimum works out to much more Electoral College voting power per resident in small states compared to larger states.

Divide the number of electoral votes by the votes cast in Wyoming, and you get a figure around four times what you get when you do the same arithmetic for Florida. What's more, population growth tends to outpace Electoral College representation, because the system allocates votes based on the once-a-decade Census, and populations can change a lot in 10 years. Even then a state doesn't earn a new electoral vote these days until it's gained approximately 700,000 new residents. A state or metropolitan area can add hundreds of thousands of new votes without gaining any greater Electoral College representation. The number of voters effectively

undercounted by that discrepancy in the five most populous states is 640,000; that's more than the total voting population of six small states. Finally, **because urban centers and their suburbs are where the majority of nonwhite Americans live, that disparity means the Electoral College system undervalues the votes of people of color.**

That imbalance will only increase as migration away from rural areas to cities continues.

In the sweep of American history, this is Alexander Hamilton versus Thomas Jefferson flipped on its head. The Framers designed the Electoral College to make sure that smaller states were not ruled by the tyranny of the majority. Today, rural voters wield disproportionate Electoral College power compared with population centers, while cities preach decentralization as a way of keeping a check on the executive branch. **"The votes of my constituents count a third of the votes of a Wyoming resident,"** said US representative Zoe Lofgren (D-California) at Conyers' forum. **"The majority are being ruled by the minority."** Browner Electorate, Whiter Electoral College. **More than half US cities are majority nonwhite, and Latinos represent the largest group of nonwhite urban residents,** according to the Brookings Institute. **Slightly more African-Americans, meanwhile, live in the suburbs than in city centers. Overall, the US population is becoming less white and population growth in cities outpaces that of rural**

areas. 'The majority are being ruled by the minority.' **As a result of these demographic trends, political scientists say the urban vote will increasingly carry less proportional weight in the Electoral College. By that same math, whiter states will become more disproportionately powerful in presidential elections.** In practice, that means votes from large states with sizable nonwhite populations like California count less in presidential elections than those from small, predominantly white states like New Hampshire. **"If you're a person of color in California, you're screwed,"** says Stanford University political scientist David Brady. At the forum, critics proposed two different ways to **sink the Electoral College: abolition by constitutional amendment or an agreement among states that their electors will side with the candidate who wins the national popular vote**. But the chances of either happening are slim to none, since the party that has now benefitted twice from the Electoral College system in the past 16 years controls both Congress and the White House (not to mention a majority of state governments). "That's how we pick every governor. A governor is a mini-president," said Harvard historian Alex Keyssar at yesterday's forum, arguing in favor of **a presidential popular vote. "It works for every governor. It could work in America."** Decentralized Power. With the political likelihood of any real Electoral College reform virtually nil, cities are trying to take power into their own hands in other ways. While the Electoral College system works against cities in terms of value per presidential vote, their burgeoning populations give them a greater cultural influence that some hope will act as a counterweight to **a Trump administration pledging to roll back progressive gains.**

Judicial move against voter ID

Gaughan 2016 [Anthony J. Gaughan, Law Professor at Drake University Law School, "Ramshackle Federalism: America's Archaic and Dysfunctional Presidential Election System," *Fordham Law Review*, October 1, 2016 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2919975] //WGC

The argument that photo ID requirements prevent fraud in any significant way is simply no longer sustainable. In the most comprehensive study ever undertaken of in-person voter fraud, Justin Levitt found only thirty-one credible cases nationwide out of one billion votes cast since 2000.¹⁴⁶ The evidence is increasingly compelling that the drive for strict voter ID laws by Republican legislatures was not inspired by an effort to preserve electoral integrity but rather by the indefensible and unconstitutional goal of disenfranchising the Democratic Party's minority constituencies.¹⁴⁷ Indeed, **a federal judge in Wisconsin** reached exactly that conclusion **in a July 2016 case, holding that the Republican legislature's "objective was to suppress the reliably Democratic vote of Milwaukee's African-Americans."**¹⁴⁸ **Accordingly, the judicial tide is moving sharply against strict voter ID laws. In the summer of 2016, restrictive voter registration laws were struck down or blocked by the Fourth and Fifth Circuits, as well as by district courts in North Dakota, Kansas, and Wisconsin.**¹⁴⁹ Although the Supreme Court upheld the constitutionality of strict photo ID requirements in the 2008 case of *Crawford v. Marion County Election Board*,¹⁵⁰ **the long-term viability of that opinion seems highly questionable in light of growing evidence of the racially discriminatory motivations for such laws.** *Crawford's* reversal should be **welcomed by advocates of a direct presidential election because it would clear the way for the standardization of voting procedures nationwide.** In the end, whether abolition of racially discriminatory voting laws occurs through the courts or the legislatures, the universal adoption of sensible and nonpartisan voting laws is essential before a nationwide popular vote can be effectively implemented."

Voter-ID Laws Do Not Affect Voter Turnout 5

Mycoff 2009 [Jason, "The Empirical Effects of Voter-ID Laws: Present or Absent?," *Brennan Center*. Accessed at:

<https://www.brennancenter.org/sites/default/files/legacy/Democracy/VRE/Mycoff%20et%20al.pdf>] //DNP

In the CCES, respondents answered questions about whether they were asked to show identification and if they were prevented from voting because of a problem with identification. Ansolabehere (2007) used this data to demonstrate that exclusions from voting are exceptionally rare. Twenty two respondents out of the 36,421 person sample said voter-ID requirements prevented them from voting. Ansolabehere reports **no more than 0.2% of potential voters claimed to have been excluded from voting due to ID requirements, and with no clear demographic pattern among them, there is very little empirical basis to raise the alarm over the implementation of identification requirements.**¹⁵ As Ansolabehere explains, "one would need a survey more than 10 times as large as this one to begin to gauge who was excluded and why. It is just that rare of a phenomenon" (2007, 8). Indeed, when non-voters in the Current Population Surveys (CPS) from 2000 to 2006 were asked why they did not vote, **a lack of interest in politics was given as a reason twice as often as registration problems** (which include a variety of issues, many of which are unrelated to having a photo ID at the polls on Election Day). Indeed, according to the CPS, even in states where photo IDs are required, 11.7% of non-voters claim that a lack of interest kept them home in 2006 while 6.3% cited general registration problems. General registration problems could include voters turned away due to a lack of identification but also includes voters who had moved without reregistering, felons, and a litany of other special cases. More telling was that one-third of 2006 CPS respondents from Indiana said they did not vote because they were "too busy," which can arguably be interpreted to mean they were less interested in midterm voting; after all they did respond to the CPS. At **every level of analysis, and with multiple forms of data, we have consistently demonstrated that voter-identification laws appear to be a much smaller piece to the voting behavior puzzle than are factors such as the kinds of issues on a state ballot, the competitiveness of campaigns, the institutional structures of a particular election, socioeconomic factors, and individual-level motivational factors such as interest in politics.** This is not to say that the rules of voting are unimportant or that there is no potential for disenfranchisement; rather our findings **suggest that voter-ID laws have had no systematic effect on turnout** thus far, and that some rules (voter-ID laws) do not affect turnout as much as others (same-day registration in Minnesota, a state with historically high turnout).

It's inevitable — the same incentives apply to congressional and local elections which means the EC has no marginal effect

Kimberling 1992 [William Kimberling is Deputy Director of the FEC Office of Election Administration, "THE ELECTORAL COLLEGE", *Federal Election Commission*, <<http://www.fec.gov/pdf/eleccoll.pdf>>] //CJC

Opponents of the Electoral College are further concerned about its possible role in depressing voter turnout. Their argument is that, since each State is entitled to the same number of

electoral votes regardless of its voter turnout, there is no incentive in the States to encourage voter participation. Indeed, there may even be an incentive to discourage participation (and they often cite the South here) so as to enable a minority of citizens to decide the electoral vote for the whole State. **While this argument has a certain surface plausibility, it fails to account for the fact that presidential elections do not occur in a vacuum. States also conduct other elections** (for U.S. Senators, U.S. Representatives, State Governors, State legislators, and a host of local officials) **in which these same incentives and disincentives are likely to operate, if at all, with an even greater force. It is hard to imagine what counter-incentive would be created by eliminating the Electoral College.**

TURN: Blue states would ENFRANCHISE new democrat demographics

Derek T. Muller, 5-1-2012 [Pepperdine University - School of Law, "Invisible Federalism and the Electoral College," Arizona State Law Journal, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2049630] //WGC

Age:

“Assume a fairly modest proposal: permitting sixteen- and seventeen year-olds to vote.¹⁹⁸ Such proposals have been called “utopian” or “bizarre,”¹⁹⁹ but serious proposals do exist,²⁰⁰ and they have been recently pursued among interests groups and asked of candidates for public office.²⁰¹ In the 2008 presidential election, turnout was 44.3% among eighteen- to twenty-four-year-olds (and 48.5% among citizens in that demographic).²⁰² That group preferred Democratic Senator Barack Obama over Republican Senator John McCain, 66% to 32%.²⁰³

Census data from 2010 show there are about 8.7 million sixteen- and seventeen-year-old residents.²⁰⁴ If **they** turn out at the same rate ²⁰⁵ as the eighteen to twenty-four-year-old group and express the same preference,²⁰⁶ it **would have netted Mr. Obama around 1.3 million popular votes** (in addition to his 9.5 million²⁰⁷ popular vote victory).

Of course, in the biggest popular vote victory for a Democratic presidential candidate in almost fifty years, topping off the popular vote total with a handful of newly-minted youth votes wouldn't appear terribly remarkable. And 2008 had a higher young voter turnout than 2004,²⁰⁸ and young voters were more sharply favorable to the Democratic candidate in 2008 than in 2004.²⁰⁹

Whether these results are sustainable, or replicable, is debatable. But **one need not assume that they are sustainable or replicable**, much less that we might have a nationwide change in voter eligibility. After all, in our federalist system, and under current proposals to alter the Electoral College, either by constitutional amendment or by interstate compact, states would continue to run elections. And, states would continue to have the primary responsibility, subject to a few federally-mandated floors,²¹⁰ of determining voter eligibility. **Instead, we may assume that the legislatures of individual states believe it is in their best interests to act and, in this case, enfranchise a number of new voters.**²¹¹

In California alone, according to 2010 Census data, **there are over 1.1 million sixteen- and seventeen-year-olds**, more than 3% of the state's population and 12% of all sixteen- and seventeen-year-olds in the United States.²¹² Eighteen- to twenty-four-year-olds in California had a 41.5% turnout (among all residents, citizen and non-citizen) in the 2008 presidential election and preferred Mr. Obama to Mr. McCain by a wide margin, 80% to 18%.²¹³ **If California decided to extend suffrage to sixteen and seventeen-year-olds, and they voted at a similar pace with a similar preference, Mr. Obama would have netted around 288,000 additional votes.**

While 288,000 votes may not appear significant in a sea of over a hundred million votes, narrow popular vote margins in recent memory aren't unprecedented. The 1960 presidential election had a national popular vote margin of 112,702 with more than seventy-five million votes cast,²¹⁴ and the 1968 presidential election had a national popular vote margin of 502,478 out of more than seventy-three million votes cast.²¹⁵ And 2000 had just as narrow an election of 543,000 votes separating candidates in more than 100 million votes cast.²¹⁶ Adding a few hundred thousand new voters into the eligible voter pool might tighten a close election or provide a cushion to a candidate.²¹⁷

Or **if a few states, like New York and Illinois following California's lead**, decided to give their sixteen- and seventeen-year-olds the opportunity to vote, **the cumulative effect would have netted Mr. Obama almost 500,000 votes.**²¹⁸

"Examining these scenarios suggests that **larger states have the most to gain from potential expansion or restriction of voter eligibility.** As larger states tend to have the largest raw population in a given demographic—here sixteen- and seventeen-year-olds—those larger states would have some of the most muscle to flex in a decision to enfranchise or disenfranchise that demographic. While smaller states may be able to affect a national popular vote total, the larger the state's potential voter demographic, the more influence it could wield in a national election. In the Electoral College, the division of electoral votes is static after each census. States' decisions to enfranchise or disenfranchise voters within their own borders have no direct impact. But, **with a national popular vote system, it would redound to the greatest benefit of states like California, Illinois, and New York²²⁰ to craft voter eligibility as they see fit.**"

Felons:

"States have widely divergent laws on whether felons are permitted to vote. Some permanently disenfranchise essentially all felons and ex-felons,²²¹ while others disenfranchise only a subset of felons and ex-probationers,²²³ some allow probationers to vote,²²⁴ and some allow all parolees and probationers to vote.²²⁵ Two states permit felons to vote without qualification.²²⁶ **In total**, about **5.85 million felons and ex-felons are disenfranchised.**²²⁷

Felon disenfranchisement laws are nothing new. Many predate the Civil War.²²⁸ The Fourteenth Amendment expressly concedes that states may disenfranchise felons.²²⁹ Court challenges to felon disenfranchisement laws routinely fail.²³⁰

One statistical analysis found that Democratic presidential candidates between 1972 and 2000 **would generally have received between 70% and 80% of felon and ex-felon support.**²³¹ In the 2000 presidential election, in which Republican candidate George W. Bush won Florida by 537 votes, Florida's felon voting status proved decisive: had ex-felons been allowed to vote, one study estimates that Democratic candidate Al Gore would have netted an estimated 63,079 votes.²³² Had both felons and ex-felons been allowed to vote, Mr. Gore would have netted 85,050.²³³

Of course, the razor-thin margin of the Florida election²³⁴ and its decisiveness²³⁵ in a narrow Electoral College victory for Mr. Bush make it a prime choice for post hoc close scrutiny and reexamination. But for present purposes, the significance of felon or ex-felon voting status should not be glossed over as a one-time element of a rare Electoral College event. Instead, it should serve as an example of how **modest adjustments to felon voter laws can affect the outcome of an election.** Political candidates might benefit from the enfranchisement or disenfranchisement of felons or exfelons, and **when such voting decisions can affect a national pool, it is very possible that states would engage in further gamesmanship.**²³

Non-Citizens:

“Alien suffrage was quite common during the nineteenth century, coming to a peak in 1875 when twenty-two states and territories granted aliens the right to vote.”²³⁷ That ended in the 1920s, at which point all states required citizenship as a condition to voter eligibility.²³⁸ **Today, every state prohibits noncitizens from voting in federal elections.**²³⁹ Federal law, too, prohibits aliens from voting in federal elections.²⁴⁰

There are, however, jurisdictions that allow,²⁴¹ or seek to allow,²⁴² **noncitizens to vote in local elections.** And as resident aliens have a significant interest in the locales where they reside, and are subject to other political obligations like taxation, there have been particularly strong arguments in favor of extending suffrage to at least a set of them.²⁴³

Presumably, there exists little political will to permit unauthorized immigrants to vote, even though nearly eleven million reside in the United States.²⁴⁴ But **overall,** DHS estimates that **there are twenty-one million legally resident foreign-born individuals residing in the United States.**²⁴⁵ And despite such large numbers, the annual inflow of population is significant.

There are over one million legal permanent residents in the United States awarded that status in 2010, about 800,000 of whom are over the age of eighteen.²⁴⁶ California alone has over 200,000 of them annually, 175,000 of them adults.²⁴⁷ Fifty thousand are of Mexican birth, 24,000 are from the Philippines, and almost 19,000 are from China.²⁴⁸ New York has nearly 150,000 (120,000 adults), the bulk of whom hail from the Dominican Republic and China.²⁴⁹ Annual refugee and asylee arrivals are smaller, but nontrivial. The United States accepted 73,293 refugees and 21,113 asylees in 2010.²⁵⁰ Of those refugees, 11.7% arrived in California; 10.8% in Texas.²⁵¹ Of the asylees, 37.1% arrived in California; New York and Florida took around 15% each.²⁵² And these figures are fairly stable over the last few years.²⁵³

In total, California has 3.3 million legal permanent residents, over 26% of the 12.6 million of the total legal permanent residents in the United States.²⁵⁴ **New York has almost 1.6**

million; Texas and Florida, 1.2 million each.²⁵⁵ Of these groups, 3.3 million are from Mexico, by far the largest number.²⁵⁶ The Dominican Republic has 440,000; Cuba, 370,000.²⁵⁷

A 2008 exit poll with Latin American immigrant voters in Miami-Dade County, Florida, and Los Angeles County, California, **sought to glean voting trends for immigrant voters**.²⁵⁸ **Those from Mexico preferred Barack Obama 83% to 17%; those from the Dominican Republic preferred him 79% to 21%**.²⁵⁹ Cuban-born refugees preferred McCain 69% to 31%.²⁶⁰ Extrapolating such results to all legal permanent residents, enfranchising lawfully permanent resident Cubans could have netted Mr. McCain over 140,000 votes; and for Mexicans and Dominicans, Mr. Obama could have netted over 2.1 million votes and 230,000 votes, respectively.”

General:

“This issue never arose to quite the level of severity in the context of previous constitutional amendments because its effects remained in-state—the Electoral College had always accounted for all residents, voters and nonvoters, and any increase in the state’s voting population would not directly affect its might in the Electoral College. And, **to the extent that in-state political officials feared the repercussions of expanded enfranchisement, they tended to embrace them rather than alienate a newly enfranchised in-state constituency**.³⁰⁴”

[Footnote 304]:

“KEYSSAR, supra note 238, at 172 (“The second dynamic was that of the ‘endgame,’ the dynamic of possible or impending victory: **once it seemed** likely or **even possible that woman’s suffrage eventually would be achieved**, either nationally or in an individual state, **the potential political cost of a vote against enfranchisement rose dramatically**. Such a vote all too easily could earn the enmity of a large group of future constituents. **The invariable upshot of such circumstances** (and a clear sign that a suffrage contest had entered its endgame) **was pressure on political leaders to jump on the bandwagon, or at the very least, to get out of the road.**”).

IMPACT DEFENSE Voter ID Laws — They Don’t work.

German Lopez, Vox, Nov 2, 2016. The silver lining of voter ID laws: they aren’t effective at suppressing the vote.

<http://www.vox.com/policy-and-politics/2016/11/2/13481816/voter-id-suppression-turnout> ZA

But there’s some good news: **Despite Republican legislators’ best attempts to suppress minority voters, study after study has found that voter ID laws have little to no effect on voter turnout. At worst, the effect is** small — **barely detectable** even in studies that employ multiple controls. **At best, there’s no effect at all or even an increase.**

Studies on voter ID laws are surprisingly consistent: No matter what, the effect seems to be fairly small.

Studies looking into voter ID laws' effect on voter turnout back this up. The research, including multiple studies conducted over several years, has generally found that voter ID laws have a small to no impact on voter turnout, even when looking at specific racial groups.

One study of nationwide data from the past decade, widely reported by outlets like the Washington Post and ThinkProgress, tried to suggest the previous research was wrong. The study, released by three researchers at the University of California San Diego earlier this year, was very high on the rhetoric, warning that "voter ID laws skew democracy toward those on the political right."

But **when you looked at the study's numbers more closely, the effect of voter ID laws was tiny.** In fact, **the study actually found that black voter turnout increased in general elections where strict voter ID laws were in place.** The increase wasn't statistically significant, but the finding means that voter ID laws have essentially no effect on black voter turnout in general elections.

Voter-ID Laws Do Not Affect Voter Turnout 5

Mycoff 2009 [Jason, "The Empirical Effects of Voter-ID Laws: Present or Absent?," *Brennan Center*. Accessed at:

<https://www.brennancenter.org/sites/default/files/legacy/Democracy/VRE/Mycoff%20et%20al.pdf> f.] //DNP

In the CCES, respondents answered questions about whether they were asked to show identification and if they were prevented from voting because of a problem with identification. Ansolabehere (2007) used this data to demonstrate that exclusions from voting are exceptionally rare. Twenty two respondents out of the 36,421 person sample said voter-ID requirements prevented them from voting. Ansolabehere reports **no more than 0.2% of potential voters claimed to have been excluded from voting due to ID requirements, and with no clear demographic pattern among them, there is very little empirical basis to raise the alarm over the implementation of identification requirements.**¹⁵ As Ansolabehere explains, "one would need a survey more than 10 times as large as this one to begin to gauge who was excluded and why. It is just that rare of a phenomenon" (2007, 8). Indeed, when non-voters in the Current Population Surveys (CPS) from 2000 to 2006 were asked why they did not vote, **a lack of interest in politics was given as a reason twice as often as registration problems** (which include a variety of issues, many of which are unrelated to having a photo ID at the polls on Election Day). Indeed, according to the CPS, even in states where photo IDs are required, 11.7% of non-voters claim that a lack of interest kept them home in 2006 while 6.3% cited general registration problems. General registration problems could include voters turned away due to a lack of identification but also includes voters who had moved without reregistering, felons, and a litany of other special cases. More telling was that one-third of 2006 CPS respondents from Indiana said they did not vote because they were "too busy," which can arguably be interpreted to mean they were less interested in midterm voting; after all they did respond to the CPS. At **every level of analysis, and with multiple forms of data, we have consistently demonstrated that voter-identification laws appear to be a much smaller piece to the voting behavior puzzle than are factors such as the kinds of issues on a state ballot, the competitiveness of campaigns, the institutional structures of a particular election, socioeconomic factors, and individual-level motivational factors such as interest in politics.** This is not to say that the rules of voting are unimportant or that there is no

potential for disenfranchisement; rather our findings **suggest that voter-ID laws have had no systematic effect on turnout** thus far, and that some rules (voter-ID laws) do not affect turnout as much as others (same-day registration in Minnesota, a state with historically high turnout).

Electoral College Enables Voter devaluation — Plans in progress.

By Scott Keyes, April 4, 2012 CENTER FOR AMERICAN PROGRESS 'Voter Suppression 101: How Conservatives Are Conspiring to Disenfranchise Millions of Americans'

<https://www.americanprogress.org/issues/democracy/reports/2012/04/04/11380/voter-suppression-101/> ZA

Gaming the Electoral College

Pennsylvania Gov. Tom Corbett recently proposed changing the way his state allocates electoral votes in a presidential election. Should his proposal become law, it could alter the outcome in 2012 and significantly increase the possibility that a candidate who loses the popular vote in his state still receives more electoral votes overall.

President Obama won Pennsylvania by more than 10 percentage points in 2008, but if Pennsylvania had allocated votes in the same way as Maine and Nebraska then he would have only earned only more electoral vote from the state than his opponent Sen. John McCain (R-AZ). In 2012 President Obama could win the state as a whole and still lose twelve of the state's twenty electoral votes due to Pennsylvania's heavily gerrymandered districts. This is more than enough to change the result of next year's election. Consider that after the Supreme Court awarded Florida's electoral votes to George W. Bush after the 2000 presidential election. Bush received only five more electoral votes in 2000 than his opponent Al Gore, who won the majority of the national popular vote.

Gov. Corbett's plan risks absurd results where the overall winner of a state's popular vote becomes the loser of its electoral vote. Worse, it undermines the legitimacy of any president who takes office solely due to Pennsylvania conservatives gaming the Electoral College. Although the Pennsylvania plan is probably constitutional, it is no less an attack on our democratic system of government. The winner of the 2012 presidential election should be the person chosen by the American people, not by arbitrary differences between various states' election laws.

Moreover, at least one Wisconsin lawmaker has jumped upon this proposal, creating the risk that it could spread to other states. If similar swing states, such as Florida or Michigan, took up this plan, it could fundamentally transform the next election into a contest to see who can best game the system.

EC Legacy of Jim Crowe and Racialized America — Slavery

BY KAMALA KELKAR November 6, 2016 at 3:57 PM EDT "Electoral College is 'vestige' of slavery, say some Constitutional scholars" PBS.

<http://www.pbs.org/newshour/updates/electoral-college-slavery-constitution/> ZA

Since then, the Electoral College system has cost four candidates the race after they received the popular vote — most recently in 2000, when Al Gore lost to George W. Bush. Such anomalies and other criticisms have pushed 10 Democratic states to enroll in a popular vote system. **And while there are many grievances about the Electoral College, one that's**

rarely addressed is one dug up by an academic of the Constitution: that it was created to protect slavery, planting the roots of a system that's still oppressive today.

"It's embarrassing," **said Paul Finkelman**, visiting law professor at University of Saskatchewan in Canada. **"I think if most Americans knew what the origins of the Electoral College is, they would be disgusted."**

While slavery was abolished, and the Civil War led to citizenship and voting rights for black people, the Electoral College remained intact. Another law professor, who has also written that the Constitution is pro-slavery, argues that it gave states the autonomy to introduce discriminatory voting laws, despite the Voting Rights Act of 1965 that was built to prevent it.

"We are the greatest democracy on the planet, and it seems to me that in the greatest democracy, the person who gets the most votes should win the election," said Dinowitz. "We're one country, North, South, East and West. One country. The votes of every single person in the country should be equal. And right now, the votes are not equal. Some states your vote is more important than in other states."

Recounts less likely under PV - margins are wider

Bradford Plumer, 2004 [, "The Indefensible Electoral College," Mother Jones, <http://www.motherjones.com/politics/2004/10/indefensible-electoral-college>] MJS 3-30-2017

It's true, a nationwide recount would be more nightmarish than, say, tallying up all the hanging chads in Florida. At the same time, **we'd be less likely to see recounts in a direct election, since the odds that the popular election would be within a slim enough margin of error is smaller than the odds that a "swing" state like Florida would need a recount.** Under a direct election, since it usually takes many more votes to sway a race (as opposed to a mere 500 in Florida), there is less incentive for voter fraud, and less reason for candidates to think a recount will change the election. But set aside these arguments for a second and ask: why do so many people fear the recount? If it's such a bad idea to make sure that every vote is accurately tallied, then why do we even have elections in the first place?

Clinton's margin is 2.56 million, Trump's is 80,000

Kevin Drum, Dec 2016 [, "Hillary Clinton's popular vote lead passes 2.5 million," Mother Jones, <http://www.motherjones.com/kevin-drum/2016/12/hillary-clintons-popular-vote-lead-passes-25-million>] MJS 3-30-2017

Just thought I'd mention it. As of today, **she leads Donald Trump in the popular vote by 2.56 million votes**, a margin of 1.89 percent. **In the three key swing states of Pennsylvania, Michigan, and Wisconsin that gave him his victory, Trump's combined lead is less than**

80,000 votes. By any measure you can think of, Trump has the narrowest victory of any president in the last century; the smallest mandate; and is by far the least liked.

Swing states only help Cubans - but on net hurt minorities

Bradford Plumer, 2004 [, "The Indefensible Electoral College," Mother Jones, <http://www.motherjones.com/politics/2004/10/indefensible-electoral-college>] MJS 3-30-2017

Some **college buffs have argued that, since ethnic minorities are concentrated in politically competitive states, the electoral college forces candidates to pay more attention to minorities. This sounds great, but it's wholly untrue.** Most African-Americans, for instance, **are concentrated in the South, which has rarely been a "swing" region. Hispanic voters, meanwhile, largely reside in California, Texas, and New York, all uncompetitive states.** It's true that **Cubans in Florida** have benefited wonderfully from the electoral college, but they **represent an extremely narrow interest group. All other minority voters have less incentive to vote.** It's no surprise that **the electoral college has often enabled presidential candidates to ignore minorities in various states** -- in the 19th century, for instance, voting rights were poorly enforced in non-competitive states.

Black turnout surpassed white turnout

Qiu 2014 [Linda Qiu is a writer at Politifact, "Black voter turnout exceeds white voter turnout, even in states with strict ID laws, pundit claims", *Politifact*, <http://www.politifact.com/punditfact/statements/2014/jul/17/jason-riley/black-voter-turnout-exceed-white-voter-turnout-eve/>] //CJC

Riley said "**black voter turnout in 2012 exceeded the rate of white voter turnout, even in the states with the strictest voter ID laws,**" despite the Democrats claiming the voter ID laws suppress the black vote. While there is debate about the reasons why -- and if the phenomenon will last -- Riley's statistic checks out. Census data shows that indeed, for the first time ever, black voter turnout was higher nationally than white voter turnout, and at least just as high in the states with strict voter ID laws. **We rate this claim True.**

Money in politics does not buy votes - if it did it would be way higher and empirical evidence denies this

Stephen Ansolabehere, John de Figueiredo, James M. Snyder June, 2002 [Department of Political Science Massachusetts Institute of Technology, "Why Is There So Little Money in U.S. Politics?," https://dspace.mit.edu/bitstream/handle/1721.1/18103/CF_JEP_Final.pdf] MJS 3-27-2017

Thirty years ago, Gordon Tullock posed a provocative puzzle: **considering the value of public policies at stake and the reputed influence of campaign contributions in policy-making, why is there so little money in U.S. politics?** In this paper, we argue that **campaign contributions are not a form of policy-buying, but are rather a form of political participation and consumption.** We summarize the data on campaign spending, and show through our descriptive statistics and our econometric analysis that individuals, not special

interests, are the main source of campaign contributions. Moreover, we demonstrate that campaign giving is a normal good, dependent upon income, and campaign contributions as a percent of GDP have not risen appreciably in over 100 years- if anything, they have probably fallen. **We then show that only one in four studies from the previous literature support the popular notion that contributions buy legislators' votes.** Finally, we illustrate that **when one controls for unobserved constituent and legislator effects, there is little relationship between money and legislator votes.** Thus, the question is not why there is so little money politics, but rather why organized interests give at all. We conclude by offering potential answers to this question

No marginal decrease

Ryan D. **Enos** and Anthony **Fowler**, 2015 [both authors are assistant professors in government, "Aggregate Effects of Large-Scale Campaigns on Voter Turnout," Quarterly Journal of Political Science, <http://www.campaignfreedom.org/wp-content/uploads/2015/05/Enos-Fowler-2015-Campaign-Spending-And-Turnout.pdf>] MJS 3-25-2017

To what extent do political campaigns mobilize voters? Despite the central role of campaigns in American politics and despite many experiments on campaigning, we know little about the aggregate effects of an entire campaign on voter participation. Drawing upon inside information from presidential campaigns and utilizing a geographic research design that exploits media markets spanning state boundaries, we estimate the aggregate effects of a large-scale campaign. We estimate that the 2012 presidential campaigns increased turnout in highly targeted states by 7-8 percentage points, on average, indicating that modern campaigns can significantly alter the size and composition of the voting population. **Further evidence suggests that the predominant mechanism behind this effect is traditional ground campaigning, which has dramatically increased in scale in the last few presidential elections. Additionally, we find no evidence of diminishing marginal returns to ground campaigning,** meaning that voter contacts, each likely exhibiting small individual effects, may aggregate to large effects over the course of a campaign.

Amount of free media increasing in the squo

JOSH NASS, 12-29-2016 [, "How Trump changed political communication forever," The Hill http://origin-ny1.thehill.com/blogs/pundits-blog/presidential-campaign/312146-how-trump-changed-the-political-communication?mobile_switch=standard] MJS 3-25-2017

Trump generated an estimated \$4.96 billion worth of free media, as opposed to **Hillary Clinton's estimated \$3.24 billion;** even so, **both candidates this election cycle earned far more free media than the two main presidential contenders four years earlier, with Barack Obama earning an estimated \$1.15 billion and Mitt Romney an estimated \$0.7 billion.** Due to Trump's free media, he did not need to spend as much as Clinton on traditional paid advertisements; Trump spent approximately half of what Clinton spent.

[...]

The old-school campaign playbook is out and has been replaced by one in which direct communication is king. Trump's campaign, which valued and understood changing media, won, while Clinton's campaign, which took the dogmatic path of adhering to outdated communication norms, lost. For us in the PR industry, 2016 illustrated what we had already learned through our work on the ground: **The value of earned media far outweighs that of paid media and advertising.**

Runoff only at 40% means no incentive to vote for 3rd parties

Steven J. Rosenstone, Roy L. Behr, Edward H. Lazarus, 1984 [Rosenstone is a political science professor, "Third Parties in America" Princeton University Press, http://www.thirdworldtraveler.com/Political_Reform/Third_Parties_America.html] MJS 3-22-2017

Contrary to popular belief, **most current proposals for eliminating the Electoral College would not benefit third parties.** The most widely supported plan calls for the direct popular election of the president with a runoff if no candidate receives 40 percent of the votes cast. But as long as a president can be elected with less than an absolute majority of the popular vote, the plan would, for all practical purposes, work like a single-member-district plurality system. **To prevent either the Democrats or Republicans from collecting 40 percent of the vote, minor parties would obviously have to poll at least 20 percent. This has happened only three times since 1840. Any direct vote system that allows a party to win with less than a full majority of the popular vote would hinder third parties,** though the larger the plurality required to elect a president, the lower the barrier becomes.

Stronger Electoral Competition Leads to Tightening of Ballot Access Rules

Drometer 2013 [Marcus, "Electoral Competition and Endogenous Barriers to Entry," *Ifo Institute*. Accessed at: http://www.wirtschaftspolitik.rw.uni-erlangen.de/research/Drometer_Rincke_manuscript_elsevier.pdf.] //DNP

Regulations that restrict the access of potential candidates to the ballot exist in many countries. To reduce the impact of confounding factors typically present in cross-country studies, we concentrate on ballot access laws in the United States. Ballot access laws define the requirements minor party and independent candidates need to fulfill in order to participate in general elections and are particularly promising for empirical research for a number of reasons. First, in contrast to the prediction of Duverger (1972), third party and independent candidates are a widespread phenomenon of the political system of the United States. During the period considered in our study (1946-1976), 46% of the gubernatorial races saw three or more candidates. Although rarely elected into office, these candidates can be highly influential, as has become evident by the prominent examples of Ralph Nader in the 2000 and Ross Perot in the 1992 presidential elections.³ Second, because **ballot access restrictions have a strong deterrent effect on non-major party candidates,**⁴ **imposing such rules presents the (major) parties with the opportunity to limit the degree of electoral competition.** The **re-design of these regulations** should therefore be **attractive from the point of view of current political elites.**⁵ Third, ballot access rules are set by the states and vary considerably across states and over time, giving us the opportunity to investigate the determinants of institutional change in a broad panel of socially and economically relatively homogenous jurisdictions.⁶ Finally, the stringency of ballot access laws is easily measurable since the states' election laws commonly require that minor parties and independent candidates file a petition signed by a certain number of eligible voters.

[...]

We have tested the hypothesis that adjustments of the procedures under which nonmajor party candidates in the U.S. gain access to state ballots are driven by changes in electoral competition. Using instrumental variables rooted in the Voting Rights Act of 1965 to overcome the identification problem originating from the simultaneity of ballot access requirements and candidates' entry decisions, we estimated that between 1946 and 1976 an additional candidate on the gubernatorial ballot **triggered an increase in petition requirements of about 4,750 to 9,700 signatures.** These results suggest that the barriers to entry for non-major party candidates in gubernatorial elections are endogenously determined: **If competition by such candidates increases, the political system dominated by the major parties tends to respond by setting higher barriers to entry.** This finding is consistent with the view that the **major parties** (or state governments and legislatures dominated by them) **use ballot access provisions to protect their current position in a quasi-duopolistic system of political parties.**

Higher Restrictions Prevent Political Competition and Party Fragmentation

Stratmann 2003 [Thomas, George Mason University, Department of Economics, "Ballot Access Restrictions and Candidate Entry in Elections," *University of Chicago*. Accessed at: <http://aceproject.org/ero-en/topics/parties-and-candidates/ballotaccess.pdf>.] //DNP

The mere existence of a filing fee significantly lowers the number of major party candidates by approximately two percent. Filing fees that are greater than \$100 further lower the number of major party candidates by another three percent. Having a filing fee that is based on the expected legislator salary reduces the number of candidates by three percent, and this finding is statistically significant. Using the dollar filing fee measure, the results show that a \$1,000 increase in the filing fee leads to a four percent decrease in the number of major party candidates. **Higher signature requirements also lead to a decrease in the number of major party candidates and this coefficient is statistically significant at the seven percent level.**

Table 2 column combines the monetary ballot access restriction indicators with the signature requirements and the previous results are strengthened. A fee over \$100 now reduces the number of candidates by seven percent. The regression in the last column includes the fee variable, measured in dollars, along with the signature requirement variable. In this specification, a \$1,000 increase in the fee reduces the number of candidates by over five percent.

Table 3 examines the effect of minor party ballot access restrictions on minor party candidates. Signature requirements have no statistically significant effect on a minor party candidate's decision to enter the race. However, fees reduce the number of minor party candidates. Table 3, column 1 and column 2 differ in that column 2 allows for a non-linear effect of filing fees. Evaluated at the sample mean, a \$1,000 increase in filing fees reduce the number of minor party candidates by forty-three percent. Thus, the entry decision of minor party candidates is much more sensitive to monetary barriers to entry than major party candidates.

[...]

Signature requirements also reduce candidate entry, but this effects is concentrated among major party candidates. The findings imply that a \$1,000 increase in the filing fee leads to a five percent decrease in major party candidates and a forty-three percent decrease in minor party candidates. The results are consistent with the hypothesis that incumbents set high barriers to entry in order to insulate them from competition.

Your swing states argument wrong — population isn't concentrated in swing states, it's concentrated in the south

Griffin 2012 [KATHRYN GRIFFIN has a BA, ABJ, and masters from University of Georgia, "REASSESSING ADVANTAGES IN THE ELECTORAL COLLEGE: FRAMERS' INTENTIONS AND MINORITY INFLUENCE", *University of Georgia*, <https://getd.libs.uga.edu/pdfs/griffin_kathryn_g_201205_ma.pdf>] GST

The class disparity between different racial and ethnic groups, that I will soon highlight, creates an obvious gap in voting rates previously ignored by the debates on the Electoral College. Understanding the voting rate of minorities is increasingly important as minorities continue to increase in population, which adds to mounting electoral votes allotted after the decennial census. Therefore, I will demonstrate **the supposed advantage to minorities is based largely on faulty premises, incomplete data, and a limited view of electoral realities**. I expand the discussion on the biases given to certain regional and demographic groups under the Electoral College by analyzing variations in minority voting rates, as well as considering how minorities vote and how these factors relate to the Electoral College. In the ensuing pages, I answer the following questions: how have minorities affected the Electoral College system and how are their votes counted in the system? More specifically, are voting rates in states with growing minority populations decreasing? Lastly, how would reforms to the Electoral College affect the final outcome of the election and specifically the success of candidates preferred by minorities?

[...]

Beyond citing the "wisdom of the founders," **proponents of the Electoral College base their support on** a few additional factors: The Electoral College elevates tyranny of the majority that would cause small states to be obsolete; it is a federal style election befitting the U.S. system; **and minorities, particularly blacks, receive enhanced voting power as they tend to be swing voters clustered in large urban areas and states that receive more electoral votes**

(Best 1971, 1996; Hardaway 1994; Johnson 2005). The supposed advantage for minority voters is essential to arguments for maintaining the status quo presidential election system. Those opposed to the current voting system focus on the disproportionate advantages to large states⁷ and refute the proposed advantage to minorities. Mathematical analysis and empirical studies show that although small states receive some benefit, voters in large states have more than two times the voting power, resulting in a great disadvantage for mid-size states (Banzhaf 1968; Carleton 1978, 1981; Edwards. 2004; Owen 1975; Longley and Dana 1984, 1992; Mann and Shapley 1962; Peirce and Longley; Shapley and Shubik 1954 Spilerman and Dickens 1974).

In addition, Longley and Dana (1984, 1992) **conclude that black Americans are actually disadvantaged by the system, as they are highly concentrated in mid-size Southern states** (Edwards 2004).

[...]

It is **the disadvantage to the mid-size states that directly combats the proposed extra influence of black voters who, though concentrated in large urban areas such as New York, are also highly populous in Southern states that are greatly disadvantaged in voting power**.

Longley and Dana (1984, 1992) do find the disadvantage to blacks is decreasing over time and Hispanics, foreign born, Jewish, and urban voters receive some extra influence. As noted previously, however, the **voting power studies do not publish voting rates but instead use the population of each state and demographic group, which skews the results**.

[...]

Understanding minority voting and how it relates to the presidential electoral system is crucial for the stability of U.S. democracy. **Minority populations are growing in size, but are not voting equal to their population. If this continues** without further consideration, **minorities will make-up a majority of the population of the country without being represented by its political leaders**. In April 2011, it was reported that Hispanics surpassed blacks as the largest minority group in most metropolitan areas (AP 2011) and Hispanics are projected to surpass white Americans in 2050, becoming the nation's largest ethnic group.¹² In addition, Asian Americans have been the fastest growing minority in the country for the last ten years. **As these populations increase, so does the allotment of electoral votes in the states where they reside, particularly in populous states such as California, New York, Texas and Florida.**

However, as I have demonstrated, **there are multiple factors that must be met before minorities will vote at rates equal to their population.** **Therefore, states are being allotted additional electoral votes for growing populations that are not participating in the electoral process.** In my view this growing inconsistency in populations and voting rates will lead to an unrepresentative democracy.

[...]

The results clearly show both **higher levels of black residents and high level of foreignborn residents decrease state voting rates confirming hypothesis one.** On average, holding all else constant, **a one unit increase in the black percentage of a state results in a -.1844 decrease in voting rates**, while an increase in foreign-born percentage displays a greater decrease in voting rates of -.5478. Though these are not overly large changes, because the data is averaged decreasing the overall range of the dependent variable, these changes are still significant. Substantively, the results provide evidence that higher levels of minority populations, both black and foreign-born, result in lower voting rate.

More Quantification — also answers swing states

Gelman, Andrew, and Pierre-Antoine Kremp. "The Electoral College Magnifies the Power of White Voters." Vox, 17 Dec. 2016. <<http://www.vox.com/the-big-idea/2016/11/22/13713148/electoral-college-democracy-race-white-voters>> //CJC

The same approach also lets us introduce ethnicity into the picture, because we know the approximate ethnic composition of voters in each state — the proportion who are white, black, Hispanic, or “other.” We can average this across states and thus compute the average probability of decisiveness for everyone of each of these ethnic groups, across the country. **After running the numbers, we estimate that, per voter, whites have 16 percent more power than blacks once the Electoral College is taken into consideration, 28 percent more power than Latinos, and 57 percent more power than those who fall into the other category.** One can approach the issue in other ways and get similar results. For example, we might look at the ethnic composition of voters in swing states compared with the country as a whole. Based on our calculations before the election, **the five states with the highest voting power per voter were New Hampshire, Colorado, Nevada, Wisconsin, and Pennsylvania. According to exit polls, the voters in these states were 80 percent white, compared with 70 percent in the country as a whole.** Or, to take a slightly different tack, after the election the five closest states in percentage vote margin were Michigan, New Hampshire, Wisconsin, Pennsylvania, and Florida. Voters in those states were 73 percent white — again, higher than the nationwide figure. Let’s try one more approach. **According to exit polls, the electorate was 70 percent white, 12 percent black, 11 percent Latino, and 7 percent other. Reweight this by voting power and you get an "effective electorate" that is 75 percent white, 11 percent black, 9 percent Latino, and 4 percent other. That's a big difference,** with nonwhites declining from 30 percent of the electorate to 25 percent of the effective electorate. Exit polls are not perfect. Indeed, our calculations showed the 2012 electorate to be much whiter than was estimated by exit pollsters. But for the purpose of estimating relative voting power, this doesn’t really matter. If we extrapolate our analysis from 2012 and assume the exit polls continue to overstate minorities' share of vote totals, we still find that the Electoral College amplifies the white vote.

EMPIRICALLY DENIED — 80%+ of eligible voters in swing states are white — THE MOST RACIALLY DIVERSE BATTLEGROUND STATE IS 80% WHITE

Brownstein 2015 [Ronald Brownstein is a writer for The Atlantic, “The States That Will Pick the President: The Rust Belt”, *The Atlantic*, <<https://www.theatlantic.com/politics/archive/2015/02/the-states-that-will-pick-the-president-the-rust-belt/431853/>>] //CJC

Ohio: Racial change has unfolded relatively slowly here. In 1980, whites constitute 91 percent of Ohio's eligible voters; by

2012 that number had declined only to 84 percent. The States of Change model forecasts the white share to tick down to 83 percent in 2016, and then continue on a relatively unhurried decline to 76 percent by 2040. The pace of change in the actual voting pool hasn't been much different: Whites represented 91 percent of voters on Election Day in 1980, and 83 percent in 2012. From 1980 through 2012, African-Americans edged up from 9 percent to 11 percent of eligible voters. With improved turnout efforts, blacks grew faster over that period as a share of actual voters, from 9 percent to 13 percent. Looking forward, the model projects them to increase only slightly to 14 percent of eligible voters through 2040. Hispanics and the category of Asian, mixed-race, and other adults, each constituted just 2 percent of eligible voters in 2012, but the model projects these groups to gradually rise to 5 percent each by 2040. Those changes could amount to a (very) slowly intensifying thumb on the scale for Democrats in the state. Since 1996, according to exit polls, the Democratic share of Ohio's white vote has varied only from a low of 41 percent (for Obama in 2012 and Al Gore in 2000) to a high of 46 percent for Obama during his first victory. As in other states, Democrats under Obama achieved overwhelming margins among African-Americans: In each of his campaigns he carried 96 percent of them in the state. In 2000 and 2004, when Bush carried the state, Democrats had won 89 percent and 83 percent of blacks respectively.

Pennsylvania: Racial change has also proceeded slowly here. From 1980 through 2012, whites declined as a share of eligible voters from 92 percent to 83 percent. But in the actual voter pool, the change was even more modest: from 91 percent in 1980 to 85 percent in 2012.

African-Americans were 9 percent of actual voters in 1980 and 10 percent in 2012. Hispanics, Asian-Americans, mixed race, and others have barely established a beachhead in the state: too small to measure in 1980, those groups accounted for 4 percent of the actual (and 7 percent of the eligible) vote by 2012. The States of Change model projects a comparable rate of change rolling forward. It forecasts the white share of eligible voters to drop only another percentage point in 2016 (to 82 percent) and to recede slowly to 72 percent by 2040. It projects African-Americans to remain steady at 10 percent of eligible voters for the next several years before rising again toward 12 percent by 2040. By then, the forecast expects bigger change for Hispanics (rising to 10 percent of eligible voters by 2040) and Asians and others (reaching 6 percent.) But in the near term, it expects only minimal growth for the two groups, from 7 percent of the combined eligible voter population in 2012 to 8 percent in 2016 and 2020. In presidential elections, the Democratic vote among Pennsylvania whites has been remarkably steady all the way back to 1988, according to exit polls. Al Gore won 48 percent of whites in 2000 and Obama won 47 percent in 2008, but in the other five elections, the Democratic share varied only between 42 percent and 45 percent. In his 2014 victory, Democratic Gov. Tom Wolf did better, reaching exactly 50 percent. As in other states, Obama twice pushed up the Democratic margins among African-Americans above 90 percent, exceeding the

party's advantages over the previous two decades. **Michigan:** Demographic change has come slowly here too, but because the state started with a larger minority population, it stands as the most racially diverse of the major Rust Belt battlegrounds. The white

share of Michigan's eligible voters dropped modestly from 87 percent in 1980 to 83 percent in 2000, before continuing to fall along a similar slope to 80 percent in 2012. (From 1980 through 2012, the white share of the actual voter pool likewise declined from 89 percent to 82 percent.) Over that

same period, African-Americans have edged up from 12 percent to 14 percent of eligible voters (and 10-13 percent of the actual voting pool). Hispanics, Asians, and others (including a substantial Arab-American population) have moved from a miniscule presence in 1980 (2 percent of eligible voters) to a measurable beachhead in 2012 (6 percent of eligible and 5 percent of actual voters.) Looking forward, the model sees the contraction of the white vote somewhat accelerating in the near term—down to 77

percent by 2020 and then 70 percent by 2040. It sees no near-term increase for African-Americans, and even by 2040, a rise only from the current 14 percent of eligible voters to 16 percent. The model anticipates the biggest growth among Hispanics and the combined Asian and other category (with each group rising from 3 percent of the eligible population in 2012 to 4 percent by 2016 and 7 percent by 2040). As elsewhere, under Obama, Democrats have consolidated their support among African-Americans, from around 90 percent in 2000 and 2004 to 96 percent and 95 percent in the past two elections, exit polls found. Although figures for 2012 were not available, Democrats also carried about three-fifths or more of Michigan Hispanics in each election back to 1988. And in contrast to most other states, Democrats have somewhat improved their performance among whites here. The party's nominees carried 39 percent of whites in both the 1988 and 1992 elections. But in the five elections since, the Democratic nominee has won between 43 percent and 46 percent of Michigan whites, except in 2008 when Obama carried a plurality with 49 percent. In 2014, exit polls found that Democrat Gary Peters, who won the Senate election, ran exactly even among whites, making him one of the party's few Senate and gubernatorial candidates anywhere who did not lose this bloc. Wisconsin: The state's racial balance has long been defined by a preponderant white population qualified by only a small number of

African-Americans. In 1980, whites represented 96 percent of eligible, and 97 percent of actual, voters in Wisconsin.

By 2012, those numbers had declined only to 88 percent and 89 percent respectively. African-Americans edged up only slightly over that period from 3 percent to 5 percent of eligible voters. But by 2012 signs of a new equation were emerging: Hispanics (at 4 percent of eligible voters) and Asian-Americans, mixed race, and others (at 3 percent) combined to exceed blacks in the eligible share (although they still trailed blacks in the pool of actual voters). Looking forward, the model projects those trends in eligibility to continue. It forecasts whites to shrink slowly to 87 percent of eligible voters in 2016 and 79 percent by 2040. It expects African-Americans to rise only from 5 percent to 7 percent of the eligible population over the next quarter century. But by 2040, it expects a doubling among both Hispanics (from 4 percent of the eligible population now to 8 percent then) and the Asian/other category (from 3 percent to 6 percent.) Democrats have competed as well here with whites as almost anywhere. Their presidential nominees carried Wisconsin whites in 1992, 1996, and 2008, and lost them by no more than 4 percentage points in the other four elections since 1988. Combined with their strong performance among African-Americans—which surged past the 90 percent mark under Obama—that's allowed the party to carry the state in all seven of those elections, albeit sometimes narrowly. Still, Wisconsin has not been entirely immune to the shifts among whites under Obama evident elsewhere: In his 2014 reelection, Republican Gov. Scott Walker held Mary Burke, his Democratic opponent, to just 42 percent among them. Iowa: With its caucuses that begin the presidential nominating process every four years in picturesque small towns and farm communities, Iowa often seems immune to racial change.

Yet change is coming even here. In Des Moines, the state's largest city, a majority of the students in the public school K-12 system are now nonwhite. But it will take time for that diversity to be felt in the state's political balance. In 2012, 92 percent of Iowa's eligible voters were white. That was down from the 99 percent in 1980, but still higher than any other Rust Belt battleground. Looking forward, the model projects whites to recede only slowly to 91 percent of eligible voters in 2016 and 83 percent in 2040. The model projects that even by 2040 African-Americans will represent only 4 percent of eligible votes (up from 3 percent in

2012). The forecast expects more change among Hispanics (up from 3 percent of eligible voters in 2012 to 4 percent in 2016 and 8 percent by 2040), as well as the category of Asian-Americans, mixed-race, and others. That group is now 2 percent of the eligible population and is projected to reach 5 percent by 2040. The challenge for Democrats is to build the machinery to drive turnout in a state with no tradition of mobilizing minority communities. As in Wisconsin, Democrats have maintained their presidential-level competitiveness among whites as well here as almost anywhere. The party's presidential nominees have carried them in four of the past six elections, and reached 48 percent in each of the two they didn't (both against George W. Bush in 2000 and 2004). The small African-American population has provided a small boost that has helped Democrats carry the state in five of the past six presidential contests; over time, Hispanics, Asians, and others could extend that advantage, albeit very slowly. In the 2014 Senate race, Republican Joni Ernst held Democrat Bruce Braley to just 43 percent among whites en route to her decisive victory.

Blacks don't live in swing states — they're concentrated in red states in the south

Campbell 2016 [Marie Campbell is assistant professor of African American studies at Loyola Marymount University, "2016's States with the Highest Political Engagement Among Blacks", *Wallethub*, <<https://wallethub.com/edu/where-are-blacks-most-least-politically-engaged/19026/#marne-l-campbell>>] //CJC

Lastly, when we look at the majority of black voters, we find the largest **concentration** in the south. Those are "red" states, whereas African Americans by and largely are registered as Democrats. With the combination of history and political issues, it is much more difficult for African Americans to get elected to office in places where the African American population is largest.

Latinos and Asians don't live in swing states — they live in large non-competitive states

Wasserman 2015 [Dave Wasserman is an editor for the Cook Political Report and writer for FiveThirtyEight, "How Demographics Will Shape The 2016 Election", *FiveThirtyEight*, <<http://fivethirtyeight.com/features/how-demographics-will-shape-the-2016-election/>>] //CJC

2) The power of the Latino vote is frequently overstated. Even if Latino and Asian/other turnout were to plummet to zero, Democrats would still win the Electoral College 283 to 255 — despite losing the popular vote by 2.1 percentage points. That's because **Latino and Asian voters are heavily concentrated in non-competitive states like California, New York and**

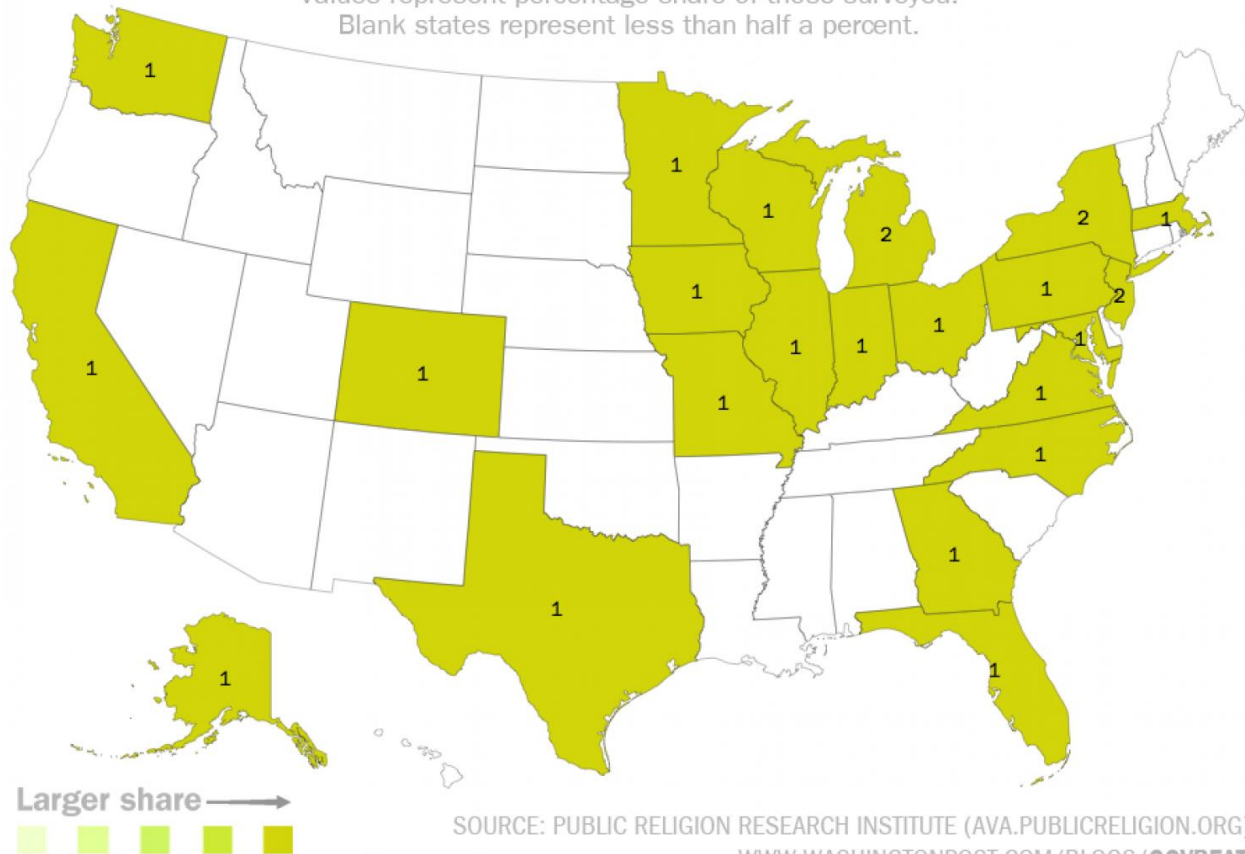
Texas. 3) Sky-high African-American support and engagement is crucial for Democrats. Suppose African-American voters were to return to pre-Obama, 2004 levels of turnout and partisanship (turnout down from 66 percent to 60 percent and support for Democrats down from 93 percent to 88 percent). In that scenario, Democrats would lose Florida, and their overall margin of victory would be cut by more than half in Ohio and Virginia, giving them almost no room for error with other groups.

Muslim People Don't Live in Swing States

Chokshi 2015 [Niraj Chokshi, Washington Post Reporter out of Washington DC, "The religious states of America, in 22 maps", Washington Post, <<https://www.washingtonpost.com/blogs/govbeat/wp/2015/02/26/the-religious-states-of-america-in-22-maps/>>] // AUN

Muslim

Values represent percentage share of those surveyed.
Blank states represent less than half a percent.



Muslims account for 1 percent of the nation and 2 percent in Michigan, New York and New Jersey.

The Electoral College is on Net Terrible for Minorities

Edwards 2016 [George C. Edwards III, Author and Professor of Political Science at Texas A&M University, "Two of the most prominent arguments for the electoral college are completely wrong", Washington Post, <<https://www.washingtonpost.com/news/monkey-cage/wp/2016/11/18/two-of-the-most-prominent-arguments-for-the-electoral-college-are-completely-wrong/>>] // AUN

The electoral college does not prevent tyranny of the majority

The Framers were concerned about tyranny of the majority and therefore incorporated rules in the Constitution that require supermajorities in order to take action, such as the requirement for two-thirds of the senators present to ratify a treaty. Is the electoral college's violation of majority rule just another example?

It is not. The Framers designed all but one of the Constitution's extra-majority provisions to enable minorities to prevent an action. The electoral college is different. It allows a minority to

take an action — that is, to select the president. It is the only device of its kind in the Constitution.

Thus, the electoral college does not prevent tyranny of the majority. Instead, it provides the potential for tyranny of the minority.

People sometimes think that, if not for the electoral college, a candidate could win by garnering an overwhelming number of votes in one region of the country, imposing that region's choice on the rest of the country. A quick look at the census shows that this is impossible. The electoral college isn't necessary to prevent this scenario.

Does the electoral college ensure that the winner receives majority support from different social groups, thus protecting minority interests? No. In 2016, Donald Trump won a smaller percentage than Hillary Clinton among women, African Americans, Hispanics, Asian Americans, voters ages 18 to 44, members of labor unions, those with an income under \$50,000, college graduates and those with postgraduate educations, Jews, liberals and moderates, urbanites, and those living in the East and the West.

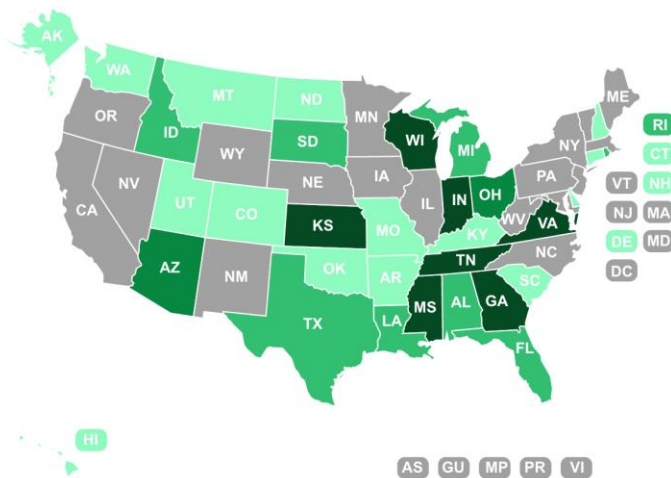
It strains credulity to claim that Trump's vote represents concurrent majorities across the major social strata in the United States. What actually happened in 2016 was that the electoral college imposed a candidate supported by white male Protestants — the dominant social group in the country — over the objections not only of a plurality of all voters but also of most prominent "minority" interests in the country.

Some Swing States Have Voter ID Laws

Underhill 2017 [Wendy Underhill, Director of the National Conference of State Legislature's elections, "VOTER IDENTIFICATION REQUIREMENTS | VOTER ID LAWS", NCSL, <<http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>>] // AUN

Voter Identification Laws in Effect in 2017

Strict Photo ID	Strict Non-Photo ID	Photo ID requested	ID requested; photo not required	No document required to vote
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Voter ID Laws Hurt Minorities

Newkirk 2017 [Vann R. Newkirk II, Politics Writer for the Atlantic, “How Voter ID Laws Discriminate”, The Atlantic, <<https://www.theatlantic.com/politics/archive/2017/02/how-voter-id-laws-discriminate-study/517218/>>] // AUN

For all the fervor of the current debate over voter ID laws, there’s a startling lack of good data on their effects. As of the 2016 election, 33 states have a voter identification law, with 12 of those considered “strict” requirements.

After the 2013 *Shelby County v. Holder* Supreme Court case weakened federal oversight over state and county election laws, the debate over whether these and other more restrictive laws have discriminatory effects has mostly been waged in the realms of ideology and intent, with most existing studies relying on data limited by time, place, or bias.

The catch-22 of course is that the laws have to be passed and solidly in place first to have robust longitudinal data on their effects, which in this case would mean potentially discriminatory effects would have already impacted elections. A new study from researchers Zoltan Hajnal, Nazita Lajevardi, and Lindsay Nielson at the University of California San Diego is one of the first to analyze certified votes across all states after the implementation of voter laws in multiple elections, and [it found just that kind of racially discriminatory impact](#).

Specifically, they found “that strict photo identification laws have a differentially negative impact on the turnout of Hispanics, Blacks, and mixed-race Americans in primaries and general elections.”

The authors note that the existing research tends to point to three things: that strict voter ID laws requiring identification to cast a ballot do in fact reduce turnout by some amount, that turnout reduction tends to work in Republicans’ favor, and that differential effects have been observed along class and education lines, but not race. But the UCSD researchers call those conclusions into question, noting that [analyses based on elections data](#) before 2014 could not have collected comprehensive enough data to rule out racial suppression, and that analyses [that sidestep that limitation](#) by relying on survey data tend to fall victim to people of color over-reporting if they voted in prior elections.

Voter ID Laws make it hard for minorities to vote in swing states

Yaccino, 2014 [Steven, journalist, “New G.O.P. Bid to Limit Voting in Swing States”, *New York Times*, https://www.nytimes.com/2014/03/30/us/new-gop-bid-to-limit-voting-in-swing-states.html?_r=0] //AKC

CINCINNATI — Pivotal **swing states** under Republican control **are embracing significant new electoral restrictions on registering and voting that go beyond the voter identification requirements that have caused fierce partisan brawls.**

The bills, laws and administrative rules — some of them tried before — shake up fundamental components of state election systems, including the days and times polls are open and the locations where people vote.

In all, nine states have passed measures making it harder to vote since the beginning of 2013. Most have to do with voter ID laws. Other states are considering mandating proof of citizenship, like a birth certificate or a passport, after a federal court judge recently upheld such laws passed in Arizona and Kansas. Because many poor people do not have either and because documents

can take time and money to obtain, Democrats say the ruling makes it far more difficult for people to register.

Voting experts say the impact of the measures on voter turnout remains unclear. Many of the measures have yet to take effect, and a few will not start until 2016. But at a time when Democrats are on the defensive over the Affordable Care Act and are being significantly outspent by conservative donors like the Koch brothers, the changes pose another potential hurdle for Democratic candidates this year.

Republicans defend the measures, saying Democrats are overstating their impact for partisan reasons. The new rules, Republicans say, help prevent fraud, save money and bring greater uniformity to a patchwork election system.

“We think they’re stoking these things for political gain,” said Alex M. Triantafilou, the chairman of the Hamilton County Republican Party in Ohio. “We think there’s an effort here to rally the Democratic base in a year that they otherwise wouldn’t be rallying.”

Democrats and other critics of the laws say that in the face of shifting demographics, **Republicans are trying to alter the rules and shape the electorate in their favor. Those most affected by the restrictions are minorities and the urban poor,** who tend to vote Democratic.

“What we see here is a total disrespect and disregard for constitutional protections,” said the Rev. William Barber, president of the North Carolina N.A.A.C.P. and leader of the Moral Mondays movement, which opposes the changes.

Electoral College Structurally Racist

McCann, 2015 [Mac, Freelance Writer featured in *The Dallas Morning News*, *The Chicago Tribune*, *Newsday*, *The Houston Chronicle*, and more, “The Electoral College and Race in America”, <https://macmccanntx.com/2015/12/10/the-electoral-college-and-race-in-america/> //AKC

While, yes, it’s technically true that people in smaller states, regardless of race, are at an advantage because of the Electoral College, it also happens that **the over-represented smaller states are disproportionately white. Of the 33 states and D.C. that are overrepresented (specifically those with 10 or fewer electoral votes), twenty-eight of them are whiter than the national average (Goodman). More particularly, D.C. and the 12 states with 3 or 4 electoral votes are only 25 percent racial/ethnic minorities. On the other hand, in the four biggest states (the most under-represented), 52 percent of the population is a minority, compared to only 37 percent of the country as a whole (Goodman).**

Again, in practice, it just so happens that our democracy still discriminates against the very same minority groups that have been oppressed throughout our country’s history. **The three most populous states (California, Texas, and New York, which make up over 25% of the total U.S. population), where a person’s vote counts the least, are the three states with the most non-whites (Black).**

Swing States privilege white voters

Goodman, 2012 [Josh, journalist and UCSB doctoral candidate, “E-Race-ing the Vote: The Electoral College’s Hidden Problem”, *The Huffington Post*, http://www.huffingtonpost.com/josh-a-goodman/electoral-college-hidden-problem_b_2046957.html] //AKC

The answer, I realized: an above-average percentage of racial and ethnic minorities. **The demographics mean that the Electoral College systematically waters down the power of big state, racial minority voters while bolstering the value of predominantly white, small-state voters.** One-hundred-forty-two years after the 15th amendment first granted racial minorities the right to vote, the Electoral College system is still inadequate when it comes to racial justice.

While about 37 percent of the U.S. population [is a member](#) of a racial or ethnic minority, that population is not evenly distributed. In the four biggest states — those in which each person’s vote is worth less than in other states — 52 percent of the population is a racial or ethnic minority; in the 12 states plus D.C. with three or four electoral votes, only 25 percent of people are racial or ethnic minorities. Out of the 33 states and D.C. with 10 or fewer electoral votes — that is, the states that have the most voting power per person — 28 are whiter than the national average.

...

Unlike most other institutional racism, I do not think that the current racism in the Electoral College is intentional. The framers of the Constitution had no idea what the racial demographics of various states would be like over 200 years after they set up the Electoral College, or that anyone besides white men would be able to vote in the first place. But that does not make the racism in the Electoral College any less real: **By privileging the voters of less populous, mostly white states, the Electoral College takes away power from the large racial minority populations in big states and adds to the existing racial injustices surrounding voting.**

In response, it is easy to fall into a colorblind trap: A black person in Wyoming gets the same power boost for their vote as a white person does, so how could the Electoral College be racist? Frankly, Wyoming and most other small states are not home to a large population of racial and ethnic minorities; nearly half of the U.S.’s racial and ethnic minority individuals live in the four most populous states. It’s important that the way we count votes be fair for the population as it actually exists.

Empiric: Pennsylvania and Florida Voter ID Laws

Adler, 2012 [Contributing Writer at The Nation, “Bad News for Voting Rights in Swing States”, *The Nation*, <https://www.thenation.com/article/bad-news-voting-rights-swing-states/>] //AKC

Pennsylvania is a large, crucial swing state that leans a bit more Democratic than its neighbor Ohio. President Obama must win Pennsylvania if he is to retain the White House. That’s about to become more difficult.

Republicans in Pennsylvania’s state Senate passed a bill Wednesday—on a mostly party-line vote—to require that voters show photo identification in order to vote. Governor Tom Corbett, a Republican, supports the bill and will sign it into law once the Republican-controlled state House of Representatives passes it. **Voter identification laws disenfranchise those without a photo ID. Multiple studies have shown that people without IDs are more likely**

to belong to a Democratic-leaning constituency, such as low-income, minority or young voters. It can also fall especially hard on people with disabilities and the elderly. That's why Democrats oppose such a law. And as the Associated Press reports, "Counties, civil liberties advocates, labor unions, the AARP and National Association for the Advancement of Colored People also objected to the bill."

...

Pennsylvania would become the third-largest state, after Texas and **Florida, to require voters to produce photo identification. Florida is another large, important swing state.** Voting rights have long been a contentious issue in Florida. Many Democrats and civil rights leaders believe that Governor Jeb Bush's administration allowed George W. Bush to beat Al Gore in Florida in 2000 by ordering a purge of the names of felons from voting rolls. Such purges often ensnare legitimate voters with the same names and prevent them from voting. Thanks to the War on Drugs, felons in Florida are disproportionately black and Latino, as are people with the misfortune to share their names.

African-American Democratic state senators in Florida are trying to find ways to expand opportunities for citizens to vote, but Republicans are stymieing them. As the *Miami Herald* reported on Wednesday:

Deciding that the proposal was off topic, Senate leaders refused to allow African-American senators to tag a proposal expanding early voting onto voter identification legislation.

Sen. Chris Smith, D-Ft. Lauderdale, filed an amendment to HB 1461 that would have given counties the option of opening early voting locations on the Sunday before an election day. Last year, the Legislature approved sweeping new election law that, among other things, limited early voting hours and prohibited early voting within 72 hours of an election.

Latinos Underrepresented in Swing States

Wasserman, 2015 [David, PhD, House Editor for *The Cook Political Report*, The New York Times has called *The Cook Political Report* "a newsletter that both parties regard as authoritative.", "Mapping the 2016 Electorate: Demographics Don't Guarantee a Democratic White House", *Cook Political Report*, <http://cookpolitical.com/story/8608>] //AKC

The bad news for Republicans is that they got absolutely clobbered with Latinos in 2012, taking just 27 percent of that vote. The bad news for Democrats is that thanks to Latino voters' concentration in safe states like California, Texas, and New York, they are somewhat underrepresented in the swing states that matter.

Nationally, Latinos were 10 percent of all voters in 2012. But Latinos averaged just 6.9 percent of voters in the 12 heavily contested swing states. Even if Romney had won a 10 percent higher share of Latinos in every single state, he would have won only one additional state: Florida. He would have still fallen short in Colorado, Nevada, and New Mexico. So while Republicans badly want to win over more Latinos, the task is not as paramount to their success as often thought.

Breakdown of Swing States Minority Population as compared to Nat Average

Wasserman, 2015 [David, PhD, House Editor for *The Cook Political Report*, The New York Times has called *The Cook Political Report* "a newsletter that both parties regard as authoritative.", "Mapping the 2016 Electorate: Demographics Don't Guarantee a Democratic White House", *Cook Political Report*, <http://cookpolitical.com/story/8608>] //AKC

Demographic Breakdown of Voters in 15 States Decided by Less Than 10 Percent in 2012

2012 State	College-Educated Whites	Non-College Whites	Blacks	Latinos	Asians/Others
Arizona	35.0%	39.0%	4.0%	18.0%	4.0%
Colorado	40.0%	37.0%	3.0%	14.0%	6.0%
Florida	32.7%	33.7%	12.9%	16.8%	4.0%
Georgia	31.3%	32.8%	30.4%	3.3%	2.2%
Iowa	40.4%	53.5%	2.0%	2.0%	2.0%
Michigan	37.6%	39.6%	15.8%	3.0%	4.0%
Minnesota	41.6%	44.6%	5.9%	3.0%	5.0%
Missouri	32.0%	46.0%	16.0%	3.0%	3.0%
Nevada	27.7%	35.6%	8.9%	18.8%	8.9%
New Hampshire	48.0%	45.0%	2.0%	3.0%	2.0%
North Carolina	33.0%	37.0%	23.0%	4.0%	3.0%
Ohio	34.0%	45.0%	15.0%	3.0%	3.0%
Pennsylvania	42.4%	36.4%	13.1%	6.1%	2.0%
Virginia	40.6%	29.7%	19.8%	5.0%	5.0%
Wisconsin	37.0%	49.0%	7.0%	4.0%	3.0%
United States	36.0%	36.0%	13.0%	10.0%	5.0%

Generic: Electoral College Racist

Edward, 2004 [George, Texas A&M Professor, "Why the Electoral College Is Bad for America: Second Edition", *Yale University Press*,

<https://books.google.com/books?id=iJSzAwAAQBAJ&pg=PA142&lpg=PA142&dq=The+electoral+college+thus+discourages+attention+to+the+interests+of+African+Americans+because+they+>

[are+unlikely+to+shift+the+outcome+in+a+state+as+a+whole&source=bl&ots=cUHeSAmzKF&sig=6aPWkvqRYfdJe5eU_IhQ4JY29U&hl=en&sa=X&ved=0ahUKEwjuiYSmkIvTAhUE4GMKHAc1CV8Q6AEIHDAAC#v=onepage&q=The%20electoral%20college%20thus%20discourages%20attention%20to%20the%20interests%20of%20African%20Americans%20because%20they%20are%20unlikely%20to%20shift%20the%20outcome%20in%20a%20state%20as%20a%20whole&false](https://www.google.com/search?q=are+unlikely+to+shift+the+outcome+in+a+state+as+a+whole&source=bl&ots=cUHeSAmzKF&sig=6aPWkvqRYfdJe5eU_IhQ4JY29U&hl=en&sa=X&ved=0ahUKEwjuiYSmkIvTAhUE4GMKHAc1CV8Q6AEIHDAAC#v=onepage&q=The%20electoral%20college%20thus%20discourages%20attention%20to%20the%20interests%20of%20African%20Americans%20because%20they%20are%20unlikely%20to%20shift%20the%20outcome%20in%20a%20state%20as%20a%20whole&=false)] //AKC

The electoral college thus discourages attention to the interests of African Americans because they are unlikely to shift the outcome in a state as a whole. The winner-take-all system ensures that African Americans have **little or no voice in presidential elections** in the South. This lack of attention to African American interests as a result of the electoral college is nothing new. Research has found a positive and significant relationship between a state's competitiveness and voting rights enforcement activity in the late nineteenth century. The noncompetitive Solid South provided little incentive to enforce the franchise for African American voters

False boiiii — cities aren't helped by the EC

Griffin 2012 [KATHRYN GRIFFIN has a BA, ABJ, and masters from University of Georgia, "REASSESSING ADVANTAGES IN THE ELECTORAL COLLEGE: FRAMERS' INTENTIONS AND MINORITY INFLUENCE", *University of Georgia*, <https://getd.libs.uga.edu/pdfs/griffin_kathryn_g_201205_ma.pdf>] GST

Whether it is a systematic bias toward large states or an unpredictable bias toward rotating competitive states, one thing is clear—the Electoral College is organized to favor only a few states in each presidential election. Additionally, **there is no systematic evidence shown that supports the theory that ethnic minorities are heightened in the Electoral College. The research on competitive states shows no evidence of a systematic advantage to large or any other states for reaching battleground status.** Therefore, **supporters of the Electoral College cannot claim that large states with extensive urban populations are regularly favored, thus providing minorities with a distinct advantage.** Furthermore, as the preceding findings suggest, minority populations are increasing but they are not necessarily voting. **In essence, by proving a lack of large state bias in competitiveness, researchers refute arguments that minorities are advantaged.**

All your arguments are empirically denied — this card is all we need because it's straight goddamn fire

GEISSBÜHLER 2015 [Simon Geissbuhler is a Swiss historian, political scientist, and diplomat, "Does direct democracy really work? A review of the empirical evidence from Switzerland", *Przegląd Political Science Review*, <<http://przegląd.amu.edu.pl/wp-content/uploads/2015/02/pp-2014-4-087.pdf>>] //DNP

This article tests seven common criticisms of direct democracy by referring to the Swiss experience. Evidently, Swiss democracy is not a copy/paste model, but has developed in a specific historical and institutional setting. **It is obvious that** both conservative as well as left-wing **critics overemphasize their case against direct democracy by (wilfully) neglecting the evidence.** **Direct democracy does not lead to anarchy. The common people can make reasonable decisions. Minorities are not more discriminated against in direct democratic systems than in representative ones.** **Money plays a role in direct democracy, as it does in representative systems. Direct democracy slows down reforms, but it also makes them steadier and more sustainable. Direct democracy brings contentment to its citizens. Finally, direct democracy is not ideologically predisposed.** It is a mechanism to revert policies back to the median voter.

[...]

Firstly, direct democracy is an integral element of Swiss political identity (Widmer, 2007). It is supported by a huge majority of citizens independently of social strata, income, gender, or party identification (Geissbühler, 2001, p. 169–173). Secondly, **direct democracy has led to remarkable political stability and it has upheld both the legitimacy of the Swiss political system as a whole as well as the trust of citizens in the political process.** Historically direct democracy has doubtlessly contributed to the integration of different political, language, religious/confessional and cultural sub-groups of society. Thirdly, direct democratic instruments have better reverted political decisions back to the median voter, and also indirectly as **parties and the parliament tend to anticipate referenda and formulate policies and/or laws in such a way as to avoid them:** “Political decisions are thereby expected to better approximate the median voters’ preferences” (Buetzer, 2011, p. 155). Fourthly, **direct democracy does not lead to “worse” policies than representative democracy.** Indeed direct democracy has proven to be efficient (Noam, 1980). Fifthly, **in a direct democracy different interest groups, some of them very small ones, have an impact on the agenda setting and can launch new and innovative ideas through popular initiatives.** Sixthly, **direct democracy slows down reforms, but it also makes them steadier and more sustainable.** It is an instrument of permanent control by the political elite (Frey 88 Simon GEISSBÜHLER PP 4 '14 et al., 2001; Linder, 1999, p. 238), and it could be one of the factors explaining the still relatively “lean” Swiss (welfare) state (Linder, 2011). Finally, **there is empirical evidence that citizens in a direct democracy are more content than their peers in similar representative systems because they have further opportunities to influence the political process and have their voice heard** (Stutzer, Frey, 2000; Frey et al., 2001).

[...]

1. Direct Democracy destabilizes the political system. Conservatives in particular have traditionally argued that direct democracy has a destabilizing effect and that it **could even lead to anarchy.** **This prejudice is clearly refuted by the Swiss case.** The Swiss example proves “that **direct democracy and political stability can both be achieved**” (Linder, 2011). In all respective rankings, **Switzerland is among the most stable countries in the world** (EIU, 2009; World Bank, 2011). Even the end of the so-called magic formula for the composition of the Federal Council (executive) at the end of 2011 will not fundamentally change this stability. Interestingly, this change of the government’s composition was not introduced by a popular vote, but by a decision of the parliament.

[...]

Nevertheless, **it has been argued that direct democracy is simply impossible due to the alleged lack of political understanding and cognitive capacities of the “common” citizen.**

The "average" citizen is said to be disinterested in politics and not capable of grasping complex political problems and taking reasonable decisions. Even in ancient Sparta, elites thought "normal" people unfit to even speak about politics and policies (Woodruff, 2006, p. 11). However this prejudice falls short of the mark. Firstly, **the "argument" that people are too stupid for direct democracy would mean when taken to its logical conclusion that people are also too stupid for democracy as such:** "In any case, the argument that voters are incompetent and uninformed would seem to cut against democracy in general, rather than against direct democracy alone" (Matsusaka, 2005, p. 198). The idea that it is more difficult and challenging to respond "yes" or "no" to a concrete political question than to choose the candidate closest to one's preferences among dozens or hundreds of candidates in a proportional parliamentary election is rather odd. Even if there are only two candidates in an election, the choice of the preferred candidate can often be much more challenging cognitively for a "common" citizen than a popular vote. Matsusaka (2005, p. 198) has argued "that, if anything, uninformed voters are more likely to make mistakes when voting on candidates than ballot measures because candidates represent bundles of issues and characteristics, while ballot propositions typically involve only a single issue." Secondly, **this prejudice implies that politicians always know better than the "average" citizen**, that they are always more competent on all issues and that they always take the "correct" decisions. **This suggestion is, of course, far from the truth:** "Politicians do not necessarily show expertise and interest" (Budge, 2006, p. 597). **Politicians don't know all the issues and are not always well-informed about everything.** They depend on "shortcuts" and have to ask other politicians and experts, and trust their knowledge and advice: **"Actually, representatives in parliaments are often badly informed about political issues that they do not regard as their expertise"** (Feld, Kirchgässner, 2000, p. 293). Thirdly, **empirical research has shown that at least the citizens who regularly go to the polls are well informed. They know the issues, frequently discuss politics and policies, and they consult a wide array of sources of information** (Linder, 2011: "High information level of a good proportion of citizens"). In fact **direct democracy can be an incentive for citizens to inform themselves about politics and policies, to discuss political issues, to join interest groups and to participate** (Feld, Kirchgässner, 2000; Dalton et al., 2001; Bowler, Donovan, 2002; Tolbert et al., 2003; Benz, Stutzer, 2004; Boehmke, Bowen, 2010). A recent example of the maturity of the Swiss voters was an initiative in March 2012 proposing to introduce six weeks holidays: the initiative was rejected by a huge margin. [...]

It has been argued that direct democracy leads to or in fact is the tyranny of the majority. Swiss direct democracy – according to Wolfgang Merkel (2011, p. 54) – stimulates patterns of conservative and right-wing discrimination against minorities. However, Merkel's case is rather weak. He bases his theory on two or three popular votes in Switzerland without looking at the broader context. Indeed so far **all attempts to reduce or even stop immigration into Switzerland have been rejected by the Swiss people**, even though foreigners make up over 22% of the resident population in Switzerland, one of the highest percentages in Europe. **Empirical studies have shown that direct democracy as such is neither an instrument of the majority against the minority nor an effective tool of minority protection** (Vatter, 2011). **The underlying argument that direct democracy inevitably leads to tyranny is unfounded in the Swiss case.** **There is no monolithic majority in Switzerland which would force its will upon a similarly monolithic minority through popular votes.** That is exactly the point and explains the high legitimacy of direct democracy: majorities and minorities always change depending on the issues to be decided at the polls. In fact one could argue that the **tyranny of the majority is much more common in representative democracies: once a parliament is elected and a majority government formed, this government can – at least theoretically – decide whatever it wants.** It has in many cases a free hand for four years: the majority remains the majority for four years, and the opposition acts as the minority for four years: "Thus, majoritarian democracies suffer not only from their inbuilt tendency towards a 'tyranny of the majority' [...], but also from a tendency to produce conflict resolutions of the zero-sum type, such as in a winner-takes-all game" (Schmidt, 2002, p. 151). Furthermore, **studies have shown that direct democracy gives (social) outsiders and marginal groups a platform to propagate their ideas and to be heard** (Höglinger, 2008). Direct democracy creates an additional political arena outside of parliament. Of course **discriminations against minorities e.g. foreigners, occur in Switzerland. But they also occur in representative democracies.** Democratic systems are

never perfect. Only an ideal democracy – whether it is direct, semi-direct or representative – would flawlessly engage “majority and minority elements in a cooperative enterprise” (Woodruff, 2006, p. 218).

[...]

4. Direct democracy is biased towards the higher social strata of society. Wolfgang Merkel (2011) has underlined that the lower the participation in elections and in popular votes, the stronger the bias towards society’s higher social strata. In other words the higher social strata participate more actively in direct democracy than the lower ones. Of course this theory is nothing new and it is based on a solid body of empirical evidence. People who earn more and who are better educated are more likely to vote (Harder, Krosnick, 2008). Accordingly Wolf Linder (2011) refers to a middle class bias of direct democracy. However **this argument is both contrary to direct as well as representative democracy. Furthermore direct democracy allows for marginal issues to be put on the agenda (Vatter, 2011). This can lead to the political activation of strata of the population that are not interested in “conventional” politics.** There is some evidence that popular votes (ballot initiatives) in the US have an educational effect and **“increase turnout in mid-term as well as presidential elections”** (Tolbert, Smith, 2005; cf. Tolbert et al., 2003; Biggers, 2011). Voter turnout in Switzerland shows that important popular votes mobilize the electorate. In salient popular votes, **voter turnout is much higher than in cantonal or national elections.** (Bundesamt für Statistik, 2011). Therefore it can be argued that **in popular votes – at least in those which are perceived to be crucial – the bias towards the higher social strata of society is less pronounced than in elections.** Examples of an above average turnout and also therefore of less social bias would be the popular votes on the abolition of the Swiss army in 1989 (69.2%; initiative rejected) and against the immigration of foreigners in 1974 (70.3%; initiative rejected) and also in 1970 (74.7%; initiative rejected) (IPW/APS 2008). However Wolfgang Merkel’s thesis that direct democracy would accelerate the exclusion of society’s lower social strata from the political process is not convincing (Merkel, 2011, p. 55). It is evident that **direct democracy is sometimes as exclusive as representative democracy. But quite often it is more inclusive than representative democracy because some ballot issues mobilize the strata of society that do not normally participate politically.**

5. Money buys direct democratic decisions The fact that money is an important factor in democracies is well known. Wolfgang Merkel (2011, p. 52) writes that money is less decisive in politics in Switzerland than in other countries, but is still a critical element in the political process and in influencing decision-making. Indeed there is no reason to believe that Switzerland would and should be an exception with regard to the influence of money in politics because of its direct democratic mechanisms. **The influence of money in politics is not the problem of direct democracy, but of democracy itself.** The idea that money buys direct democratic decisions is mistaken (Lupia, Matsusaka, 2004, p. 470): “[Unlike] legislators who may gain directly from lobbyist contributions, **citizen voters generally receive no direct benefit by voting one way or another. Instead they are more likely to vote with their conscience on a topic and strive for ethical government**” (DuVivier, 2007, p. 1050).

6. Direct democracy leads to an expansion of the (welfare) state and blocks reforms In Switzerland there is a long tradition of publications, mainly by economists, which argue that direct democracy is responsible for the alleged lack of innovation and for reform blockages (Wittmann, 2011; Brunetti, Straubhaar, 1996; Borner et al., 1994). These authors argue that representative democracies are more efficient and adapt faster to the changing economic and political environment than political systems with direct democratic components. Theoretically this thesis might be convincing, at least at first glance. But in practice, **representative or so-called Westminster democracies such as Great Britain run the risk to completely change government policies with each and every change in government** (“Jekyll-and-Hyde syndrome”). The fact that **abrupt policy changes, which can**

include the short-term discontinuation of policies of the outgoing government and the introduction of diametrically opposed policies by the incoming government, **are neither efficient nor effective** and does not need to be explained in detail (Abromeit, 1992). Speed alone is certainly not a proof of quality in the legislative process. It has been underlined that **direct democracy can have an innovative effect which compensates at least partially for the policy blockages it creates** (Linder, 1999, p. 259–265). Direct democracy reduces the risks of rent-seeking (Vatter, 2011) and the tendency of politicians to spend money and to support their own political clientele. Studies have shown that in Swiss cantons where citizens have **more direct democratic rights, public services tend to be better and taxes lower than in cantons with more restricted democratic rights**: “Public services are provided more efficiently in direct democracies than in representative democracies” (Feld, Kirchgässner, 2000, p. 302). Furthermore citizens are rather reluctant to expand the (welfare) state. Feld and Matsusaka (2003, p. 2721) have demonstrated that “government spending is lower in Swiss cantons with mandatory referendums”. [...]

Overall, **there is little evidence to support Wolfgang Merkel’s thesis that direct democracy has neoliberal effects**. Of course **direct democracy has not led to a sprawling welfare state**. Clearly it is not an effective tool to rapidly expand the welfare state (Moser, Obinger, 2007, p. 357; Lupia, Matsusaka, 2004). But on the other hand, direct democracy did not lead to radical cuts in social provision either: “Thus, Switzerland with its **direct democracy at all governmental levels, can hardly be seen as an example where the welfare state is endangered by the existence of direct popular rights**” (Feld et al., 2010). The Swiss welfare state grew in the last few decades (Martin 2002), and **the chances of a retrenchment are more limited in a direct democratic system (because of the status quo bias of direct democracy) than in a representative democracy** (Moser, Obinger, 2007, p. 344).

Direct democracy is non-unique — governors, and the House

Amar 10/7/16 [Akhil Amar teaches constitutional law at Yale, “Op-Ed Ten questions, and answers, about the electoral college”, *Los Angeles Times*, <<http://www.latimes.com/opinion/op-ed/la-oe-amar-electoral-college-explainer-20161007-snap-story.html>>] //CJC

2. What about the idea that the framers distrusted direct democracy? It’s overstated. The framers put the Constitution itself to a popular vote of sorts, provided for direct election of House members (thus breaking with the Articles of Confederation) and favored direct election of governors.

3. Were electors ever expected to make up their own minds? Immigrants applying for citizenship in high numbers may swing the November election. Immigrants applying for citizenship in high numbers may swing the November election. From 1789 to today, most electors have been undistinguished no-names doing as they were told by whomever picked them. Early on, state legislatures did much of the picking, but soon, popular elections prevailed in most states.

4. Doesn’t the electoral college vindicate American federalism, treating each state seriously? Yes, but so would a direct national election. Currently, states have little incentive to encourage voting. A state gets the same number of electoral votes no matter what. But in a direct national election system, any state encouraging broad voter participation would have more clout in the final result. **States might compete and experiment with different ways to promote voter participation — federalism at its best.**

State-by-state winner takes all under EC is tyranny of majority, and there are a bunch of other factors that prevent it

Koza 2013 [James Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, "Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote", *NPV Press*, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] //CJC

MYTH: The state-by-state winner-take-all rule prevents tyranny of the majority QUICK ANSWER: • **Winner-take-all statutes enable a mere plurality of voters in each state to control 100% of a state's electoral vote, thereby extinguishing the voice of the remainder of the state's voters. The state-by-state winner-take-all rule does not prevent a "tyranny of the majority" but instead is an example of it.** As Missouri Senator Thomas Hart Benton said in 1824, "This is . . . a case . . . of votes taken away, added to those of the majority, and given to a person to whom the minority is opposed." • **It is impossible to discern any specific threat of "tyranny of the majority" that was posed by the first-place candidates in the four elections in which the Electoral College elected the second-place candidate to the Presidency (1824, 1876, 1888, and 2000).** • Under the American system of government, **protection against a "tyranny of the majority" comes from specific protections of individual rights contained in the original Constitution and the Bill of Rights; the "checks and balances" provided by dividing government into three branches (legislative, executive, and judicial); the existence of an independent judiciary; and the fact that the United States is a "compound republic" in which governmental power is divided between two distinct levels of government—state and national.**

Direct democracy increases turnout and political knowledge

Tolbert 2003 [Caroline Tolbert is a political science professor, "Enhancing Civic Engagement: The Effect of Direct Democracy on Political Participation and Knowledge", *State Politics and Policy Quarterly*, <<http://www.jstor.org/stable/pdf/40421477.pdf>>] //DNP + CJC

What is the impact of direct democracy on citizens' political participation and knowledge? Progressive Era reformers and normative theorists have argued that **institutional procedures allowing citizens a more direct role in government decision-making will increase civic engagement, broadly defined.** Using American National Election Studies data for 1996, 1998, and 2000, we test this hypothesis. Our multivariate analysis suggests that exposure to ballot initiatives **increases the probability of voting, stimulates campaign contributions to interest groups, and enhances political knowledge.** However, we find that the impact of the initiative process on political participation and knowledge varies with electoral context. Scholars, journalists, and practitioners have long debated the merits of citizen law-making, as practiced in 24 of the American states. While most empirical research on ballot initiatives has focused on the role of special interests and the initiative's direct effect on policy outcomes and minority rights (Bowler, Donovan, and Tolbert 1998; Schrag 1998; Smith 1998; Gerber 1999; Broder 2000; Ellis 2002), the indirect "educative value" of the process has received far less attention from scholars (Munro 1912, 22). This is especially true with respect to how the process might enhance civic engagement, one of the earliest concerns of direct democracy advocates. Does the initiative process lead to an informed, active electorate, as Progressive Era proponents predicted? We use American National Election Studies (NES) survey data from 1996, 1998, and 2000 to assess this indirect effect of exposure to ballot initiatives on Americans' participation in and knowledge about public affairs. Our analysis suggests that **direct democracy does indeed promote civic engagement,** but that its effects vary with the electoral context.

[...]

Two recent studies using aggregate state-level data conclude that **direct democracy has a positive effect on voter turnout.** Examining state ballots from 1972 to 1996, Smith (2001) finds that the presence of "salient" initiatives and popular referenda - those with a high percentage of front-page newspaper coverage devoted to them on the day following the election - increases turnout in midterm elections

by roughly 3 percent over states without direct democracy, but not in presidential election years. Similarly, using pooled time-series data for the 50 states from 1970 to 1996, Tolbert, Grummel, and Smith (2001) find that states with more initiatives on the ballot have **higher voter turnout in both presidential (roughly 4 percent) and midterm elections (roughly 8 percent)** than states without the process

[...]

While the direct effects of ballot initiatives on policy outcomes and minority rights continue to be investigated by numerous scholars, we have begun to test the claims of **direct democracy proponents of indirect, or educative, effects of the process on civic engagement.** Lending support to arguments made by both Progressive Era reformers and contemporary normative scholars, our analysis indicates that people in states with frequent exposure to ballot questions **were more likely to vote** in the 1996 presidential and 1998 midterm elections.⁶ Consistent with previous aggregate-level research, we find that ballot initiatives may have the most impact in low-information elections, such as midterm elections and non-competitive presidential elections, as initiatives provide voters with additional political information. Simulated probabilities (King, Tomz, and Wittenberg 2000) suggest that each additional initiative on the state ballot **increases the probability of a person voting by 1 percent**, holding all other factors in the model constant.⁷ Thus, an individual residing in a state with four initiatives on an election ballot is estimated to have a four percentage point higher probability of voting in that election than if the same individual resided in a state with no initiatives on the ballot. Furthermore, our analysis suggests that exposure to ballot initiatives also increases a person's propensity to donate money to interest groups in midterm elections. And, when state issue elections and federal election campaigns are related to one another, such as in 1996, we find that exposure to ballot initiatives **increases a person's general political knowledge.** Thus, the electoral context influences the effect that the state initiative process has on civic engagement. **Our study has important implications for the normative assessment of the impact of direct democracy on political representation. If ballot initiatives enhance a citizen's political participation and knowledge, it bolsters the case for participatory models of governance, including recent proposals for national direct democracy mechanisms in the United States** (Wolfensberger 2000)

Direct democracy causes political trust — think they can control politics and incentivizes politicians to act differently

Fatke 2012 [Matthias Fatke is a political science professor, "Direct democracy and political trust: Keeping political authorities on a short leash?", *University of Bern*, <http://paperroom.ipsa.org/papers/paper_13703.pdf>] //DNP + CJC

This paper investigates the relationship between the formal extensiveness of direct democratic institutions, their actual use and political trust. Theoretically, **the presence of direct democratic institutions may enhance trust through two mechanisms: First, by increasing a citizen's perception that he or she is able to control and correct political authorities. Second, because they serve as an incentive for political authorities to act trustworthy—which in turn, leads to more favorable trust judgments among individuals.** In combination, these two mechanisms should be responsible for a positive relationship between direct democratic rights and political trust. In contrast, explanations connecting the actual use of direct democratic institutions with trust seem to be less convincing

[...]

In our study, we argue that extensive formal **direct democratic rights increase political trust in two ways. First, by increasing a citizen's perception that he or she is able to control and correct the political authorities. Second, because their presence serves as an incentive for political authorities to act trustworthy—which in turn leads to better trust judgments among individuals.** In combination, these two mechanisms should be responsible for a positive relationship between extensive direct democratic rights and political trust. In contrast, explanations connecting the actual use of direct democratic institutions with trust are

not convincing. This abstract framework is then tested with a concrete empirical example, namely individuals living in Swiss cantons. **We arrive at the conclusion that the presence of direct democratic institutions does indeed increase political trust-** However, the actual use of these institutions does not.

Direct democracy boosts the economy — labor productivity, government effectiveness, less corruption

Voigt 2009 [Stefan Voigt is a professor of economic policy, “The Economic Effects of Direct Democracy - A Cross-Country Assessment”, *Public Choice*, <https://www.researchgate.net/profile/Stefan_Voigt2/publication/4985529_The_Economic_Effects_of_Direct_Democracy_-_A_Cross-Country_Assessment/links/02e7e52b4105fd4fca000000.pdf>] //DNP + CJC

This is the first study that assesses **the economic effects of direct democratic** institutions on a cross country basis. Most of the results of the former intra-country studies could be confirmed. On the basis of some 30 countries, **a higher degree of direct democracy leads to lower total government expenditure (albeit insignificantly) but also to higher central government revenue. Central government budget deficits are lower in countries using direct democratic institutions.** As former intra-country studies, we also find that **government effectiveness is higher under strong direct-democratic institutions and corruption lower.** Both **labor and total factor productivity are significantly higher in countries with direct democratic institutions.**

One person one vote is fundamental to democratic values

Lessig 11/24/16 [Lawrence Lessig is a law professor at Harvard University. “The Constitution lets the electoral college choose the winner. They should choose Clinton”, *Washington Post*, <https://www.washingtonpost.com/opinions/the-constitution-lets-the-electoral-college-choose-the-winner-they-should-choose-clinton/2016/11/24/0f431828-b0f7-11e6-8616-52b15787add0_story.html?tid=a_inl&utm_term=.69a54fc3ffb1>] //CJC

In both cases, the result violated what has become **one of the most important principles governing our democracy— one person, one vote.** In both cases, the votes of some **weighed much more heavily than the votes of others.** Today, the vote of a citizen in Wyoming is four times as powerful as the vote of a citizen in Michigan. The vote of a citizen in Vermont is three times as powerful as a vote in Missouri. **This denies Americans the fundamental value of a representative democracy — equal citizenship.** Yet nothing in our Constitution compels this result. Instead, if **the electoral college is to control who becomes our president,** we should take it seriously by understanding its purpose precisely. **It is not meant to deny a reasonable judgment by the people. It is meant to be a circuit breaker — just in case the people go crazy.**

Impact turn: Federalism leads to ineffective responses to disease outbreaks, terrorist attacks, and natural disaster.

Griffin, 07 (Stephen M., Professor in Constitutional Law, Tulane School St. Johns Journal of Legal Commentary Spring-
"Symposium: Federalism Past, Federalism Future: A Constitutional Law Symposium: Stop Federalism Before It Kills Again:
Reflections On Hurricane Katrina, 2007) //CJC

And so it is still the case that when natural disasters strike, the divided power of the federal structure presents a coordination problem. The kind of coordination that had to occur to avoid the Katrina disaster requires long-term planning before the event. The American constitutional system makes taking intergovernmental action difficult and complex. The process of coordinating governments can take years. In many ways, the government was just at the beginning of that process at the time of Katrina, n48 although we are now four years distant from the terrorist attacks of September 11, 2001 that set the latest round of disaster coordination in motion. Suppose, however, that we don't have the luxury of taking the time to satisfy every official with a veto. This is the key point of tension between what contemporary governance demands and what the Constitution permits. The kind of limited change that occurred in 1927 can take us only so far. What Hurricane Katrina showed was that even after decades of experience with natural disasters, the federal and state governments were still uncoordinated and unprepared. The reasons they were unprepared go to the heart of the constitutional order. Unless we learn some lessons, Katrina will happen again. It may be a massive earthquake, an influenza pandemic, a terrorist attack, or even another hurricane, but the same ill-coordinated response will indeed happen again unless some attention is paid to the constitutional and institutional lessons of Katrina. We need to "stop federalism" before it kills again. That is, we need to stop our customary thinking about what federalism requires in order to prevent another horrific loss of life and property.

Pandemic → Extinction

Yu 9 Dartmouth Undergraduate Journal of Science (Victoria, Human Extinction: The Uncertainty of Our Fate, 22 May 2009, <http://dujs.dartmouth.edu/spring-2009/human-extinction-the-uncertainty-of-our-fate>) //CJC

A **pandemic will kill off all humans.** In the past, humans have indeed fallen victim to viruses. Perhaps the best-known case was the bubonic plague that killed up to one third of the European population in the mid-14th century (7). While vaccines have been developed for the plague and some other infectious diseases, **new viral strains are constantly emerging – a process that maintains the possibility of a pandemic-facilitated human extinction.** Some surveyed students mentioned AIDS as a potential pandemic-causing virus. It is true that scientists have been unable thus far to find a sustainable cure for AIDS, mainly due to HIV's rapid and constant evolution. Specifically, two factors account for the virus's abnormally high mutation rate: 1. HIV's use of reverse transcriptase, which does not have a proof-reading mechanism, and 2. the lack of an error-correction mechanism in HIV DNA polymerase (8). Luckily, though, there are certain characteristics of HIV that make it a poor candidate for a large-scale global infection: HIV can lie dormant in the human body for years without manifesting itself, and AIDS itself does not kill directly, but rather through the weakening of the immune system. However, for more easily transmitted viruses such as influenza, the evolution of **new strains could prove far more consequential.** The **simultaneous** occurrence of **antigenic drift and antigenic shift** (the inter-species transfer of disease) in the influenza virus **could produce a new version** of influenza for **which scientists may not immediately find a cure.** Since influenza can spread quickly, this lag time could potentially lead to a "global influenza pandemic," according to the Centers for Disease Control and Prevention (9). The most recent scare of this variety came in 1918 when bird flu managed to kill over 50 million people around the world in what is sometimes referred to as the Spanish flu pandemic. Perhaps even more frightening is the fact that only 25 mutations were required to convert the original viral strain — which could only infect birds — into a human-viable strain (10).

Natural disasters greatly increase the probability of a disease outbreak — and independently kill millions

WHO 2006, World Health Organization 2006

(Communicable diseases following natural disasters -- Risk assessment and priority interventions, WHO/CDS/NTD/DCE/2006.4, Retrieved 9-11-2006 from http://www.who.int/diseasecontrol_emergencies/en/) //CJC

Natural disasters are catastrophic events with atmospheric, geologic and hydrologic origins. They include earthquakes, volcanic eruptions, landslides, tsunamis, floods and drought. Natural disasters can have rapid or slow onset, and serious health, social and economic consequences. During the past two decades, natural disasters have killed millions of people, adversely affecting the lives of at least one billion more people and resulting in substantial economic damage (1). Developing countries are disproportionately affected because of their lack of resources, infrastructure and disaster preparedness systems.

The potential impact of communicable diseases is often presumed to be very high in the chaos that follows natural disasters. Increases in endemic diseases and the risk of outbreaks, however, are dependent upon many factors that must be systematically evaluated with a comprehensive risk assessment. This allows the prioritization of interventions to reduce the impact of communicable diseases post-disaster.

U.S. federalism won't be modeled – too many factors in the development of democracy

Stepan 99 [Alfred Stepan, Wallace Sayre Professor of Government at Columbia University, 1999, Journal of Democracy Volume 10, "Federalism and Democracy: Beyond the U.S. Model," http://muse.jhu.edu/journals/journal_of_democracy/v010/10.4stepan.html] //CJC

The U.S. model of federalism, in terms of the analytical categories developed in this article, is "coming-together" in its origin, "constitutionally symmetrical" in its structure, and "demos-constraining" in its political consequences. Despite the prestige of this U.S. model of federalism, it would seem to hold greater historical interest than contemporary attraction for other democracies.

Since the emergence of nation-states on the world stage in the after-math of the French Revolution, no sovereign democratic nation-states have ever "come together" in an enduring federation. Three largely unitary states, however (Belgium, Spain, and India) have constructed "holding-together" federations. In contrast to the United States, these federations are constitutionally asymmetrical and more "demos-enabling" than [End Page 32] "demos-constraining." Should the United Kingdom ever become a federation, it would also be "holding-together" in origin. Since it is extremely unlikely that Wales, Scotland, or Northern Ireland would have the same number of seats as England in the upper chamber of the new federation, or that the new upper chamber of the federation would be nearly equal in power to the lower chamber, the new federation would not be "demos-constraining" as I have defined that term. Finally, it would obviously defeat the purpose of such a new federation if it were constitutionally symmetrical. A U.K. federation, then, would not follow the U.S. model. The fact that since the French Revolution no fully independent nation-states have come together to pool their sovereignty in a new and more powerful polity constructed in the form of a federation would seem to have implications for the future evolution of the European Union. The European Union is composed of independent states, most of which are nation-states. These states are indeed increasingly becoming "functionally federal." Were there to be a prolonged recession (or a depression), however, and were some EU member states to experience very high unemployment rates in comparison to others, member states could vote to dismantle some of the economic federal structures of the federation that were perceived as being "politically dysfunctional." Unlike most classic federations, such as the United States, the European Union will most likely continue to be marked by the presumption of freedom of exit. Finally, many of the new federations that could emerge from the currently nondemocratic parts of the world would probably be territorially based, multilingual, and multinational. For the reasons spelled out in this article, very few, if any, such polities would attempt to consolidate democracy using the U.S. model of "coming-together," "demos-constraining," symmetrical federalism.

NPV doesn't change power of state govt relative to federal govt

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, "Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote", *NPV Press*, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] //CJC

MYTH: Federalism would be undermined by a national popular vote. QUICK ANSWER: • **Federalism concerns the distribution of power between state governments and the national government.** • **The power of state governments relative to the federal government is not increased or decreased based on whether presidential electors are elected along state boundary lines** (as is the case under the current state-by-state winner-take-all system), **along congressional district boundary lines** (as is currently the case in Nebraska and Maine), **or national lines** (as would be the case under the National Popular Vote plan). • **There is no connection between the way power is—or should be—distributed between the state and federal governments and the boundary lines used to tally votes for presidential electors.** • **The National Popular Vote approach preserves the power of the states to conduct elections—an important element of federalism.** MORE DETAILED ANSWER: Federalism concerns the distribution of power

between state governments and the national government. Avid supporters of federalism are typically ardent about preserving and enhancing the power of state government in relation to the power of the national government. John Samples of the Cato Institute argues that a national popular vote would "weaken federalism." "Anti-federalists feared the new Constitution would centralize power and threaten liberty. . . . "The founders sought to fashion institutional compromises that responded to the concerns of the states and yet created a more workable government than had existed under the Articles of Confederation. . . . "The national government would [be] part of a larger design of checks and balances that would temper and restrain political power." . . . "The realization of the NPV plan would continue [the] trend toward nationalization and centralized power."⁷² [Emphasis added] UCLA Professor Daniel H. Lowenstein has argued: "Against all the pressures of nationalization, it is important to maintain the states as strong and vital elements of our system."⁷³ [Emphasis added]

The power of state governments relative to the federal government is not increased or decreased based on whether presidential electors are elected along state boundary lines (as is the case under the current state-by-state winner-take-all system), along congressional district boundary lines (as is currently the case in Nebraska and Maine), or along national lines (as would be the case under the National Popular Vote plan). **The balance of power between the state and federal levels of government is controlled by the U.S.**

Constitution, state constitutions, and various federal and state laws. The National Popular Vote plan does not affect the amount of power that state governments possess relative to the federal government. When the Founding Fathers from Virginia, Delaware, and Massachusetts returned from the 1787

Constitutional Convention and organized the first presidential election in their respective states in 1789, they certainly did not reduce the powers of their state governments relative to the federal government when they chose to elect their state's presidential electors by district (rather than the statewide winner-take-all method). Similarly, the powers of the state governments of Virginia, Massachusetts, and North Carolina were not enhanced relative to the federal government when those states subsequently decided to change (in the early 1800s) to the winner-take-all rule. Surely, no one would argue that Nebraska and Maine undermined federalism when they decided (in 1992 and 1969, respectively) to award their electoral votes by congressional district (instead of using the statewide winner-take-all method).

The National Popular Vote compact preserves the power of the states to conduct elections—an important element of federalism. It also preserves the power of the states to make future changes in the method of electing the President. **Adoption of the National Popular Vote compact is an exercise of federalism. It constitutes action by state governments to solve a recognized problem.** It is an exercise of a power explicitly granted to the states by the U.S. Constitution.

Federalism sparks ethnic conflict

Willy Mutunga, Executive Director of the Kenya Human Rights Commission, *The Nation*, May 20, 2001. //CJC

Federalism promotes localism, ethnic and racial xenophobia and undermines the sense of nationhood. Unsurprisingly the United States and Nigeria are living survivors of debilitating separatist wars between their regions; India, despite its federal miracle still bleeds from secessionist movements. The introduction of ethnic-based 'quasi-regionalism' in post-Mengistu Ethiopia has fuelled the conflict over the proposed Oromia state by members of the Oromo ethnic population. Majimboism in the early 1960s had let off the lid of secessionist movements, particularly by Kenyan Somalis in North Eastern Province and the clamour for an autonomous "Mwambao" on the Coast. There is no guarantee that this time around, majimboism will not trigger ethnic recidivism and separatist movements, especially in North Eastern, Coast and Eastern province where the Oromo population may lean towards the movement for an Oromia state. **Federalism's** main weakness is that it is a very expensive system that duplicates services and office holders at the regional and federal levels. It lacks uniform policies on such issues of national concern as laws regulating marriages, divorce, abortions, liquor, voting rights and public education. Rather than ensuring economic equity, as many proponents of majimboism assume, it sets those regions, states or cantons with a weak market-base, capital, and resources down the spiral of economic decline. It subjects local governments to double subordination-by the central and regional governments-and the citizens to triple taxation. At a time when the country's economy is on its knees, the feasibility of a well-financed transition is highly doubtful.

Popular vote improves federalism — either non-unique or link turn

Amar 10/7/16 [Akhil Amar teaches constitutional law at Yale, "Op-Ed Ten questions, and answers, about the electoral college", *Los Angeles Times*, <<http://www.latimes.com/opinion/op-ed/la-oe-amar-electoral-college-explainer-20161007-snap-story.html>>] //CJC

2. What about the idea that the framers distrusted direct democracy? It's overstated. The framers put the Constitution itself to a popular vote of sorts, provided for direct election of House members (thus breaking with the Articles of Confederation) and favored direct election of governors.

3. Were electors ever expected to make up their own minds? Immigrants applying for citizenship in high numbers may swing the November election
Immigrants applying for citizenship in high numbers may swing the November election
From 1789 to today, most electors have been undistinguished no-names doing as they were told by whomever picked them. Early on, state legislatures did much of the picking, but soon, popular elections prevailed in most states.

4. Doesn't the electoral college vindicate American federalism, treating each state seriously? Yes, but so would a direct national election. Currently, states have little incentive to encourage voting. A state gets the same number of electoral votes no matter what. But in a direct national election system, any state encouraging broad voter participation would have more clout in the final result. States might compete and experiment with different ways to promote voter participation — federalism at its best.

Impact d: Federalism does not work to solve conflicts

John Warren **McGarry and** Brendan **O'Leary**. "The political regulation of national and ethnic conflict." *Parliamentary Affairs* v47.n1 (Jan 1994): pp94(22). //CJC

Unfortunately, **federalism has a poor track record as a conflict-regulating device in multi-national and polyethnic states, even where it allows a degree of minority self-government.**

Democratic federations have broken...Federal failures have occurred because minorities continue to be outnumbered at the federal level of government. The resulting frustrations, combined with an already defined boundary and the significant institutional resources flowing from control of their own province or state, provide considerable incentives to attempt secession, which in turn can invite harsh responses from the rest of the federation...genuine

democratic federalism is clearly an attractive way to regulate national conflict, with obvious moral advantages over pure control. The argument that it should be condemned because it leads to secession and civil war can be sustained only in three circumstances:

first, if without federalism there would be no secessionist bid and, second, if it can be shown that national or ethnic conflict can be justly and consensually managed by alternative democratic means; and third, if the secessionist unit is likely to exercise hegemonic control (or worse) of its indigenous minorities.

No internal link – federalism refers to a concept, not a particular distribution of power

Bobertz 2003 (Bradley Bobertz, Environmental Law Professor, PACE ENVIRONMENTAL LAW REVIEW, 2003, pp. 88-9) //CJC

Let us begin by demystifying the word "federalism." Federalism, itself, simply refers to any system of power-sharing in which authority is distributed between what is typically a larger political unit, such as the United States, and what are typically smaller political subdivisions, such as the states, which are a part of, but at least partially independent from, the larger body. The European Union and its constituent nations are an example of federalism, as were the Articles of Confederation that the Constitution supplanted. Federalism, in other words, is a structural notion that has no meaning independent of its particularizing details. Under any given system of federalism, the larger political body can have a great deal more power than its political subunits, as is the case in some European nations, or the subunits can wield comparatively more power than the larger political unit, as was the case under the Confederate Constitution during the American Civil War. In normal usage, then, the term "federalism" is agnostic as to how power is distributed. "Federalists" of the founding generation favored a strong national government in relation to the states, while the modern Federalist Society appears to favor the diminishment of national power vis-a-vis the states

Non-U: The economic recession killed federalism

John Dinan and Shama Gamkhar May 14th, 2009 (Dinan is a professor of political science at Wake Forest, Gamkhar is a professor of public affairs at the University of Texas at Austin) "The State of American Federalism 2008–2009: The Presidential Election, the Economic Downturn, and the Consequences for Federalism" Published in Publius: The Journal of Federalism" page online: <http://publius.oxfordjournals.org/cgi/content/full/pjp012>.] //CJC

The most consequential developments for American federalism in 2008–2009 were the presidential election and economic recession. After several years when states were the primary innovators on many issues that topped the policy agenda, the economic downturn drew renewed attention to federal policy-making, given the greater resources and capacities of the federal government. Although federalism was not a dominant issue in the presidential campaign, Barack Obama's election and sizable Democratic congressional gains had important implications for federal-state relations by putting federal power in the service of a different set of policy goals, encouraging state experimentation on a different set of policy issues, and producing a greater willingness to respond to state pleas for financial assistance. The two most consequential developments for American federalism in 2008–2009 were the presidential election and a severe economic recession that began in late 2007 and is expected to last well into 2009. The recession had a clear and predictable centralizing effect. As is generally the case during wars and economic downturns, the public looked primarily to the federal government, with its greater resources and capacities, to ameliorate the economic hardships and prevent the situation from worsening. Federal officials from both parties responded, albeit with varying degrees of enthusiasm, by issuing tax rebates, rescuing banks, mortgage lenders, and auto-makers, and proposing increased federal regulation of various financial institutions. Whereas in the last several years states were the primary

innovators on many policy issues that topped the political agenda, the economic downturn and prominence of economic issues in the presidential election drew renewed attention to federal policy-making.

Extremists candidates lose and should happen in the squo

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, “Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote”, NPV Press, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] //CJC

MYTH: Extremist candidates will proliferate under a national popular vote. QUICK ANSWER:

• **If an Electoral College type of arrangement were essential for avoiding extremist candidates, we would see evidence of extremism in elections (such as gubernatorial elections) that do not employ an Electoral College type of arrangement.** • **Actual experience is that extremist candidates are rarely elected in elections in which the winner is the candidate who receives the most votes.**

[...]

If an Electoral College type of arrangement were essential for avoiding extremist candidates, we would see evidence of Singal’s conjectured “havoc” in elections that do not employ an Electoral College type of arrangement. However, Singal presents no evidence of “havoc” in elections in which the winner is the candidate who receives the most popular votes. At the time the U.S. Constitution came into effect in 1789, Governors were elected in Rhode Island, Massachusetts, New Hampshire, and Connecticut. The idea of popularly electing the Governor was adopted piecemeal, on a state-by-state basis. **Today, Governors are elected in 100% of the states. After over two centuries of actual experience in over 5,000 statewide elections for state chief executive, the lack of moderation in political discourse predicted** by Ross, the radicalization of politics predicted by von Spakovsky, and the “havoc” predicted by Singal **have yet to materialize.** History indicates that extremist candidates are almost never elected in elections in which the winner is the candidate who receives the most popular votes. U.S. Senators were elected by state legislatures under the original U.S. Constitution. Since ratification of the 17th Amendment in 1913, U.S. Senators have been elected by the people. After nearly 100 years of actual experience under the 17th Amendment, how many U.S. Senators have been extremists? Given this historical record, there is no reason to expect the emergence of some new and currently unknown political dynamic if the President were elected in the same manner as virtually every other public official in the United States. **Candidates attempting to win any election have a strong incentive to capture “the middle” of their electorate. Counting the votes on a nationwide basis (instead of a statewide basis) would not change this imperative.** Singal provides no explanation as to why **“independent voters in the middle of the political spectrum” would not be similarly “crucial” if the President were elected from a nationwide electorate.** Singal also overlooks the fact that there are millions of “swing voters” in the states that get no attention under the current state-by-state winner-take-all system. What is the justification for making “swing voters” in today’s non-battleground states less important than the “swing voters” in battleground states? Criticism of the National Popular Vote plan on the basis of extremism is yet another example of a criticism that is actually more appropriately applied to the current state-by-state winner-take-all system. face

Fraud arg is Lies lies lies

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, “Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote”, *NPV Press*, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] //CJC

The six problematic presidential elections in the past six decades (table 1.23) are reminders that the operation of the winner-take-all system in 51 separate jurisdictions makes razor-thin margins more likely. This, in turn, makes electoral mischief and fraud more rewarding. As Senator Birch Bayh said in a Senate speech in 1979: “[O]ne of the things we can do to limit fraud is to limit the benefits to be gained by fraud. **Under a direct popular vote system, one fraudulent vote wins one vote in the return. In the electoral college system, one fraudulent vote could mean 45 electoral votes, 28 electoral votes.**”

[...]

MYTH: A national popular vote would be a guarantee of corruption because every ballot box in every state would become a chance to steal the Presidency. QUICK ANSWER: • **Under the current system of electing the President, every vote in every precinct matters inside every battleground state. If it were true that an election in which the winner is the candidate who receives the most popular votes is “a guarantee of corruption,” then we should see today a wealth of evidence of rampant fraud in presidential elections inside every battleground state.** Similarly, we should see evidence of rampant fraud today in every gubernatorial election in every state. • **Executing electoral fraud without detection requires a situation in which a very small number of people can have a very large impact.** • **Under the current state-by-state winner-take-all system, there are huge incentives for fraud and mischief, because a small number of people in a battleground state can affect enough popular votes to swing all of that state’s electoral votes.** • In 2004, President George W. Bush had a nationwide lead of 3,012,171 popular votes. However, if 59,393 Bush voters in Ohio had shifted to Senator John Kerry, Kerry would have carried Ohio and thus become President. **It would be far easier for potential fraudsters to manufacture 59,393 votes in Ohio than to manufacture 3,012,171 million votes (51 times more votes) nationwide.** Moreover, it would be far more difficult to conceal fraud involving three million votes. • In 2012, a shift of 214,390 popular votes in four states (Florida, Ohio, Virginia, and New Hampshire) would have elected Governor Romney as President, Chapter 9—Section 9.31.11. | 741 despite President Obama’s nationwide lead of almost five million votes. **It would be far easier for potential fraudsters to manufacture 214,390 votes in four states than to manufacture five million votes nationwide** (23 times more votes). Moreover, it would be far more difficult to conceal fraud involving five million votes. • There were seven closely divided battleground states possessing 102 electoral votes that President Obama carried and that had Republican Attorneys General in November 2008. President Obama received 95 more electoral votes than the 270 electoral

votes necessary for election. Where were the prosecutions for election fraud in these states in the period immediately following the November 2008 election?

[...]

MYTH: Fraud is minimized under the current system because it is hard to predict where stolen votes will matter. QUICK ANSWER: **• It is not hard to predict where stolen votes will matter under the current state-by-state winner-take-all system of electing the President. Stolen votes matter in the closely divided battleground states.**

Two-Party System Breakdown, Multiple Candidates Empirically Denied. Plurality Voting strengthens two-party system.

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, "Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote", *NPV Press*, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] //DNP

If an Electoral College type of arrangement were essential for avoiding a proliferation of candidates and preventing candidates from winning office with as little as 15% of the vote, we should see evidence of these conjectured problems in elections that do not employ such an arrangement (such as elections for Governor). **Historical experience in over 5,000 elections** for state chief executive **shows no evidence of the conjectured proliferation of candidates or the conjectured 15% winners in elections in which the winner is the candidate who receives the most popular votes.** Duverger's law (which is based on worldwide studies of elections) asserts that plurality-vote elections do not result in a proliferation of candidates or candidates being elected with tiny percentages of the vote. Tara Ross, an opponent of the National Popular Vote plan, predicts that a national popular vote would lead to a proliferation of candidates and a fracturing of the electorate, and that Presidents would be elected with only 15% of the vote: "[The National Popular Vote plan] is not even looking for a minimum plurality. Thus, a candidate could win with only 15 percent of votes nationwide."²⁴⁰ We do not have to speculate as to whether Ross' prediction is likely to materialize because we can refer to the nation's actual experience in the numerous elections that have been conducted in which the winner was the candidate who received the most popular votes. If an Electoral College type of arrangement were essential for avoiding Ross' conjectured outcome, **we should see evidence of this outcome in elections that did not employ an Electoral College.** When elections are conducted in which the winner is the candidate who receives the most popular votes, candidates do not, in actual practice, win the office with low percentages of the vote (and certainly not percentages such as 15%). In the 975 general elections for Governor in the United States between 1948 and 2011:²⁴¹ **90% of the winning candidates received more than 50%** of the vote, **98% of the winning candidates received more than 45%** of the vote, **99% of the winning candidates received more than 40%** of the vote, and **100% of the winning candidates received more than 35%** of the vote. There were **only 25 general elections (out of 975)** for Governor **between 1948 and 2011 in which the winning candidate received less than 45%** of the popular vote, as shown in table 9.11. Over half of the elections in table 9.11 (13 of 25) were in small states (Alaska, Hawaii, Idaho, Maine, New Hampshire, and Vermont). **Elections for U.S. Senate, other statewide offices, Congress, state legislature, and other offices confirm this pattern.** In the real world, there are never any 15% winners in general elections in which the winner is the candidate with the most votes. There is no proliferation of candidates. There is no fracturing of the electorate. Moreover, elections in other countries around the world show a similar pattern. Duverger's law asserts that a plurality-rule election system tends to favor a two-party system. Maurice Duverger, the French sociologist who observed this tendency in election systems around the world, suggests that **plurality voting favors a two-party system because political groups with broadly similar platforms tend to form alliances because it increases their chances of winning office.** Voters generally desert weak parties or candidates on the grounds that they have no chance of winning. In practice, ordinary **plurality voting discourages the formation of niche parties and candidacies by rewarding the formation of broad coalitions** in which various groups and interests join together in order to win the most votes (and thereby win office). The reason that ordinary plurality voting has this effect is that a vote cast for a splinter

candidate frequently produces the politically counter-productive effect of helping the major-party candidate whose views are diametrically opposite of those of the voter. For example, votes cast for Bob Barr (the Libertarian Party candidate for President in 2008) enabled Barack Obama to win the electoral votes of North Carolina, and votes cast for Ralph Nader (the Green Party candidate) in 2000 enabled George W. Bush to win the electoral votes of Florida and New Hampshire.²⁴³ Ross' criticism of the National Popular Vote plan concerning third-party candidates is an example of a criticism that actually applies more to the current state-by-state winner-take-all system than the National

Popular Vote plan. Under the current system of electing the President, **minor-party candidates have significantly affected the outcome in 38% (six out of 17) of the presidential elections since World War II.** Specifically, minor-party candidates affected the outcome by either shifting states from one candidate to another or winning electoral votes outright in the 1948, 1968, 1980, 1992, 1996, and 2000 presidential elections. Segregationists such as Strom Thurmond and George Wallace each won electoral votes in various Southern states. Thurmond won 39 electoral votes in 1948, and George Wallace won 46 electoral votes in 1968. Candidates such as John Anderson (1980), Ross Perot (1992 and 1996), and Ralph Nader (2000) each managed to affect the national outcome by switching electoral votes in numerous states. None of these third-party candidates had any reasonable expectation of winning the most popular votes nationwide. The reason that **the current system has encouraged so many minor-party candidacies is that a third-party candidate has 51 separate opportunities to find particular states that he might win outright or where he might be able to shift electoral votes** from one major party to another. Tara Ross writes: "The most likely consequence of a change to a direct popular vote is the breakdown of the two-party system."²⁴⁴ Ross' prediction can be tested against actual historical facts. In 1787, Connecticut, Massachusetts, New Hampshire, and Rhode Island conducted popular elections for the office of Governor.²⁴⁵ **Today, 100% of the states conduct a direct popular vote for Governor. Yet, after over 5,000 direct popular elections for Governor since 1789, the two-party system has yet to**

collapse. The two-party system in the United States (which dominates the electoral landscape for the vast majority of electives in the country) is not sustained by the existence of the state-by-state winner-take-all rule for filling the single office of the Presidency. About three-quarters of the elections for Governor occur in non-presidential years—that is, they stand entirely apart from the presidential election cycle. Returning to the history of presidential elections, only three states had winner-take-all statutes in the nation's first presidential election in 1789. Only three states used the winner-take-all rule in 1792 and 1796. Given that political parties first emerged in the 1796 presidential election, it can hardly be argued that the existence of the state-by-state winner-take-all rule in just three states was the force that created the two-party system in the United States. Instead, the two-party system is the consequence of the plurality voting system in which the candidate who receives the most popular votes wins the office. There is no reason to expect the emergence of some unique, new political dynamic that would promote multiple candidacies if the President were elected in the same manner as virtually every other elected office in the United States. What can be said about third-party candidacies in presidential elections is that the current system often perversely discriminates against third-party candidates who have a broad national base of support, while encouraging regional third-party candidates. In 1948, Henry Wallace (a leftist candidate for President) and Strom Thurmond (a pro-segregation candidate for President) each received 1.2 million popular votes. However, Strom Thurmond (whose support was concentrated in the South) won 39 electoral votes in 1948, whereas Henry Wallace (whose support was distributed more evenly throughout the country) received no electoral votes. Ross Perot's percentage of the national popular vote in 1992 was twice the percentage received in 1968 by George Wallace (a pro-segregation candidate). However, Perot won no electoral votes in 1992, whereas George Wallace won 46 electoral votes in 1968. Although Ross Perot received eight times Strom Thurmond's percentage of the popular vote in 1948, Perot won no electoral votes in 1992, while Thurmond won 39 electoral votes.²⁴⁶ The current state-by-state winner-take-all system certainly does not prevent the proliferation of candidates; however, it does perversely reward regional third-party candidacies while punishing broad-based third-party candidates. Some argue that third parties are inherently undesirable and that the election system should be skewed so as to strengthen and favor the two-party system. Even if one subscribes to this viewpoint, it is difficult to see what public purpose is served by the current system's perverse discrimination in favor of regionally divisive third parties and against broad-based third parties with nationwide support.

Voter fraud barely exists in the squo

"Debunking the Voter Fraud Myth." Brennan Center for Justice. New York University School of Law, 31 Jan. 2017. Web. 09 Mar. 2017. <<http://www.brennancenter.org/analysis/debunking-voter-fraud-myth>> .

The Brennan Center's seminal report on this issue, *The Truth About Voter Fraud*, found that most reported incidents of voter fraud are actually traceable to other sources, such as clerical errors or bad data matching practices. **The report reviewed elections that had been meticulously studied for voter fraud, and found incident rates between 0.0003 percent and 0.0025 percent.** Given this **tiny incident rate for voter impersonation** fraud, it is more likely, the report noted, that an American "will be struck by lightning than that he will impersonate another voter at the polls." A study published by a Columbia University political scientist tracked incidence rates for voter fraud for two years, and found that the rare fraud that was reported generally could be traced to "false claims by the loser of a close race, mischief and administrative or voter error." A 2017 analysis published in *The Washington Post* concluded that there is no evidence to support Trump's claim that Massachusetts residents were bused into New Hampshire to vote. **A comprehensive 2014 study published in The Washington Post found 31 credible instances of impersonation fraud from 2000 to 2014, out of more than 1 billion ballots cast.** Even this tiny number is likely inflated, as the study's author counted not just prosecutions or convictions, but any and all credible claims.

Non-unique — PV ensures cross regional appeal too

Prokop 12/19/2016 [Andrew Prokop is a writer for Vox News, “Why the Electoral College is the absolute worst, explained”, Vox News, <<http://www.vox.com/policy-and-politics/2016/11/7/12315574/electoral-college-explained-presidential-elections-2016>>] //CJC

It's tough to argue with a straight face that this bizarre system is inherently better than just a simple vote. After all, why doesn't any state elect its governor with an “Electoral College” of various counties? Why does pretty much every other country that elects a president use a simple popular vote, or a vote accompanied with a runoff? Now, you can argue that the Electoral College's seeming distortions of the popular will aren't as bad as they seem — for instance, by pointing out that swing states tend to swing along with the nation rather than overriding its will, or that the popular vote winner almost always wins. But of course, that's not guaranteed to always be the case, and the biggest major exception (the 2000 election) was an incredibly consequential one.

Others try to fearmonger about the prospect of a contested nationwide recount — which, sure, would be ugly, but if you'll recall, the Florida recount was also extremely ugly. And **since there are so many more votes cast nationally, it's much less likely that the national vote would end up a near tie than that a tipping point's state vote would end up as a near tie.** **Some argue that the Electoral College ensures regional balance, since it's mathematically impossible for a candidate with overwhelming support from just one region to be elected. But realistically, the country is big and broad enough that this couldn't happen under a popular vote system either — any regional candidate would need to get some support outside his or her region.**

Swing states bad — they get tons of voting power

Prokop 12/19/2016 [Andrew Prokop is a writer for Vox News, “Why the Electoral College is the absolute worst, explained”, Vox News, <<http://www.vox.com/policy-and-politics/2016/11/7/12315574/electoral-college-explained-presidential-elections-2016>>] //CJC

The swing states' dominance is a consequence of the fact that almost every state chooses to allot all its electoral votes to whoever comes in first place statewide, regardless of his or her margin of victory. That is, it doesn't matter whether Clinton wins New York by a 30 percent margin or a 10 percent margin, since she'll get the same amount of electoral votes either way. But the difference between winning Florida by 0.1 percent and losing it by 0.1 percent is crucial, since 29 electoral votes could flip. Naturally, then, when the general election comes around, **candidates ignore every noncompetitive state — meaning the vast majority of the country** — and pour their resources into the few that tend to swing back and forth between Republicans and Democrats. That's the best strategy for reaching that magic number, 270. **3) That seems unfair.** Well, **there's a lot that's unfair — or at the very least undemocratic — about the Electoral College.** For one, the winner of the nationwide popular vote can lose the presidency. In 2000, Al Gore won half a million more votes than George W. Bush nationwide, but Bush won the presidency after he was declared the winner in Florida by a mere 537 votes. And that wasn't the first time — electoral college/popular vote splits happened in 1876 and 1888 too, and occurred in 2016 too. **Second, there's swing state privilege.** Millions of votes in safe states end up being “wasted,” at least in terms of the presidential race, because it makes no difference whether Clinton wins California by 4 million votes, 400,000 votes, or 40 votes — in any scenario, she gets its 55 electors. Meanwhile, **states like Florida and Ohio get the power to tip the outcome just because they happen to be closely divided politically.**

No cross regional appeal - 4/5 states are straight up ignored

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, “Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote”, *NPV Press*, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] MJS

Far from ensuring that presidential candidates reach out to all states, the current state-by-state winner-take-all method of electing the President resulted in four out of five states being ignored in the 2012 general-election campaign for President.

In 2012, Obama conducted campaign events in just eight states after being nominated, and Romney did so in only 10 states. In 2012, only 12 states received even one post-convention campaign event involving a presidential or vice-presidential candidate. Two thirds of the presidential and vice-presidential post-convention campaign events were conducted in just four states in 2012 (Ohio, Florida, Virginia, and Iowa). Only three of the 25 smallest states received any attention in the post-convention campaign period in 2012. The South is largely ignored in presidential elections because of the state-by-state winner-take-all system. Advertising spending was also heavily concentrated in the 12 states where the presidential and vice-presidential candidates held post-convention general election campaign events in 2012. Campaign field offices were also heavily concentrated in the 12 states where the presidential and vice-presidential candidates held post-convention general-election campaign events in 2012. **The number of battleground states has been consistently shrinking in recent decades.**

[...]

Because of state winner-take-all statutes (i.e., awarding all of a state’s electoral votes to the candidate who receives the most popular votes in each separate state), **four out of five states and four out of five Americans were systematically ignored in the general-election campaign for President in 2012.** The reason that four out of five states are ignored is that **presidential candidates have no incentive to visit, advertise in, organize in, poll in, or pay attention to the voters in states where they are comfortably ahead or hopelessly behind.**

There is simply no benefit to a presidential candidate to spend his limited campaigning time and money visiting, advertising in, and building a grassroots organization in a state in order to win that state with, say, 58% of a state’s popular vote as compared to, say, 55%. Similarly, it does not help a presidential candidate to lose a state with 45% of a state’s popular vote as compared to, say, 42%. Because of this political reality, candidates understandably concentrate their attention on a small handful of closely divided battleground states. As a general rule, **a state needs to be approximately in the 46% –54% range (and preferably closer) to be worthy of attention in the general-election campaign for President.**¹⁵⁹ Because most political polls have a margin of error of plus or minus 3% or 4%, another way to state this informal rule-of-thumb is to say that battleground states are those where the difference between the candidates is inside the margin of error of a typical political poll. 2004 Presidential Campaign: **In 2004, the presidential candidates concentrated two-thirds of their campaign events and money in the post-convention general election campaign in just five states, 80% in just nine states, and 99% in just 16 states.** That’s hardly “reach[ing] out to all the states.” 2008 Presidential Campaign In the spring of **2008**—even before the nominating process was completed—the major political parties acknowledged that there would be **only about 14 battleground states** in

2008.¹⁶⁰ In the 2008 post-convention general election campaign, candidates concentrated over **two-thirds of their campaign events and ad money in just six states, and 98% in 15 states.**¹⁶¹ **All of the campaign events occurred in just 19 states.** Table 9.1 shows the states in which the presidential and vice-presidential candidates held their 300 post-convention general election campaign events in 2008. The table is sorted according to Obama's percentage of the two-party vote in order to highlight the fact that the states that received campaign events are those where the two-party vote was close (that is, the states where Obama's percentage of the two-party vote was near 50%).¹⁶² The data comes from the Washington Post campaign tracker and was compiled by FairVote. The data cover the period from September 5 to November 4, 2008.

[...]

2012 Presidential Campaign **The number of battleground states has been declining for many decades,** as detailed in FairVote's 2005 report entitled The Shrinking Battleground. ¹⁷⁰ **This shrinkage continued into the 2012 presidential election.**

[...]

The top eight battleground states shown in table 9.3 accounted for 96% of the 253 campaign events. They had a combined population of 56,334,828 out of the total U.S. population of 309,785,186 (according to the 2010 census). That is, **these eight states had 18.1% of the nation's population.**

AT: Constitutional Convention

Less likely than an Constitutional Amendment

Novak 2016 [Jake Novak "Op-Ed: Forget It, Democrats. The Electoral College Will Never Be Repealed". *CNBC*. Accessed March 16 2017. <http://www.cnbc.com/2016/11/15/electoral-college-never-repealed-democrats-commentary.html>.] //WGC

"Now that it looks like Hillary Clinton did indeed win the popular vote over Donald Trump, Democrats and Left Wing activists are loudly calling to repeal the Electoral College. Former Attorney General Eric Holder even appeared on national TV Friday night promising to work to get rid of it. It just doesn't seem fair to so many Americans that the candidate who got the most overall votes isn't the winner. But let's make something really clear: We're never getting rid of the Electoral College. There isn't even the remotest chance. First, let's look at the sheer logistics. **Abolishing the Electoral College would require a Constitutional Amendment. To do that, an amendment must first be proposed either by the Congress** with a two-thirds majority vote in both the House of Representatives and the Senate **or by a constitutional convention** called for by two-thirds of the State legislatures. Because Representatives and Senators

from the smaller states make up more than a third of the Congress, that's really already a dead letter. But let's check our math: **Two-thirds of the full 435-member House of Representatives is 290 votes. And even if every Representative in every large Democratic Party-controlled state voted for the amendment, it wouldn't be anywhere near the 290 votes needed. And that's in the House, where the larger states are more heavily represented.** In the Senate, where every state gets two seats no matter the size, you'd need to find at least nine of the 42 Senators who represent states with six or fewer electoral votes to vote against their own interests and join 100 percent of the 58 Senators who come from those bigger states to vote to abolish the Electoral College. **That's not going to happen. The convention of the states is an even bigger stretch,** as you'd need to have 33 states, 12 of which have fewer than 10 electoral votes, to go along. **Dream on.** Simply from a procedural point of view, you can really argue that there is no safer section of our Constitution than the Electoral College. It's continued existence is simply too important to too many states. Someone like former AG Holder should really know better and focus his efforts on a fight he can win.”

ARGUMENT OVER—EVERY TIME A CON CON IS LIKELY CONGRESS CAVES AND PASSES TO PRE-EMPT THE THREAT.

Van Sickle & Boughey 1990 [Bruce M. Van Sickle is a former federal judge & Lynn M. Boughey, *A Lawful and Peaceful Revolution: Article V and Congress' Present Duty to Call a Convention for Proposing Amendments*, 14 *HAMLIN* Law Review 1, 10 (1990). http://www.article-5.org/01_page/Articles/Hamline%20Law%20Review%20Article%20re%20convention%20%28pt%20%29%207-19-07.pdf] /WGC

“Despite the attention the convention method of amendment received during and after the Constitutional Convention, an amendment has never been drafted and proposed by convention.¹⁹⁷ In fact the convention method "has been called a 'constitutional curiosity,' the forgotten part of the article, and '[o]ne of the best-known 'dead letter' clauses in the federal Constitution."¹⁹⁸ The ability of the people to alter the form of their government, however, was seen by the colonists as a right central to the new American system of democracy.¹⁹⁹

Commentators are mistaken in their assertions that the Article V convention provision is "forgotten" or a "dead letter" because **the mere threat posed by drives to call conventions for proposing amendments has a substantial in terrorem effect on the actions of Congress.**²⁰⁰ This phenomenon has played an important role in American history, having prodded Congress into proposing several constitutional amendments.²⁰¹ **The threat was a direct cause of Congress proposing the amendments requiring the direct election of senators (17th Amendment);**²⁰² repealing prohibition **(18th Amendment);**²⁰³ limiting Presidential terms **(22nd Amendment);**²⁰⁴ **and** instituting the presidential succession plan **(25th**

Amendment).²⁰⁵ **It has also caused Congress to enact legislation, including, recently, the Budget Control Act²⁰⁶ and the Balanced Budget Act.²⁰⁷** Further, the risk of a convention has caused congress to seek relief by amendment from controversial Supreme Court decisions. For example, during the first four months of the 97th Congressional Session (1981-82) 145 proposals for constitutional. amendments were offered dealing with school. busing, racial integration, prayer in public schools, abortion, and the use of racial quotas.²⁰⁸

This Congressional preemptive response to the threat of a convention for proposing amendments is a natural and even desirable **process. Congress,** being the national legislative. body, serves a testing and balancing function. It **evaluates the strength** and wisdom **of demands for a particular constitutional amendment. Then it responds,** sometimes by stalling or doing nothing, other times **by drafting and proposing amendments,** **and** still other times by using the less cumbersome solution of **statutory enactment.** However, as demands for constitutional amendments increased in number and .intensity over recent decades, some members of Congress sought to impose statutory controls on an Article V convention for proposing amendments. This response is both dangerous to the concept of government "by the people" and beyond the authority of Congress."

Van Sickle & Boughey 1990 [Bruce M. Van Sickle is a former federal judge & Lynn M. Boughey, *A Lawful and Peaceful Revolution: Article V and Congress' Present Duty to Call a Convention for Proposing Amendments*, 14 *HAMLIN LAW REVIEW* 1, 10 (1990). <http://www.article-5.org/01page/Articles/Hamline%20Law%20Review%20Article%20re%20convention%20%28pt%20%29%207-19-07.pdf>] //WGC

"Some commentators and members of Congress have expressed **fear of a "runaway" convention.**²³⁹ This fear **is entirely unfounded.** It is a shibboleth raised in support of the assertion of sweeping congressional control over the convention. The delegates to such a convention would I 'Y hardly constitute a dangerous mob. Most delegates will likely be community leaders or political figures elected by and from the same population that elected the members of Congress. Furthermore, and most significantly, **a convention can do nothing more than propose amendments. Even if the most extreme fears of the advocates of congressional control came to pass,** and a convention proposed several dozen radical and potentially destructive amendments, **the simple rejection of those proposals by a mere thirteen states would render them entirely void and without effect.** On the other hand, any amendment that can garner the approval of thirty-eight states deserves to be part of the Constitution"

AT: Proportional Allocation and Congressional district allocation

Suidan, 2010. ["Flawed Alternatives to the National Popular Vote Plan for Electoral Reform." NEAL SUIDAN ON APRIL 23, 2010. Fair Vote. <http://www.fairvote.org/flawed-alternatives-to-the-national-popular-vote-plan-for-electoral-reform> GST

While the National Popular Vote plan is the reform option with the most national attention and momentum, there are other options that have been presented for reform, most notably proportional allocation of electors (see a bill this year in Alabama) and congressional district allocation (see a bill this year in Washington State). Under the **proportional allocation method**, states would award their electoral votes by vote share of the state to the nearest whole electoral vote. For example, if a state has 10 electoral votes and one candidate wins 60 percent while the other wins 40, the former will receive 6 votes and the latter will receive 4. While FairVote backs proportional representation for legislative elections and for allocation of convention delegates in presidential primaries, it's highly problematic when states try to use it to allocate electoral votes. **The first problem** with this system is that the vote rarely would be as prettily divided as the aforementioned example, and **the resulting rounding off of electoral votes would marginalize a significant number of votes**. Many states would also not have any electoral votes realistically in play. Again, **many voters would be absolutely ignored**. The **second** problem is that **states do not have the same number of populous votes per electoral vote**. For instance, Wyoming residents are worth an electoral vote for every 177,556 residents, whereas Texas residents are worth an electoral vote for every 715,449 residents. **This system does nothing to correct this gross inequality of influence. At the national level, this allocation is hardly proportional, so the national popular vote winner could still lose.**

The **congressional district allocation** method is even more flawed. Already in place in Maine and Nebraska (living proof that states have the power to determine how they allocate their electoral votes), this approach awards an electoral vote to the winner of the popular vote of each congressional district and the additional two electoral votes to the statewide winner. This, too, has significant problems, especially if done on a national scale. **First**, the **district method would replace swing state influence with swing district influence. Candidates would** only visit the small percentage of districts that have a chance to switch each year and **ignore the rest of the country**. In the very close 2000 election, **only 12.6 percent** (55 of 435) of congressional districts were within a four percent margin between candidates. Most small states would be absolutely ignored, as most small states and their congressional districts lean heavily toward one party. This would make presidential elections even more specialized and targeted. **Second**, this method would give a clear **partisan advantage** to one side. Currently, **congressional districts are much more concentrated for Democrats than they are for Republicans**. In 1968, Nixon won 52.9 percent of congressional districts with 43.4 percent of the national vote while Humphrey won 36.2 percent of congressional districts with 42.7 percent of the national vote. In 2000, George Bush would have won 53.5 percent of the electoral votes under this method while losing the national popular vote. **We don't want to gerrymander presidential elections to help one party; we want the candidate with the most votes to win**. For more statistics and details on the flaws of these two reforms, see our Fuzzy Math report. Presidential elections need fixing and, under our Constitution, states are supposed to do it. They now have a roadmap with **the National Popular Vote plan**. **This is the only method out there that makes every vote equal, guarantees election of the candidate with the most**

votes and requires candidates to reflect the needs of all Americans and to campaign in all corners of the country.

EC forces candidates to appeal to cities and rural areas — cities wouldn't control the result

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, “Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote”, *NPV Press*, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] //CJC

MYTH: Big cities, such as Los Angeles, would control a nationwide popular vote for President. QUICK ANSWER: • **Under a national popular vote, every vote would be equal throughout the United States. A vote cast in a big city would be no more (or less) valuable**

or controlling than a vote cast anywhere else. • Los Angeles does not control the outcome of statewide elections in California and therefore is hardly in a position to dominate a nationwide election. The fact that Los Angeles does not control the outcome of statewide elections in its own state is evidenced by the fact that Republicans such as Ronald Reagan, George Deukmejian, Pete Wilson, and Arnold Schwarzenegger were elected Governor in recent years without ever winning

Los Angeles. • **The origins of the myth about big cities may stem from the misconceptions that**

big cities are bigger than they actually are, and that big cities account for a greater fraction

of the nation's population than they actually do. In fact, 85% of the population of the

United States lives in places with a population of fewer than 365,000 (the population of

Arlington, Texas—the nation's 50th biggest city). MORE DETAILED ANSWER: In a nationwide

vote for President, a vote cast in a big city would be no more (or less) valuable or important than a vote cast in a suburb, an exurb, a small town, or a rural area. **When every vote is equal,**

candidates know that they need to solicit voters throughout their entire constituency in order to win.

Recounts every 1328 years, higher chance under EC

Koza 2009 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, “Winner-take-all” can elect a second-place president”, *San Diego Union Tribune*, <<http://www.sandiegouniontribune.com/sdut-em-another-installment-2009jul09-htmlstory.html>>] //CJC

Unnecessary recounts and artificial crises are regularly created by the current state-by-state system of electing the president. The historically documented chance of a recount

in an American election is 1-in-332. If the president were elected from a single nationwide pool of votes, one would expect a recount once in 332 elections, or once in every 1,328

years. However, **under the current state-by-state winner-take-all-rule, each presidential election is really 51 separate state-level elections.** A problem in any one state can create

national turmoil. Because **the nation's 56 presidential elections have actually been 2,084**

separate elections, it should not be a surprise that there have been five seriously

disputed statewide counts in 56 presidential elections. The most recent artificial crisis was

in 2000, when Bush had a lead of 537 popular votes in the state of Florida while Gore had a

nationwide lead of 537,179 popular votes (1,000 times larger). Given the miniscule number of

votes that are ever changed in recounts (averaging only 274 votes in statewide recounts), there

would have been no recount anywhere in 2000 if the 537,179-vote national popular vote total had controlled the outcome. In Hawaii in 1960, there was a recount, litigation, and reversal of the original outcome in that state. In earlier years, there were disputed counts because of the razor-thin margins of 889 votes in South Carolina, 922 in Florida, and 4,807 in Louisiana in the disputed Tilden-Hayes election. One disputed count every 1,328 years is better than five disputed counts in 220 years. **The current state-by-state winner-take-all system is not a firewall that helpfully isolates recounts to particular states. Instead, it has repeatedly been the cause of unnecessary fires.** To the extent that concern about handling recounts should be considered in deciding how the president is elected, **a national popular vote is preferable because it would drastically reduce the possibility of a disputed election.**

Happens once every 740 years

Kaiser 2016 [Charles Kaiser is a writer for CNN News, “Embrace the popular vote, restore faith in US democracy”, *CNN News*, <<http://www.cnn.com/2016/11/17/opinions/restoring-faith-in-american-democracy-kaiser/>>] //CJC

But the truth is, a decade ago, a computer scientist named John Koza -- one of the inventors of the scratch-off lottery ticket -- came up with an ingenious way to institute **the election of presidents through the popular vote**, without touching the Constitution. This week, as Hillary Clinton's lead in the popular vote continued to grow, the fury of her supporters over this apparent unfairness fueled huge new interest in Koza's plan. Koza's solution is possible because the Constitution specifies that state legislatures can decide to choose presidential electors any way they want to. Koza proposed an interstate compact, enforceable through the impairments clause of the Constitution. The compact says that every state that adopts it will appoint electors who promise to abide by the result of the national popular vote, as soon as enough states are participating to cast 270 votes -- the number needed to elect a president. Between 2007 and 2014, 10 states and the District of Columbia, with a total of 165 votes, adopted the compact. What makes this progress especially remarkable: less than 100 people have been actively involved in the campaign to make this fundamental change in our electoral system. And **Koza has a quick reply to those who think that depending on the popular vote would produce new uncertainty about the outcome of each election. Koza says the larger the pool of voters, the less likely a recount becomes -- and his model predicts just one recount every 740 years because of the size of the national presidential popular vote.**

More Quantification — also answers swing states

Gelman, Andrew, and Pierre-Antoine Kremp. "The Electoral College Magnifies the Power of White Voters." *Vox*, 17 Dec. 2016. <<http://www.vox.com/the-big-idea/2016/11/22/13713148/electoral-college-democracy-race-white-voters>>] //CJC

The same approach also lets us introduce ethnicity into the picture, because we know the approximate ethnic composition of voters in each state — the proportion who are white, black, Hispanic, or “other.” We can average this across states and thus compute the average probability of decisiveness for everyone of each of these ethnic groups, across the country. **After running the numbers, we estimate that, per voter, whites have 16 percent more power than blacks once the Electoral College is taken into consideration, 28 percent more power than Latinos, and 57 percent more power than those who fall into the other category.** One can approach the issue in other ways and get similar results. For example, we might look at the ethnic composition of voters in swing states compared with the country as a whole. Based on our calculations before the election, **the five states with the highest voting power per voter were New Hampshire, Colorado, Nevada, Wisconsin, and Pennsylvania.**

According to exit polls, the voters in these states were 80 percent white, compared with 70 percent in the country as a whole. Or, to take a slightly different tack, after the election the five closest states in percentage vote margin were Michigan, New Hampshire, Wisconsin, Pennsylvania, and Florida. Voters in those states were 73 percent white — again, higher than the nationwide figure. Let's try one more approach. **According to exit polls, the electorate was 70 percent white, 12 percent black, 11 percent Latino, and 7 percent other. Reweight this by voting power and you get an "effective electorate" that is 75 percent white, 11 percent black, 9 percent Latino, and 4 percent other.** That's a big difference, with nonwhites declining from 30 percent of the electorate to 25 percent of the effective electorate. Exit polls are not perfect. Indeed, our calculations showed the 2012 electorate to be much whiter than was estimated by exit pollsters. But for the purpose of estimating relative voting power, this doesn't really matter. If we extrapolate our analysis from 2012 and assume the exit polls continue to overstate minorities' share of vote totals, we still find that the Electoral College amplifies the white vote.

Swing states kill democracy

Bergdahl, Becky. "Focus on Swing States Could Weaken Democracy in the U.S." Inter Press Service. 5 Nov 2012. <<http://www.ipsnews.net/2012/11/focus-on-swing-states-could-weaken-democracy-in-the-u-s/>>] //CJC

Some see the **residential candidates' intense focus on swing states as a problem that in the long run could weaken American democracy,** as residents of different states are not equally encouraged to engage in politics and told to go vote with the same fervour. "If you live in, for example, New York, which is overwhelmingly Democratic, you do not see the campaigns at all," Newport said. According to Newport, **one way to change this problem would be switching from the current Electoral College system to a direct popular vote.** Under the current Electoral College system, voters in each of the 50 states, plus the District of Columbia, do not vote directly for a president. Instead, voters in each state cast ballots to select electors pledged to a presidential candidate. The electors in a state, whose numbers depend on the state's representation in Congress, then formally elect the president. All states except from Maine and Nebraska use a winner-take-all formula for this, so that the presidential candidate that wins a majority receives all of a state's electoral votes. Critics argue that **this system is undemocratic.** "The American public think that it would be better to switch to a direct popular vote," Newport said. "We have done several polls, and the public always answered that we should go for a popular vote." If the president of the United States were elected by a direct popular vote, the population as a whole could be said to have a stronger voice. Now, a few swing states can be said to have disproportionate influence.

Urban states are subsidizing the rural ones - policy is distorted

Steven **Johnson**, 12-3-2016 [, "Why Blue States Are the Real 'Tea Party'," New York Times, <https://www.nytimes.com/2016/12/03/opinion/sunday/why-blue-states-are-the-real-tea-party.html>] MJS 3-16-2017

For complicated reasons — some of which have to do with rural poverty, some of which have to do with the basic physics of supporting infrastructure in low-density regions — a disproportionate amount of per capita federal spending and benefits now flow down to the low-density states. According to a study by the Tax Foundation conducted several years ago, **for every dollar New Jersey pays in federal taxes, it receives 61 cents in benefits and other federal spending. For the same dollar of taxes Wyoming spends, it gets \$1.11 back.** Put those two trends together and you have a grievance worthy of the original Tea Party: **more taxation with less representation. The urban states are subsidizing the rural states, and yet somehow in return, the rural states get more power at the voting booth.**

Battleground states get a ton of extra perks

JOHN KOZA, 9-12-2016 [, "The president should be elected by national popular vote," TheHill, <http://thehill.com/blogs/congress-blog/presidential-campaign/295346-the-president-should-be-elected-by-national-popular>] MJS 3-16-2017

The reason that **voters in most states are irrelevant in presidential elections** is that most states have winner-take-all laws that award all of a state's electoral votes to the candidate receiving the most popular votes in that state. Because of these winner-take-all laws, presidential candidates have no reason to solicit votes in states where the statewide outcome is a foregone conclusion. **The interests of closely divided battleground states shape innumerable presidential decisions. Battleground states receive 7% more presidentially controlled grants, twice as many disaster declarations, considerably more Superfund and No Child Left Behind exemptions, and numerous other favorable actions from presidents.** As former White House Press Secretary Ari Fleischer said, "If people don't like it, they can move from a safe state to a swing state."

Non-unique - rural areas are ignored anyways

Robert Speel, 11-8-2016 [, "These 3 Common Arguments For Preserving the Electoral College Are All Wrong," Time, <http://time.com/4571626/electoral-college-wrong-arguments/>] MJS 3-16-2017

Presidential candidates don't campaign in rural areas no matter what system is used, simply because there are not a lot of votes to be gained in those areas. Data from the 2016 campaign indicate that 53 percent of campaign events for Trump, Hillary Clinton, Mike Pence and Tim Kaine in the two months before the November election were in only four states: Florida, Pennsylvania, North Carolina and Ohio. During that time, 87 percent of campaign visits by the four candidates were in 12 battleground states, and none of the four candidates ever went to 27 states, which includes almost all of rural America. **Even in the swing states where they do campaign, the candidates focus on urban areas where most voters live. In Pennsylvania, for example, 72 percent of Pennsylvania campaign visits** by Clinton and Trump in the final two months of their campaigns **were to the Philadelphia and Pittsburgh areas.** In Michigan, all eight campaign visits by Clinton and Trump in the final two months of their campaigns were

to the Detroit and Grand Rapids areas, with neither candidate visiting the rural parts of the state. The Electoral College does not create a national campaign inclusive of rural areas. In fact, it does just the opposite.

No run-offs under popular vote

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, “Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote”, *NPV Press*, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] AKC

Tara Ross complains that the National Popular Vote plan does not require an absolute majority of the national popular vote to win.²³⁶ **Ross’ criticism applies equally to the current system.** There is no provision in current law for a run-off when no presidential candidate receives an absolute majority of the national popular vote. Moreover, there is **no provision in any state today for a run-off when no presidential candidate receives an absolute majority of the state’s popular vote.** In fact, it is common, under existing state laws, for a presidential candidate to win all of a state’s electoral votes without receiving an absolute majority of the state’s popular vote. **For example, in 2008, no candidate received an absolute majority of the popular vote in four states.** Tara Ross says: “States that have agreed to participate in NPV can’t force the other states to take any particular action—including a runoff or other secondary election procedure.”²³⁷ **After the 1992 election in which no candidate received an absolute majority of the popular vote in 49 states, we cannot recall any demand from legislators, the public, the media, or anyone else for a run-off presidential election.** The National Popular Vote compact operates in a manner consistent with the widely held view in the United States that the winner of an election should be the candidate who receives the most popular votes (that is, a plurality).

[...]

Under the current system, there is no procedure for a run-off. No run-off was conducted when Presidents Lincoln, Wilson, Truman, Kennedy, Nixon, or Clinton failed to receive an absolute majority of the national popular vote.

Under the current system, there is no requirement for a run-off in a state where no candidate receives an absolute majority of the statewide popular vote.

The National Popular Vote plan reflects the nation’s consensus that the winner of an election should be the candidate who receives the most popular votes. **There is no national consensus in favor of run-offs.**

No multi-party candidates → gubernatorial races prove

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, “Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote”, *NPV Press*, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] AKC

If an Electoral College type of arrangement were essential for avoiding a proliferation of candidates and preventing candidates from winning office with as little as 15% of the vote, **we should see evidence of these conjectured problems in elections that do not employ such an arrangement (such as elections for Governor). Historical experience in over 5,000 elections for state chief executive shows no evidence of the conjectured proliferation of candidates or the conjectured 15% winners in elections in which the winner is the candidate who receives the most popular votes.** Duverger's law (which is based on worldwide studies of elections) asserts that plurality-vote elections do not result in a proliferation of candidates or candidates being elected with tiny percentages of the vote. **The two-party system is, in fact, sustained by the plurality-vote rule—not the state-by-state winner-take-all rule. We do not have to speculate as to whether Ross' prediction is likely to materialize because we can refer to the nation's actual experience in the numerous elections that have been conducted in which the winner was the candidate who received the most popular votes.** If an Electoral College type of arrangement were essential for avoiding Ross' conjectured outcome, we should see evidence of this outcome in elections that did not employ an Electoral College. When elections are conducted in which the winner is the candidate who receives the most popular votes, candidates do not, in actual practice, win the office with low percentages of the vote (and certainly not percentages such as 15%). **In the 975 general elections for Governor in the United States between 1948 and 2011:** 90% of the winning candidates received more than 50% of the vote, 98% of the winning candidates received more than 45% of the vote, 99% of the winning candidates received more than 40% of the vote, and 100% of the winning candidates received more than 35% of the vote. **There were only 25 general elections (out of 975) for Governor between 1948 and 2011 in which the winning candidate received less than 45% of the popular vote,** as shown in table 9.11.

Lower Probability of Recounts than current system — empirically proven

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, "Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote", NPV Press, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] //DNP

*Note: $(5/57) / (22/4072) > 16x$ higher frequency

The current state-by-state winner-take-all system of electing the President has repeatedly produced unnecessary artificial crises that would not have arisen if there had been a single large national pool of votes and if the winner had been the candidate who received the most popular votes nationwide. **There have been five litigated state counts in the nation's 57 presidential elections under the current system. This high frequency contrasts with the mere 22 recounts among the 4,072 statewide general elections** in the 13-year period between 2000 and 2012—that is, a **probability of 1-in-185**. In other words, the **probability of a disputed presidential election conducted using the current state-by-state winner-take-all system is dramatically higher than the probability of a recount in** an election in which there is a single pool of votes and in which the winner is the candidate who receives the most

popular votes. The **current** state-by-state winner-take-all **system repeatedly creates artificial crises because every presidential election generates 51 separate opportunities for a dispute** because of an outcome-altering statewide margin. The nation's 57 presidential elections have really been 2,237 separate state-level elections. Recounts would be far less likely under the National Popular Vote bill than under the current system because there would be a single large national pool of votes instead of 51 separate pools. Given the 1-in-185 chance of a recount and given that there is a presidential election every four years, one would **expect a recount about once in 740 years** under a National Popular Vote system. In fact, the probability of a close national election would be even less than 1-in-185 because the 1-in-185 statistic is based on statewide recounts, and recounts become less likely with larger pools of votes. Thus, the probability of a national recount would be even less than 1-in-185 (and even less frequent than once in 740 years). Many people do not realize how rare recounts are in actual practice, how few votes are changed by recounts, and how few recounts ever change the outcome of an election. The **average change in the margin of victory as a result of a statewide recount is a mere 294 votes.** Only **one in seven recounts reverses the original outcome.** Recounts appear to be becoming rarer. There were no recounts among the 419 statewide elections in November 2012. Improved technology can be expected to further reduce the occurrence of recounts in coming years.

Empirically denied — two party system is entrenched

NPV 2017 ["Myths about the proliferation of candidates." National Popular Vote..

<http://archive.nationalpopularvote.com/pages/answers/section.php?s=7#m7_3>] //CJC

Historical experience in over 5,000 elections for state chief executive shows no evidence of the conjectured proliferation of candidates or the conjectured 15% winners in elections in which the winner is the candidate who receives the most popular votes. Duverger's law (which is based on **worldwide studies of elections**) **asserts that plurality-vote elections do not result in a proliferation of candidates or candidates being elected with tiny percentages of the vote. The two-party system is, in fact, sustained by the plurality- vote rule**—not the state-by-state winner-take-all rule.

No link — available money

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, "Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote", NPV Press, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] //CJC

MYTH: Campaign spending would skyrocket if candidates had to campaign in all 50 states. QUICK ANSWER: • **The total amount of money that is spent on presidential**

campaigns is controlled by available money—not by the (virtually unlimited) number of opportunities to spend money. **The National Popular Vote compact does not increase the amount of money available from political donors.** • **Under both the current state-by-state**

winner-take-all system and nationwide voting for President, candidates allocate the pool of money available to them from donors in the manner that they believe will maximize their chance of winning. **Under the current system, virtually all of the money** (and campaign events) **are concentrated in a handful of closely divided battleground states**, while four out of five states and four out of five voters get virtually no attention. **Under a national popular vote, every voter in every state would be politically relevant, and money would therefore be spent differently.**

Ads effect goes away after two weeks

ALAN S. GERBER (Yale University), 2011 ["How Large and Long-lasting Are the Persuasive Effects of Televised Campaign Ads? Results from a Randomized Field Experiment," <https://www.jstor.org/stable/pdf/41480831.pdf>] MJS

We analyze the findings of a randomized field experiment measuring the size and duration of campaign effects caused by a \$2 million television and radio buy. There are two main results. First, across a range of model specifications, television campaign advertisements have a large and statistically significant effect on voter preferences. Second, and perhaps most surprising, **the effects of the advertisements dissipate rapidly. Nearly all previous research on advertising effects has ignored the issue of decay** and implicitly assumes that decay, if it occurs, takes place over weeks or months. **We find that just a week or two later, the advertisement's effects have all but disappeared.**

Fact checking solves bad ads

Kim Fridkin, 2-3-2015 [, "Liar, Liar, Pants on Fire: How Fact-Checking Influences Citizens' Reactions to Negative Advertising: Political Communication: Vol 32, No 1," Taylor & Francis, <http://www.tandfonline.com/doi/full/10.1080/10584609.2014.914613#abstract>] MJS 4-29-2017

Electoral campaigns are dynamic and an important change in recent elections is **the growth of fact-checking**; the assessment of the truthfulness of political advertisements by news media organizations and watchdog groups. In this article, we examine the role that fact-checks play in shaping citizens' views of negative commercials and political candidates. We rely on an Internet survey experiment where we vary people's exposure to negative advertisements and a follow-up fact-check article (i.e., no fact-check, accurate fact-check, inaccurate fact-check). The results of our experiment show that **fact-checks influence people's assessments of the accuracy, usefulness, and tone of negative political ads.** Furthermore, sophisticated citizens and citizens with low tolerance for negative campaigning are most responsive to fact-checks. The **fact-checks also sway citizens' likelihood of accepting the claims made in the advertisements.** Finally, negative fact-checks (e.g., fact-checks challenging the truthfulness of the claims of the negative commercial) are more powerful than positive fact-checks.

Up to 54% reduction in campaign spending with popular vote

Gordon 2016. “Advertising competition in presidential elections.” Brett Gordon 16 · Wesley R. Hartmann2. Quant Mark Econ (2016). Kellogg School of Management, Northwestern University and The Graduate School of Business, Stanford.

Presidential candidates purchase advertising based on each state’s potential to tip the election. The structure of the Electoral College concentrates spending in **battleground states**, such that a majority of voters are ignored. We estimate an equilibrium model of multimarket advertising competition between candidates that allows for endogenously determined budgets. **In a Direct Vote** counterfactual, we find **advertising would be spread more evenly across states**, but total spending levels can either decrease or increase depending on the contestability of the popular vote. **Spending would increase by 13 % in the extremely narrow 2000 election, but would decrease by 54 % in 2004. These results suggest that the Electoral College greatly increases advertising spending in typical elections.**

[...]

We use the estimated model to evaluate Direct Vote counterfactuals in 2000 and 2004. Under this alternative mechanism, we find that all states receive positive advertising in both election years. The distribution of advertising is more evenly distributed, with the standard deviation of exposures across markets dropping by 66% in 2000 and 89% in 2004. The notable difference between 2000 and 2004 is that while battleground state advertising dropped dramatically in both years, in the 2000 election there is a larger offsetting increase in non-battleground spending. In 2004, non-battleground state advertising is basically unchanged when moving from the Electoral College to the Direct Vote.

Thus total advertising expenditures in a Direct Vote increase by 13 percent in 2000, but fall by 54 percent in 2004 due to the sharp reduction in battleground state spending. This contrasting result between the two elections illustrates the interplay between voting margins in specific states and the national outcome. Non-battleground states only attract more advertising funds in a Direct Vote if the national voting margin is sufficiently narrow to raise the value of those marginal votes. Otherwise, candidates cannot justify additional spending in those states. The (observed) popular vote margin in 2000 was about half of one percent, the narrowest margin since Kennedy-Nixon in 1960, which helped motivate candidates to double non-battleground spending in the Direct Vote. **Although much wider by comparison, the 2.5 percent margin in 2004 was smaller than every other election** since the two percent margin in 1976. **This suggests that decreased spending in the Direct Vote could be the norm given the historical distribution of popular vote margins.**

[...]

Among the marketing instruments at a campaign’s disposal, TV advertising has both grown in prevalence and importance over the past few decades. **In the 2012 presidential election, nearly \$2 billion (NPR 2012) was spent on TV advertising**, representing the largest component of campaign media expenditure (TVB 2013). Most expect this sum to be eclipsed in the 2016 election cycle. Figure 1 illustrates how candidate TV advertising in 2000 was highly concentrated in states with votes close to the zero margin, suggesting the candidates anticipated these narrow margins and strategically directed advertising funds toward them. To the extent the advertising messages, and the policies they represent, are chosen with these battleground state voters in mind, the preferences of voters in non-battleground states are being underrepresented in the election process.²

Direct vote reduces spending - and that leads to better policy

Gordon 2016 Brett Gordon 16, “Abandoning the Electoral College Would Remake Campaign Spending.” May 6, 2016. Kellow Insight @ Northwestern University.

<https://insight.kellogg.northwestern.edu/article/abandoning-electoral-college-campaign-spending>

Gordon and Wesley Hartmann, at the Stanford Graduate School of Business, created a model to simulate a direct-vote scenario. They used their model to examine two recent presidential elections. They found that in the hotly contested 2000 race, spending would have gone up by 13 percent. But in the less tight—and likely more typical—2004 race, spending would have dropped by 54 percent. In other words, overall, **a direct-vote system could greatly reduce the amount of campaign money devoted to TV ads. This could have significant political implications. Instead of using ads, candidates might try other tactics to sway voters, such as adopting more popular policy positions.** [...] **Free Publicity** The results do not have implications for TV advertising in the current presidential election, since the Electoral College system stands. But Gordon notes that Donald Trump has grabbed voters' attention in other ways. **Trump has been a great example of someone who has clearly mastered free publicity,** he says. **Why pay for ads on TV when you can guarantee that you're going to have the media cover him anyway?** **In a direct-vote scenario, he says, perhaps more candidates would adopt this more "organic" form of advertising.** As for whether a direct vote would ultimately benefit the country, Gordon does not have a clear answer. A reduction in TV advertising could be seen as positive or negative, depending on whether you think ads help people make more informed choices, provide little useful content, or actually deceive voters. **What he can say is that, given the nature of a direct vote, candidates would have to appeal to a broader voter base.** "Whether that in the end makes the country better off, whether or not that solves all of politics' problems—there does not exist a model that can tell you the answer to that question."

Non-unique: campaign spending at an all time high

Eric Lichtblau and Nicholas Confessore, 7-15-2015 [, "What Campaign Filings Won't Show: Super PACs' Growing Sway," New York Times, <https://www.nytimes.com/2015/07/16/us/politics/election-2016-fundraising-campaign-filings.html>] MJS 3-16-2017

The 2016 campaign could prove to be the most expensive on record, with the candidates, political parties, super PACs and special-interest groups spending perhaps \$10 billion

under fund-raising rules made much looser by the United States Supreme Court's Citizens United decision in 2010. That ruling fueled the emergence of super PACs.

Non-unique: more money in politics than ever before

Larry Shoemaker, 2015 [, "As more money flows into campaigns, Americans worry about its influence," Pew Research Center, <http://www.pewresearch.org/fact-tank/2015/12/07/as-more-money-flows-into-campaigns-americans-worry-about-its-influence/>] MJS 3-16-2017

While perceptions of influence are subjective, **there's clearly more money in the U.S. political system now than at any time since the campaign finance reforms of the 1970s,** according to a new Pew Research Center data analysis of contributions and spending. That's the case whether you look at presidential, House or Senate elections.

Non-unique: most money comes from super PACs who just raise as much as they want

Larry **Shoemaker**, 2015 [, "As more money flows into campaigns, Americans worry about its influence," Pew Research Center, <http://www.pewresearch.org/fact-tank/2015/12/07/as-more-money-flows-into-campaigns-americans-worry-about-its-influence/>] MJS 3-16-2017

But the official campaign structures aren't the whole story. **Independent expenditures**, so called because they are supposed to be uncoordinated with the official campaigns, **have become increasingly prominent in recent years**. (Note: None of our analyses include so-called 527 organizations, tax-exempt groups that engage in political activities and report to the IRS rather than the Federal Election Commission. Federal contribution and spending rules don't apply to 527s, so long as they don't expressly advocate for a candidate's election or defeat. While prominent for several years in the mid-2000s, their role has largely been taken over by "super PACs," discussed below.) Independent expenditures can expressly advocate for a candidate's election or defeat. They can be made both by political party committees and by outside groups so long as they are not made in direct coordination with a candidate. **These include so-called super PACs** that became possible after two 2010 court rulings, Citizens United v. FEC and SpeechNow.org v. FEC. After the 2002 McCain-Feingold law banned political parties from raising or spending "soft money" on elections, the parties greatly increased their independent expenditures – to \$265 million in 2004, from \$5.7 million in 2002. **Super PACS can raise unlimited funds from individuals, corporations and unions, and spend the money to directly advocate for or against candidates**, so long as their activities aren't coordinated with an official campaign or party. Since they became legal, **super PACs have rapidly become a major force in U.S. politics. Collectively, according to our analysis, they made independent expenditures of \$65 million in 2010, \$608 million in the 2012 presidential election cycle and \$339 million in the 2014 mid-term election cycle**. So far **in the current cycle**, according to the Center for Responsive Politics, **1,260 super PACs have raised a total of \$313.5 million** and spent \$73.2 million. Most of the major presidential candidates have at least one super PAC supporting them; the one backing Jeb Bush, Right to Rise USA, had nearly \$98 million on hand as of June 30, its most recent reporting date.

Super PACs gaining influence

Jahmar **Askew**, Lewis Ford, Michaela Peterson, and Matthew Wilson [Science Leadership Academy, "The Effect of Super PACs and Money in Political Campaigns and Our Solution," No Publication, <https://www.seventy.org/uploads/files/349577564198463903-349577564198463903-askew-ford-peterson-wilson-super-pacs.pdf>] MJS

Money has always played an important role in American politics - **spending on US federal elections increased from just over \$3 billion in 2000 to more than \$7 billion in 2012, and spending for the 2016 election is likely to be much larger. The importance of money has grown in recent years because of Super PACs** (Political Action Committees) - organizations set up specifically to contribute to and influence election campaigns that were legalized in the

Supreme Court's Citizen's United Case in 2008. Citizens United is a Super PAC founded by Floyd Brown with major funding from the Koch Brothers. Citizens United sued the FEC to gain the right to run a political video attacking Hillary Clinton. In a 5-4 decision, Super PACs were granted the right to run political ads and campaigns. This decision essentially gave corporations the same rights as citizens. They could spend unlimited amounts of money on the candidates they support. As of November, 10, 2015, 1,229 groups have registered as Super PACs. In this paper, we will discuss Super PACs and other financing sources for elections, their impact on election outcomes, and solutions that will limit the influence of money and bring greater equity to the election process.

Ending Electoral College ends "red vs. blue" divisive rhetoric

Bryant, 2004. ["Electoral College vs Direct Popular Vote: Disincentives & Distortions." National Association of Certified Valuation Analysts. WILLIAM E. BRYANT
<http://bryant-cpa.com/wp-content/uploads/2008/04/electoral-v-popular-vote.pdf>] GST

If we eliminate the Electoral College method and adopt the direct Popular Vote method, there would be no need for the "red states" vs "blue states" mentality, currently popularized in the media. This country is equally divided and polarized enough already. Converting to the direct Popular Vote method would end this divisive reference. Instead, on election night we would view a table of the votes tallied as they are reported – no electoral map of the United States is necessary, ending the "red" vs "blue" mantra. Under the direct Popular Vote method, we may want to require a "run-off" clause (used in Louisiana). This requires another round of voting for the top two candidates if no candidate received at least 50% of the vote. This avoids someone winning an election with very little popular vote, by merely receiving a plurality of votes in a field of many candidates. Some would argue that the Electoral College system works because it prevents this problem from happening. But if we remember that only the candidate that gets the most popular votes in a state (majority or plurality) carries that entire state, then we see that the Electoral College system does not prevent this distortion from taking place. If this clause were in effect in the 2000 Election, only Bush and Gore would have been on the ballot for the 2nd round of voting run-off.

National unity causes militarism internationally

Healy, Gene. "National unity is overrated" The Cato Institute. 11 May. 2011.
<<https://www.cato.org/publications/commentary/national-unity-is-highly-overrated-ambitious-politicos>>] //CJC

For going on a decade now, politicians have called upon Americans to recapture our post- 9/11 "sense of **unity.**" But **that period of harmony-under-pressure also came with unhealthy levels of trust in government, which in turn enabled costly foreign adventurism abroad and a radical expansion of federal power at home. Maybe national unity isn't all it's cracked up to be.**

The US military has killed 20-30 million SINCE WW2

Lucas, 2016. "US Has Killed More Than 20 Million People in 37 "Victim Nations" Since World War II." By James A. Lucas. Global Research, March 07, 2016
<http://www.globalresearch.ca/us-has-killed-more-than-20-million-people-in-37-victim-nations-since-world-war-ii/5492051> GST.

The thesis of this is that more spending means that the **US government views military power as the only viable foreign policy strategy, which causes it to go to war, in turn creating new enemies. This study reveals that U.S. military forces were directly responsible** for about 10 to 15 million deaths during the Korean and Vietnam Wars and the two Iraq Wars. The Korean War also includes Chinese deaths while the Vietnam War also includes fatalities in Cambodia and Laos. The American public probably is not aware of these numbers and knows even less about the proxy wars for which the United States is also responsible. In the latter wars there were between nine and 14 million deaths in Afghanistan, Angola, Democratic Republic of the Congo, East Timor, Guatemala, Indonesia, Pakistan and Sudan. But the victims are not just from big nations or one part of the world. The remaining deaths were in smaller ones which constitute over half the total number of nations. Virtually all parts of the world have been the target of U.S. intervention. The overall conclusion reached is that **the United States most likely has been responsible since WWII for the deaths of between 20 and 30 million people in wars and conflicts scattered over the world.** To the families and friends of these victims it makes little difference whether the causes were U.S. military action, proxy military forces, the provision of U.S. military supplies or advisors, or other ways, such as economic pressures applied by our nation. They had to make decisions about other things such as finding lost loved ones, whether to become refugees, and how to survive. And the pain and anger is spread even further. Some authorities estimate that there are as many as 10 wounded for each person who dies in wars. Their visible, continued suffering is a continuing reminder to their fellow countrymen. It is essential that Americans learn more about this topic so that they can begin to understand the pain that others feel. Someone once observed that the Germans during WWII "chose not to know." We cannot allow history to say this about our country. The question posed above was "How many September 11ths has the United States caused in other nations since WWII?" The answer is: possibly 10,000.

Polarization increases turnout

Glenn Davis, 5-15-2014 [political commentator, "Are There Benefits to Polarization in Politics?," IVN.us, <https://ivn.us/2014/05/15/benefits-polarization-politics/>] MJS 3-16-2017

As the theory goes, **polarization is not inherently a bad thing. Political engagement is essential to the democratic process.** Abramowitz argues **that those most engaged are the most likely to be polarized.** He cites evidence that **during both the 2004 and 2008 elections, voters were energized by the polarized choices.** Higher voter turnout and involvement in campaign activities were the result. Popular opinion suggests that many voters have responded to gridlock and congressional ineffectiveness by becoming more disenfranchised. But Abramowitz maintains that the opposite has been true: **voters have become more engaged, more involved, more likely to be informed, and more apt to take a stand on policy issues.**

Polarization increases turnout and reduces gridlock

Alan I. Abramowitz, 8-1-2010 [professor of political science at Emory University, "Political Bookworm," No Publication, http://voices.washingtonpost.com/political-bookworm/2010/04/how_polarization_benefits_demo.html] MJS 3-16-2017

But are polarization and partisan conflict really bad for democracy? Certainly, they can go too far. It's not healthy when supporters of the minority party question the legitimacy of our country's elected leaders or when vigorous debate degenerates into name-calling and threats of violence. But a certain amount of **polarization and partisan conflict can actually be very beneficial in a democracy.** The fact that **the differences between Democrats and Republicans are much clearer today than they were 40 or 50 years ago makes it much easier to voters to choose candidates based on their policy preferences.** And the evidence from recent elections indicates that **far from turning off ordinary Americans, partisan polarization has led to increased levels of interest and participation** among the public. **Voter turnout was the highest in 40 years in 2008 and early indications are that turnout will also be high in the 2010 midterm elections.** And more Americans are also talking about politics, displaying yard signs and bumper stickers, and giving money to the parties and candidates.

[...]

Polarization can actually help to overcome gridlock in government by increasing party discipline so that after an election the majority party can enact its policy agenda. **Because of polarization, the Democratic majority in the current Congress was able to maintain enough unity to pass a strong economic stimulus bill and a major health care reform bill over near-unanimous Republican opposition.** And if you don't like those policies, because of polarization you know which party to hold responsible in the next election.

Non-unique: Polarization is already at an unprecedented high and will continue to grow

Didi Kuo, 10-10-2015 [, "Polarization and Partisanship," No Publication, <http://www.the-american-interest.com/2015/10/10/polarization-and-partisanship/>] MJS 3-16-2017

When asked about the most important problem facing the United States today, Americans rank dissatisfaction with government over ISIS and race relations. **American trust in Congress is at an all-time low;** citizens hold it in lower esteem than even big business or the criminal justice system. Despite the existence of problems at myriad levels of government, cynicism toward government has risen as the two parties have proven unable to confront the nation's core policy challenges. **In comparative surveys of polarization, Americans report far greater distance between the Republican and Democratic parties than citizens in other countries, such as France and Greece, report between their leftmost and rightmost parties.** What exactly is meant by polarization, and how is today's polarization different from the typical partisan divisions that have always existed? The short answer is that changes both in society and in electoral politics contribute to **today's unprecedented levels of partisan acrimony.** The

stakes in reforming polarization now extend well beyond legislative politics, since current levels of **polarization threaten both Executive aspects of governance and long-term economic outcomes**, such as income inequality. Fortunately, institutional and procedural reforms that mitigate the influence of a highly ideological and wealthy minority of voters stand a good chance of slowing the growth of the problem.

[...]

Gridlock in Congress is the product of **partisan polarization**, which **has risen steadily since the 1970s**. For the better part of the 20th century, polarization between the parties—measured as the ideological distance between legislators of different parties—actually declined. Since the 1970s, however, the distance between the parties has grown, and the average legislator has become less moderate. **Democrats have become slightly more liberal** in their voting patterns, while **Republicans have become much more conservative**. Both parties have also become more cohesive: They vote together more often, with fewer instances of crossover voting or bipartisan agreement.

[...]

Whether the roots of polarization lie mostly in society or in elite politics, **it seems unlikely that polarization will soon subside given current trends. If anything, it is likely to worsen.**

While a certain amount of polarization is built into America's constitutional framework, the combination of divided government, interbranch conflict, and partisan gamesmanship presents major challenges to governance in the United States. Political reforms that reduce polarization are necessary not only to increase compromise in Congress, but also to restore public faith in American institutions and combat rising economic inequality.

2 party system → Polarization → Inequality

Benjamin Lopez, 11-6-2011 [, "Rich Against Poor, Red Against Blue," Harvard Political Review, <http://harvardpolitics.com/covers/rich-against-poor-red-against-blue/>] MJS 3-16-2017

While perceptions of economic inequality depend on the political climate, **polarization can also prevent the government from effectively combating inequality**. According to Nolan McCarty, professor at the Woodrow Wilson School of Princeton University, **polarization can lead to more extreme policies that sway the relative welfares of competing groups, causing gridlock and paralyzing the decision making process.** McCarty believes that polarization is a severe problem in the U.S., where a supermajority in Senate is often required to pass legislation. **In Europe, where there are many smaller parties** and where parties often form coalitions, **political polarization is less of a problem. But because the United States has a polarized two-party system that can only take action in supermajorities, gridlock has much greater severity.**

Swing state voters are more informed because they know their vote matters

Posner 2012 [Richard Posner is a judge, U.S. Court of Appeals for the 7th Circuit, and a senior lecturer at the University of Chicago Law School. "In Defense of the Electoral College", *Slate*,

<http://www.slate.com/articles/news_and_politics/view_from_chicago/2012/11/defending_the_electoral_college.html>] MJS

The winner-take-all method of awarding electoral votes induces the candidates—as we saw in last week’s election—to focus their campaign efforts on the toss-up states; that follows directly from the candidates’ lack of inducement to campaign in states they are sure to win. **Voters in toss-up states are more likely to pay close attention to the campaign—to really listen to the competing candidates—knowing that they are going to decide the election. They are likely to be the most thoughtful voters, on average** (and for the further reason that they will have received the most information and attention from the candidates), **and the most thoughtful voters should be the ones to decide the election.**

Swing State Voters Aren’t Enthusiastic

Gallup 12 [Gallup Poll, “Swing-State Voters' Enthusiasm Matches Voters' Nationally”, *Gallup*, <http://www.gallup.com/poll/155573/swing-state-voters-enthusiasm-matches-voters-nationally.aspx>] //BS

Voters in this year's key election battleground states are similar to registered voters nationally in the enthusiasm they express about voting in the 2012 presidential election. **Just under half of swing-state voters, 46%, as well as 43% of national voters, report feeling extremely or very enthusiastic about voting.**

The new results are from the USA Today/Gallup Swing States poll, conducted June 22-29 as part of Gallup Daily tracking with 1,200 registered voters in 12 states where the presidential race is expected to be closely contested: **Colorado, Florida, Iowa, Michigan, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Pennsylvania, Virginia, and Wisconsin.**

Each voter has different voting power, it’s undemocratic

Michael Herz, law professor and Co-Director, Floersheimer Center for Constitutional Democracy, *Cardozo Law Review*, May 2005, HOW DEMOCRATIC IS THE AMERICAN CONSTITUTION?: ROBERT DAHL’S HOW DEMOCRATIC IS THE AMERICAN CONSTITUTION?: AN INTRODUCTION, WITH NOTES ON THE ELECTORAL COLLEGE, p. 1194-5] //CJC

On the second point, votes would only be of equal weight if electoral college votes were exactly apportioned among the states, and then on the basis of those actually casting ballots rather than population. **But in fact electoral votes are allocated by populations, which are not perfect multiples of 435**; the rates of registration and of voting vary from one state to another; each state, regardless of size, gets two electoral votes (corresponding to its two Senators) in addition to the electoral votes allocated by population (corresponding to its Representatives). **The result**, as has often been pointed out, **is a wide variation in the weight of individual votes and a particular dilution of individual voting strength in large states.** So in 2000 Vermont had 97,931 1/3 voters per elector; New York had 206,727 1/4 voters per elector. **In this sense, a Vermonter’s vote counted twice as much as a New Yorker’s.** This also looks

odd at best, if not, in the words of Senator Durbin, “**undemocratic and unfair.**” So the electoral college conflicts with prevailing assumptions about elections.

[...]

Second, **the electoral votes are not allocated exactly in proportion to population.** For one thing, **every state gets two votes** (corresponding to its two Senators) **regardless of size.** In those states with only a single representative, especially those with a population less than that of the theoretical ideal House district, **an electoral college vote represents many fewer popular votes than in larger states.** At the extremes, **Wyoming has 165,101 people per electoral vote; California has 616,924.** In addition, state populations are not all perfect multiples of 1/435th of the total number of U.S. citizens. Therefore the citizens per representative ratio (and so citizens per electoral vote) varies from state to state.

EMPIRICALLY DENIED — 80%+ of eligible voters in swing states are white — THE MOST RACIALLY DIVERSE BATTLEGROUND STATE IS 80% WHITE

Brownstein 2015 [Ronald Brownstein is a writer for The Atlantic, “The States That Will Pick the President: The Rust Belt”, *The Atlantic*, <<https://www.theatlantic.com/politics/archive/2015/02/the-states-that-will-pick-the-president-the-rust-belt/431853/>>] //CJC

Ohio: Racial change has unfolded relatively slowly here. In 1980, **whites constituted** 91 percent of Ohio's **eligible voters; by 2012**

that number had declined only to **84 percent.** The States of Change model forecasts the white share to tick down to 83 percent in 2016, and then continue on a relatively unhurried decline to 76 percent by 2040. The pace of change in the actual voting pool hasn't been much different: Whites represented 91 percent of voters on Election Day in 1980, and 83 percent in 2012. From 1980 through 2012, African-Americans edged up from 9 percent to 11 percent of eligible voters. With improved turnout efforts, blacks grew faster over that period as a share of actual voters, from 9 percent to 13 percent. Looking forward, the model projects them to increase only slightly to 14 percent of eligible voters through 2040. Hispanics and the category of Asian, mixed-race, and other adults, each constituted just 2 percent of eligible voters in 2012, but the model projects these groups to gradually rise to 5 percent each by 2040. Those changes could amount to a (very) slowly intensifying thumb on the scale for Democrats in the state. Since 1996, according to exit polls, the Democratic share of Ohio's white vote has varied only from a low of 41 percent (for Obama in 2012 and Al Gore in 2000) to a high of 46 percent for Obama during his first victory. As in other states, Democrats under Obama achieved overwhelming margins among African-Americans: In each of his campaigns he carried 96 percent of them in the state. In 2000 and 2004, when Bush carried the state, Democrats had won 89 percent and 83 percent of blacks respectively.

Pennsylvania: Racial change has also proceeded slowly here. From 1980 through 2012, **whites declined as a share of eligible voters** from 92 percent to 83 percent. But in the actual voter pool, the change was even more modest: from 91 percent in 1980 to **85 percent in 2012.**

African-Americans were 9 percent of actual voters in 1980 and 10 percent in 2012. Hispanics, Asian-Americans, mixed race, and others have barely established a beachhead in the state: too small to measure in 1980, those groups accounted for 4 percent of the actual (and 7 percent of the eligible) vote by 2012. The States of Change model projects a comparable rate of change rolling forward. It forecasts the white share of eligible voters to drop only another percentage point in 2016 (to 82 percent) and to recede slowly to 72 percent by 2040. It projects African-Americans to remain steady at 10 percent of eligible voters for the next several years before rising again toward 12 percent by 2040. By then, the forecast expects bigger change for Hispanics (rising to 10 percent of eligible voters by 2040) and Asians and others (reaching 6 percent.) But in the near term, it expects only minimal growth for the two groups, from 7 percent of the combined eligible voter population in 2012 to 8 percent in 2016 and 2020. In presidential elections, the Democratic vote among Pennsylvania whites has been remarkably steady all the way back to 1988, according to exit polls. Al Gore won 48 percent of whites in 2000 and Obama won 47 percent in 2008, but in the other five elections, the Democratic share varied only between 42 percent and 45 percent. In his 2014 victory, Democratic Gov. Tom Wolf did better, reaching exactly 50 percent. As in other states, Obama twice pushed up the Democratic margins among African-Americans above 90 percent, exceeding the party's advantages over the previous two decades. **Michigan:** Demographic change has come slowly here too, but because the state started with a larger minority

population, it **stands as the most racially diverse of the major Rust Belt battlegrounds.** **The white**

share of Michigan's eligible voters dropped modestly from 87 percent in 1980 to 83 percent in 2000, before continuing to fall along a similar

slope to **80 percent in 2012.** (From 1980 through 2012, the white share of the actual voter pool likewise declined from 89 percent to 82 percent.) Over that same period, African-Americans have edged up from 12 percent to 14 percent of eligible voters (and 10-13 percent of the actual voting pool). Hispanics, Asians, and others (including a substantial Arab-American population) have moved from a minuscule presence in 1980 (2 percent of eligible voters) to a measurable beachhead in 2012 (6 percent of eligible and 5 percent of actual voters.) Looking forward, **the model** sees the contraction of the white vote somewhat accelerating in the near term—down to 77

percent by 2020 and then 70 percent by 2040. It **sees no near-term increase for African-Americans,** and even by 2040, a rise only from the current 14 percent of eligible voters to 16 percent. The model anticipates the biggest growth among Hispanics and the combined Asian and other category (with each group rising from 3 percent of the eligible population in 2012 to 4 percent by 2016 and 7 percent by 2040). As elsewhere, under Obama, Democrats have consolidated their support among African-Americans, from around 90 percent in 2000 and 2004 to 96 percent and 95 percent in the past two elections, exit polls found. Although figures for 2012 were not available, Democrats also carried about three-fifths or more of Michigan Hispanics in each election back to 1988. And in contrast to most other states, Democrats

have somewhat improved their performance among whites here. The party's nominees carried 39 percent of whites in both the 1988 and 1992 elections. But in the five elections since, the Democratic nominee has won between 43 percent and 46 percent of Michigan whites, except in 2008 when Obama carried a plurality with 49 percent. In 2014, exit polls found that Democrat Gary Peters, who won the Senate election, ran exactly even among whites, making him one of the party's few Senate and gubernatorial candidates anywhere who did not lose this bloc. Wisconsin: The state's racial balance has long been defined by a preponderant white population qualified by only a small number of

African-Americans. In 1980, **whites represented** 96 percent of eligible, and 97 **percent of actual, voters in Wisconsin.**

By 2012, those numbers had declined only to **88 percent and 89 percent respectively.** African-Americans edged up only slightly over that period from 3 percent to 5 percent of eligible voters. But by 2012 signs of a new equation were emerging: Hispanics (at 4 percent of eligible voters) and Asian-Americans, mixed race, and others (at 3 percent) combined to exceed blacks in the eligible share (although they still trailed blacks in the pool of actual voters). Looking forward, the model projects those trends in eligibility to continue. It forecasts whites to shrink slowly to 87 percent of eligible voters in 2016 and 79 percent by 2040. It expects African-Americans to rise only from 5 percent to 7 percent of the eligible population over the next quarter century. But by 2040, it expects a doubling among both Hispanics (from 4 percent of the eligible population now to 8 percent then) and the Asian/other category (from 3 percent to 6 percent.) Democrats have competed as well here with whites as almost anywhere. Their presidential nominees carried Wisconsin whites in 1992, 1996, and 2008, and lost them by no more than 4 percentage points in the other four elections since 1988. Combined with their strong performance among African-Americans—which surged past the 90 percent mark under Obama—that's allowed the party to carry the state in all seven of those elections, albeit sometimes narrowly. Still, Wisconsin has not been entirely immune to the shifts among whites under Obama evident elsewhere: In his 2014 reelection, Republican Gov. Scott Walker held Mary Burke, his Democratic opponent, to just 42 percent among them. Iowa: With its caucuses that begin the presidential

nominating process every four years in picturesque small towns and farm communities, **Iowa often seems immune to racial change.**

Yet change is coming even here. In Des Moines, the state's largest city, a majority of the students in the public school K-12 system are now nonwhite. But it will take time for that diversity to be felt in the state's political balance. **In 2012, 92 percent of Iowa's eligible voters were white.** That was down from the 99 percent in 1980, but still higher than any other Rust Belt battleground. Looking forward, the model projects whites to recede only slowly to 91 percent of eligible voters in 2016 and 83 percent in 2040. The model projects that even by 2040 African-Americans will represent only 4 percent of eligible votes (up from 3 percent in 2012). The forecast expects more change among Hispanics (up from 3 percent of eligible voters in 2012 to 4 percent in 2016 and 8 percent by 2040), as well as the category of Asian-Americans, mixed-race, and others. That group is now 2 percent of the eligible population and is projected to reach 5 percent by 2040. The challenge for Democrats is to build the machinery to drive turnout in a state with no tradition of mobilizing minority communities. As in Wisconsin, Democrats have maintained their presidential-level competitiveness among whites as well here as almost anywhere. The party's presidential nominees have carried them in four of the past six elections, and reached 48 percent in each of the two they didn't (both against George W. Bush in 2000 and 2004). The small African-American population has provided a small boost that has helped Democrats carry the state in five of the past six presidential contests; over time, Hispanics, Asians, and others could extend that advantage, albeit very slowly. In the 2014 Senate race, Republican Joni Ernst held Democrat Bruce Braley to just 43 percent among whites en route to her decisive victory.

Court clog now

Emshwiller and Fields 14

John Emshwiller (reporter) and Gary Fields (board member for the Fund for Investigative Journalism). "Justice Is Swift as Petty Crimes Clog Courts." Wall Street Journal. November 30th, 2014. <http://www.wsj.com/articles/justice-is-swift-as-petty-crimes-clog-courts-1417404782> //CJC

For the millions of Americans charged each year with misdemeanor crimes, justice can be blindingly swift. In Florida, misdemeanor courts routinely disposed of cases in three minutes or less, usually with a guilty plea, according to a 2011 National Association of Criminal Defense Lawyers study. **In Detroit,** court statistics show, **a district judge** on an average day **has over 100 misdemeanor cases** on his or her docket—or **one every four minutes.** In Miami, public defenders often hardly have time to introduce themselves to their misdemeanor clients before the cases are over. **Years of aggressive policing tactics and tough-on-crime legislation have flooded the American court system with misdemeanor cases—**relatively small-time crimes such as public drunkenness, loitering or petty theft. The state courts that handle such charges often resemble assembly lines where **time is in short supply,** according to judges and lawyers who work in the courts. Many poor defendants, despite their right to court-appointed legal counsel, don't get lawyers, and those who do often receive scant help in the rush to resolve cases.

RELATED The Short Answer: How Misdemeanor Courts Handle So Many Cases (Nov. 30, 2014) For More Teens, Arrests by Police Replace School Discipline (Oct. 20, 2014) Q&A: The Missing Numbers on Arrests in America (Oct. 20, 2014) As Arrest Records Rise, Americans Find Consequences Can Last a Lifetime (Aug. 18, 2014) How Arrests Stick With Tens of Millions of Americans (Aug. 19, 2014) Judge Thomas Boyd, who handles misdemeanor cases in Ingham County, Mich., said recently he sometimes finds himself arguing with defendants who seem too eager to admit wrongdoing without consulting a lawyer. "I have young black men coming in to plead guilty, but I start questioning them and it's pretty clear that they don't believe they committed a crime," yet don't think they have any chance of being found innocent, he said. When pressed on why they are willing to plead, he said, they reply: "That's how it works, isn't it?" Judge Boyd said he routinely tells defendants about the possible consequences of a guilty plea, including fines, jail time, loss of a driver's license and difficulty traveling outside the U.S. For some young defendants, he said, he

explains that a guilty plea means they will have to check the "yes" box on job applications that ask—as many do—whether they have ever been convicted of a crime. **Over the past 20 years, U.S. authorities have made more than a quarter billion arrests,** and they add 12 million more each year.

Crime rates have fallen sharply over that period. The arrests have left nearly one of every three American adults on file in the FBI's master criminal database. Judge Thomas Boyd, who handles misdemeanor cases in Ingham County, Mich., says he sometimes finds himself arguing with defendants who seem too eager to admit wrongdoing without consulting a lawyer. ENLARGE Judge Thomas Boyd, who handles misdemeanor cases in Ingham County, Mich., says he sometimes finds himself arguing with defendants who seem too eager to admit wrongdoing without consulting a lawyer.

FABRIZIO COSTANTINI FOR THE WALL STREET JOURNAL **Misdemeanor charges, which typically carry fines or jail terms of less than a year, account for about 70% to 80% of criminal cases annually, according to data from the National Center for State Courts, a Williamsburg, Va., clearinghouse for court-related**

information. Felonies such as murder, rape and armed robbery, and miscellaneous criminal traffic and appellate cases, make up the rest.

Greater Political Competition Increases Pro-Growth Policies

Besley 2010 [Timothy, "Political Competition, Policy and Growth: Theory and Evidence from the US," *Review of Economic Studies* 77 (2010). Accessed at:

<http://personal.lse.ac.uk/sturmd/papers/Besley-Persson-Sturm-REStud-2010.pdf>.

Timothy is a professor of economics] //DNP

This paper develops a simple model to illustrate how **greater political competition** might **lead to the adoption of pro-growth policies**. We also present evidence to substantiate this proposition using data on US states. Using a measure of competition suggested by the theory, we show that **increases in political competition are associated with lower tax revenue** as a share of state personal income, **a higher level of infrastructure spending** by state governments, and a **higher probability that a state uses a right-to-work law**. These results are robust across a variety of specifications and sub-samples of our data. Moreover, the relationship appears to be non-linear, with the largest effects at intermediate levels of political competition, as the model implies. The policy changes we document also seem to affect overall state economic performance with **greater political competition being associated with higher growth rates of state personal income per capita**.

Including extremists makes them fizzle out, exclusion causes more radicalization

Downs 2013 [William Downs is political science professor at Georgia State University, "Democracy's New Normal: The Impact of Extremist Parties", *World Politics Review*,

<<http://www.worldpoliticsreview.com/articles/12652/democracy-s-new-normal-the-impact-of-extremist-parties>>] //CJC

Once extremist parties emerge on the political scene and get branded as pariahs, they display remarkable range in their subsequent trajectories. Some implode immediately and fail to appear on a subsequent ballot, while others endure for decades. No single factor can explain the variation in the lifecycles of extremist parties, but we do have clues that prompt provocative conclusions. What becomes clear to observers is that **militant, repressive and defensive measures taken against extremist parties almost invariably backfire in the long run**. Ostracism, demonization, bans and other forms of exclusion appear highly effective at keeping extremists out of power and preserving the immediate status quo for moderate political parties. Yet, **repression and suppression of extremist parties often compels them and their supporters to radicalize further**. Pushing extremists out of the institutional arena drives them underground, into the streets and onto the Internet. **Denial and rejection have largely failed to mitigate extremism** in the countries where they have been adopted as dominant strategies. Sanitizing policy problems embraced by extremist parties rather than tackling them head on only breeds more exploitable popular discontent. Refusing entry to parties chosen by voters in free and fair elections, regardless of how unsavory their message, likewise preserves clean hands and a sense of fulfilled moral duty. But it, too, tends to produce little in the way of reduced risk for the overall system. In short, militant measures can help bring about the extremist party's early demise. Yet, if **they unintentionally turn pariahs into political martyrs who play the role of victim targeted by an entrenched political elite, then**

extremism is likely to reappear elsewhere with a new party name and in even greater strength. Ironically, and quite controversially, **evidence shows that forms of regulated inclusion are actually more effective as an enduring remedy to extremist parties.** Well-designed political institutions can hold parties to public account and intensive scrutiny. **Granting parties some share of governing responsibility can expose the ones whose skills in opposition fail to translate into competent governance.** Rather than deny extremism's existence, **deploying the rules of legislative and constitutional order can moderate extremists.** Here the notion is that **democracy allows extremists to fashion the noose with which they eventually hang themselves.** Of course, history provides cautionary tales about letting wolves into hen houses, so the strategy of tolerating the intolerant can be difficult to embrace

Excluding extremist parties from politics makes them keep their extremist positions

Goodwin 2011 [Matthew Goodwin is a professor of politics and international relations at the University of Nottingham, "New Report: The Rise of Populist Extremism in Europe", *Chatham House*, <<https://www.chathamhouse.org/media/news/view/178303#>>] //CJC

Populist extremist parties (PEPs) present one of the most pressing challenges to European democracies, says a new report by Chatham House. **Parties such as the Front National in France, Sweden Democrats and Austrian Freedom Party continue to rally large and durable levels of support,** even among some of the most economically secure and highly educated regions of Europe. But their appeal and the profile of their supporters remain poorly understood. Right Response: Understanding and Countering the Rise of Populist Extremism in Europe examines what is causing citizens across Europe to shift support behind populist extremists and recommends how mainstream political parties can respond to the challenge. The report's author, [directory 52884], has investigated the characteristics and concerns of PEP supporters, the messages and wider potential of populist extremism, and outlines six possible response strategies. The rise of these parties is often traced to public anxiety over threats to jobs, social housing and the welfare state. Instead, this new report provides convincing evidence that mainstream political parties need to go beyond making the economic case for immigration and begin making the case for cultural diversity. Matthew Goodwin says 'PEPs have spent much of the past two decades exchanging strategies and ideas. This has enabled them to respond more innovatively and effectively than the mainstream parties. Until the mainstream parties begin to exchange lessons and address the actual anxieties of PEP voters – specifically over the cultural impact of immigration and rising diversity – populist extremists will continue to attract significant support, and could find a new generation of citizens increasingly receptive to their message.' Key findings of the report include: **Contrary to popular assumption, PEPs that were allowed to participate in the wider political system tended, over time, to move away from more extreme positions. The implication of this finding is that exclusion actually prevents extremist parties from abandoning their more extreme ideological stances.**

No moderating influence, no extremists, and higher turnout

Francis 2016 [Darrell Francis is a writer for The Observer and MA in International Administration, "Why the Two-Party System Isn't as Broken as You May Think", *The Observer*, <<http://observer.com/2016/07/why-the-two-party-system-isnt-as-broken-as-you-may-think/>>] //CJC

A two-party system is often purported to have a moderating influence by limiting influence of minority positions and making more stable governments. However, none of this holds true in reality. Countries such as the Netherlands, Denmark, Finland, Norway, Sweden, and Switzerland all have **eight or more parties represented in their legislature and all are considered to be stable, well-governed democracies.** I don't think any of them had a party try to shutdown the government and threatened to force it to default. **The risk of**

extremist parties is far overstated. **Most minor parties in developed democracies are rather innocuous** and simply represent minority groups who don't feel the main parties properly reflect their interests. **Despite being separate parties though, they often work together.** In Sweden, The Moderate, Liberal, Center, and Christian Democratic parties ran a unified campaign in 2010. They knew it was best to work together, but by maintaining separate identities, they're able to reach more constituents. If they decided to form a single party, the messages of the smaller factions would get lost, reducing their outreach potential. A Swedish farmer might not like the agrarian Center Party being subsumed into the more urbane Moderate Party as he does not trust them to represent his interests. Therefore the Moderate Party works with minor parties but doesn't absorb them because it increases their share of potential votes.

Minority parties rarely gain undue influence over the election, but when they do, they're usually a moderating influence. For decades, the Free Democratic Party (FDP) in Germany were the political kingmakers. The two main parties, the Christian Democratic Union (CDU) and the Social Democratic Party of Germany (SPD) could rarely form a government without them. The FDP represented the political center of German politics. Its necessity in any coalition kept the CDU and SPD from going too far to the right or left. This is effectively no different than "swing voters" in US politics. In other cases, **it's generally the minor party which has to make the most concessions in order to join a coalition. It's very rare than a minor party finds itself in a position where it can dictate terms** as there are usually other potential coalition combinations which don't include it. Therefore, if it wants to be picked to join a governing coalition, it has to please one of the major parties. Also, as the example of Sweden showed, there are often "natural" coalition partners, parties which are close in ideology but focus on different issues. **Coalition governments can be very stable.** Switzerland has been ruled by the same four-party coalition since 1959. When coalitions are unstable, it's usually due to other problems within society. Belgium went for 589 days without an elected government because they couldn't form a coalition. However, the chief cause of this is the cultural split within society so when forming coalitions, parties have to negotiate not only ideological differences but also regional differences. To a lesser extent, this is the same problem governing coalitions in Italy have faced. To a certain extent, Congress already operates as though it's made up of coalitions of various parties. In both the Republican and Democratic there are various Congressional caucuses which subdivide both parties into smaller factions. Negotiations between the caucuses take place, but it's less visible to voters. If the US were to switch to proportional representation, these caucuses could potentially split off as their own party, but still work together in congress. Such a situation could have been very beneficial in the past. When the national Republican Party became too right-wing for urban voters, Republicans in cities could have formed their own party which could work with the Republican Party at the national-level while presenting a conservative platform more appealing to urban voters at the local-level. Countries with proportional voting tend see **greater political engagement and voter turnout** than those with FPTP voting. **During presidential elections, less than 70 percent of Americans vote and that drops to less than 50 percent during non-presidential elections. The only developed democracy with a lower voter turnout I could find was Switzerland** (Voter turnout data for Switzerland). **With multiple parties, people are more likely to find a party they feel best reflects their views and interests.** A farmer might feel that neither the Democrats nor Republicans will properly represent his interests and therefore not vote. If an agrarian party could form and win at least some representation, he might become an active party member or at least feel more confident about voting.

Getting rid of two party system causes more democratic representation and political honesty

Miller 2016 [Paul Miller teaches public policy at The University of Texas at Austin. He is a research fellow at the Ethics and Religious Liberty Commission. He previously served on the National Security Council. "How To Burn Down The Two-Party System", *The Federalist*, <<http://thefederalist.com/2016/06/01/how-to-burn-down-the-two-party-system/>>] //CJC

If we want to see real change, we should seek to bring down the two-party system itself.

Why Don't Third Parties Win? **Why do Americans only vote for two parties**, when a dozen or more actually exist? The answer—stay with me—has to do with the obscure topic of **electoral**

law. The way the American electoral system is designed creates certain incentives for voters and parties to arrange themselves into two massive conglomerations instead of many

different, smaller, more coherent groupings. For those of you still reading, here is a basic primer on Electoral Systems 101. (For everyone else, skip to the end.) It is easiest to understand by contrasting the American system with the more common parliamentary system. In the American system, a single representative represents a congressional district. Voters go to the polls and cast their votes for individual candidates. Whoever gets the highest number of votes—usually, whoever wins at least 50.1 percent—wins that seat in Congress. Political scientists call this the “first-past-the-post” or “winner-take-all” system, because the first candidate who makes it past the all-important benchmark of 50 percent wins all the spoils. By contrast, in most parliamentary systems (except Britain's; they're weird), a given constituency (like a congressional district) is represented by more than one member in parliament. Parties present a slate of candidates. Voters cast their votes for their preferred party. Parties receive the same proportion of seats as they

received of the vote. Political scientists call this a “proportional representation” system. **In the American system, there is an overriding incentive to put together a coalition that gets you to 50.1 percent. Second-place candidates get nothing. There is no consolation prize. So because voters like to be on the winning side now and then, there is no incentive to participate in a political party that never gets to 50.1 percent.** By

contrast, in the parliamentary system a party that gets 10 percent of the vote gets 10 percent of the seats in the legislature. That's a huge difference. Parties that will never get to 50.1 percent still have access to real political power, and voters have an incentive to gravitate towards parties they actually agree with rather than massive, incoherent agglomerations of interests cobbled together for the sake of achieving an artificial majority. You Want a Revolution? Try Proportional Representation In the United States, every legislative election I'm aware of is governed by the winner-take-all system, including for the U.S. Congress and every state legislature. Switching to proportional representation at the state and national level would be the most significant change to our system of government since the Civil War, if not the Constitutional Convention. Such a change would fundamentally alter American politics, catalyzing the most sweeping and fundamental realignment in American history. Thomas Jefferson famously said “I hold it that a little

rebellion now and then is a good thing, and as necessary in the political world as storms in the physical.” Voters are in the mood to burn the system down. Fine: **here is a way to burn down the two-party system**, with the added advantage of not electing a fascist

in the process. Here are at least four ways it would change American politics. **More parties.**

The fastest way to create not just a third party, but a fourth and fifth, is to change the

states' electoral laws and create something closer to a proportional representation system. Imagine if Texas allocated its 36 congressional seats and hundreds of state House and state Senate seats this way. You would almost certainly see the Libertarian Party suddenly and dramatically increase its share of the vote as voters realize they can actually elect libertarians. You might also see a handful of honest-to-God socialists elected from Austin.

More democracy. Such a system would be more truly democratic. Only a third of Americans identify as Republican and a third as Democrats—yet nearly 100 percent of all

elected offices nationwide are held by the two parties. Enabling more parties to compete

for and win seats will allow the rest of Americans to actually be represented in their

government. Imagine that. **More honesty. Such a change would make our political**

discourse more honest. Right now apologists for the two parties stretch credulity

weaving artful lies about their party's coherence and philosophical grounding. There is

no overarching philosophy for either party: they are agglomerations of interests cobbled

together to form a majority coalition.

Two Party System Blocks Viewpoints, Prevents Reform (Climate Change)

Economist, Sep 4th, 2014 [“The two-party system: Pandering and other sins,” *Economist*,

<http://www.economist.com/blogs/democracyinamerica/2014/09/two-party-system>] JSM,

accessed: 3-7-2017

Mr Orellana may not have picked the best case to illustrate his point. But I think he's right that

the two-party system induces ideological rigidity. In the two-voice dialogue of American

politics, there is a natural tendency for each party to oppose the other one's take on a

given issue. In the case of climate change, there was a time when Democrats and

Republicans both agreed on the reality of the problem and on the need for some form of

carbon emissions reduction scheme. But the natural dynamics of political argument gradually led Republicans to first deny that any form of government carbon emissions regulations were needed, and then to claim that global warming had actually stopped, or that climate scientists were engaged in a conspiracy of exaggeration. Because, in a two-party system, all political questions end up ranged on a left-right axis, each side spends its time trying make more and more extremist claims in order to shift the Overton window. And political loyalty demands that one defend the positions held by one's own party; the political arena comes to feel like a permanent war zone, and dissent equals betrayal.

Multi-party systems have much less tendency to turn issues into these sorts of Manichaeian contests. In the Netherlands, with a dozen parties in parliament, just one far-right party serves as an outlet for those who deny that climate change is happening. The others mainly debate how much to spend to combat it, ultimately leading to a negotiation between environmentalist and pro-business parties. On crime, the political consensus has shifted towards tougher law enforcement over the past decade, but a diverse partisan landscape affords room for many different positions. Policy emerges through a coalition-bargaining process, in which parties whose constituents have strong feelings on a particular issue will fight or horse-trade to gain responsibility over that portfolio.

Two party system causes mass gridlock that's only getting worse and prevents solutions to key issues

Coblentz 2016 [Michael Coblentz is an attorney in Lexington, Kentucky and Democratic candidate for Congress from Kentucky's 6th District. "The two-party system is destroying America", *The Hill*, <<http://thehill.com/blogs/congress-blog/politics/267222-the-two-party-system-is-destroying-america>>] //CJC

The two-party system is destroying America. Democrats and Republicans are in a death match and the American people are caught in the middle. The nation faces all sorts of serious problems, from growing inequality to spreading international terrorism, but the bitter fight between Democrats and Republicans has largely ground government to a halt. Partisans on both sides are so angry they can barely speak with the other, much less work together. The most extreme are convinced that members of the other party are treasonous and purposefully harming the nation. This isn't just a

perception. A recent Pew Research survey found that 36 percent of Republicans thought that liberal policies are "a threat to the nation's well-being." 27 percent of Democrats feel the same way about conservatives. They don't just think they have better ideas or their opponents are misguided and honestly believe that the other side is more interested in partisan

gain than the well-being of the nation. Many of the more extreme partisans simply refuse to work with the other side. The result is that **the two parties have**

the nation's capital, and many state capitals, in a death grip. This level of hostility is a direct cause of gridlock. The same Pew Study found that over the last thirty years **the nation has grown more partisan and Congress has become less effective. Each side is more extreme, and each bases their political agenda on demonizing the other side.** Each side engages in

political machinations, which include partisan gerrymandering and manipulating the rules of Congress to get their way, stymie their opponents, or deny them office completely. But that's only part of the problem. The more destructive problem is the way this skews the discussion of the issues facing the nation. The media – meaning news sources from Fox News to the New York Times and everything in between – seem largely incapable of dealing with any issue outside of the liberal versus conservative paradigm. Whether it's dealing with ISIS, the debt ceiling, or climate change, **the media frames every issue as a simple debate between the**

Democratic and the Republican positions. This creates the ludicrous idea that every

public policy problem has two, and only two, approaches. That's nonsense. Certainly some problems have only two resolutions, some have only one, but most have a range of possible solutions. But **the "national" debate presents every issue as a simplistic duality,** which trivializes everything. This **duality is making our political debate stupid. We can't solve problems unless we can discuss them rationally, and we aren't having a rational discussion about anything.**

And the public is sick of it. 80 percent disapprove of Congress. That's actually an improvement, last November 86 percent disapproved. Last year 71 percent disapproved of the way Republicans in Congress were doing their job, and 65 percent disapproved of the Democrats. And the public wants something new. In a Gallup poll from last year 60 percent of the respondents said they wanted new political parties. This disgust for the status quo is why voters in both parties

are flocking to "outsider" candidates like Independent Sen. Bernie Sanders (Vt.) and Republican Donald Trump. **But what if the problem isn't the politicians, or the parties? What if the problem is the system? What if the problem is a system that makes every election a battle between a single Democrat and a single Republican?**

Maybe the solution isn't new people, or new parties. Maybe the solution is changing the way we elect people.

We used to have viable "Third Parties" in this country. A few, like the Whigs and the Republicans, eventually became the dominant party. Others, like the Abolitionists and the Progressives, brought important new ideas into the national debate, and helped change the course of history. Was there something different then that allowed these third parties to exist? Yes, multi-seat Congressional Districts. A multi-seat district could have two or more elected representatives. This system allowed a candidate to be elected with as little as 10 percent of the vote. This allowed candidates from minor parties to win office, which allowed these parties to gain political traction and eventually participate in a meaningful way on the national stage. Our current single seat districts, with "winner-take-all" elections, favors parties that can assemble coalitions of over fifty percent of the voters. This favors the two major parties. Congress eliminated multi-seat districts in 1967, with the passage of the Uniform Congressional Districts Act. It is time to repeal this law. It is time to give the American people a meaningful choice in politics. We have choices in everything we do, but only a false and divisive

choice in politics. I believe that we need to kill the two party system, but I'm not suggesting we get rid of the Democrats or Republicans. **I'm suggesting we change the system to bring in new voices and new ideas. For this we need new political parties.** This will give voters more choices at the polls. **It will also bring new ideas into the political debate, which will mean that public policy issues may be debated as if there are a range of possible solutions.** This will get us away from the silly idea that every issue is a **death match between left and right.** And maybe, just maybe, the debate won't be so stupid and we can seriously address the issues facing the nation

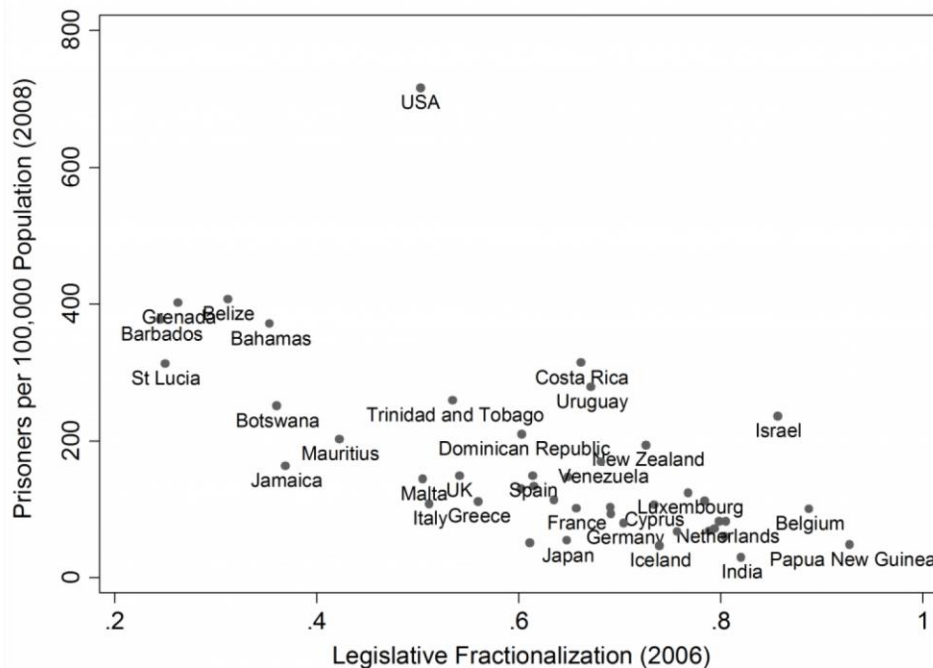
Two Party System → Mass Incarceration

Salomon Orellana, 6-17-2014 [Orellana is a political science professor at Michigan State University, "How a third party could reduce incarceration in the U.S.," *Washington Post*, https://www.washingtonpost.com/news/monkey-cage/wp/2014/06/17/how-a-third-party-could-reduce-incarceration-in-the-u-s/?utm_term=.47561f1b5d31] JSM, accessed: 3-7-2017

The United States has a prison population of over 2.2 million people — just over 1 percent of adults — and another 5 million under probation or parole. The costs of this appear to be unsustainable, not only in terms of the financial costs associated with incarceration but also the damage inflicted on families and communities. And despite these costs, the United States still has the highest murder rate among advanced democracies. It's no surprise, then, that prison reform is an increasingly bipartisan issue.

What can be done about the incarceration rate? **My research argues that the American two-party system is part of the problem. In my new book I find that countries with two-party systems tend to have higher incarceration rates because they are more susceptible to "policy pandering." Policy pandering happens when politicians pursue votes by taking positions and adopting policies that appeal to voters' preference for quick-fix policies — even when these policies that are often detrimental to the society's longer-term interests. On issues related to "safety," politicians try to win votes by emphasizing toughness. And**

when both parties (in a two-party system) emphasize toughness it sends a message to the public that toughness is the only legitimate response to crime. It should be no surprise that citizens in countries with two-party systems then tend to prefer punitive responses to crime, and that these preferences, in turn, encourage or force politicians to promote and adopt more “tough on crime” policies that further drive up incarceration rates. Here is a bit of evidence from the book. The graph below compares the incarceration rate in various countries with “legislative fractionalization,” or the probability that two deputies picked at random from the legislature will be from different parties. A score of .5 — which is about what the United States scores — indicates a pure two-party system.



The graph shows a clear correlation: incarceration rates are considerably lower in countries with more diverse party systems. Further statistical analyses accounting for other factors suggest that countries with two-party systems incarcerate almost 200 more people (per 100,000 population) than countries with the most diverse party systems (countries such as the Netherlands, Sweden, and Norway). That is a remarkable difference. The graph also shows that the United States is an extraordinary outlier — with a 2008 incarceration rate of over 700 prisoners per 100,000 people. **Thus, although the American two-party system certainly does not explain everything about the U.S. incarceration rate, the country would nevertheless benefit from the presence of a “consistently heard” dissenter that can help break the vicious cycle of pandering. In multiparty systems, minor parties usually play that dissenting role.** Especially in proportional systems, minor parties can win seats with a small percentage of the vote and thus take risks that major parties cannot, such as proposing alternatives to punishment. **Third-party positions receive significant media attention and in the long run exposure to these positions can help make public preferences less punitive. New Zealand is a good example.** I examined the policy ideas that appeared in New Zealand’s largest newspaper before and after reforms in the mid-1990s that transformed New Zealand from a two-party system to a multiparty system.

Under the two-party system, election coverage almost exclusively centered on tough-on-crime policies. Under the multiparty system, minor parties received much more attention and consequently a wider variety of positions emerged. There were still calls for punishment and enforcement, but there were also calls for alternative solutions. For example, the Greens, Alliance, and Legalize Cannabis parties promoted policies such as drug decriminalization, rehabilitation centers instead of prisons, mental services for the “criminally ill,” restorative justice and a general focus on prevention. Of course, if the United States were to adopt a multiparty system, its incarceration rate would likely remain well above average due to other factors. For example, my research shows that having an elected president seems to magnify the pandering dynamic, especially when presidents are chosen via plurality rules rather than a runoff method, which tends to encourage more parties to compete for the presidency. Moreover, there are clearly limits to what electoral system reforms can accomplish. Israel has a multiparty system and a relatively high level of incarceration. Israel’s broader security concerns may be one factor. On the other hand, it is always worth asking what Israel’s incarceration rate might be, if it had a two-party system and a president. Institutions like party systems and the presidency are rarely reformed in significant ways, of course. But the potential effects of reform could be realized in other ways, such as via more media attention to minor parties, giving minor parties greater access to debates, or even providing minor parties with resources to disseminate their ideas. Regardless of how reform might be implemented, the important point remains: **the high rate of incarceration in the United States has roots in its electoral system.** **More political parties could ultimately mean fewer people behind bars.**

Two Party System Disregards Black Voters and Black Issues

Arielle Newton, 8-17-2016 [, "Column: It's time for black people to break the two-party system," *PBS NewsHour*, <http://www.pbs.org/newshour/updates/its-time-for-black-people-to-break-the-two-party-system/>] JSM, accessed: 3-7-2017

To be a white spectator in this election season means to cast an uncomplicated vote dependent on personal value systems. **To be a black body witnessing this unprecedented election means to be in a constant state of conflict; to be caught in the middle of two great evils.** I will not be voting for either mainstream candidate. **Hillary Clinton does not care deeply for black lives; she is a foreign policy hawk that has dismantled black and brown communities for profit and special interest. Trump is a thin--skinned coward.** Many politically and civically engaged black folk are voting for Clinton come November. **Historically, the Democratic Party of which Clinton is the newly elected standard--bearer, has relied heavily on dedicated and reliable groups of black voters. Following the meteoric election of President Barack Obama, the Democratic Party is sure to reap the political benefits of the robust black voting bloc for years, --if not centuries-- to come.** Compounded with the election of the first black president is the overarching strategic inclusion of black voices throughout Democratic contemporary political operations. **In recent times, the Democratic Party, with its well--stocked infrastructural establishment, has secured its allegiance of black voters through the careful installation of black political operatives and its comprehensive grassroots ground game. But the Democratic Party pays lip service to the black community, and does not represent any transformative pathway to wholehearted racial justice or black liberation. The Democratic Party is a master of reformist performance.** **They claim to care about the plight of black bodies and offer half measures that serve to placate black voters. Yet they are beholden to multi--national corporations and are incapable of introducing and implementing radical policies that will fundamentally reshape the anti--black construction of this nation. The Democratic establishment will**

never call for the abolition of law enforcement or economic reparations for black bodies; instead they'll call for police--worn body cameras and (maybe) "independent" oversight. They will not trim the budgets of surveillance agencies, and they will never view Palestinians as an oppressed, disenfranchised people and place righteous, unapologetic blame on the government of Israel. They will never view domestic law enforcement as a direct entity of historical slave patrols or call for the end of mass incarceration and the prison industrial complex. Instead, they will demand that we compromise, wait our turn, be peaceful and vote. The Democratic Party is a center-right political operation that relies on the passions of black bodies to maintain its mainstream political dominance. So I'm voting for a third--party candidate: Dr. Jill Stein. Dr. Stein holds an enlightened intersectional value system in which the most vulnerable are centered. From advocating for the eradication of student loan debt to proposing an end to mass incarceration and the failed War on Drugs, Dr. Stein is closest to my pro-black perspective. White and black liberals alike have told me that my vote is a waste. To them, voting for Dr. Jill Stein is a way to ensure that Donald Trump becomes president. And maybe it is. I concede that I would rather not experience life with the petty Trump having access to nuclear codes. But my desire for long term and scalable freedom, for both myself and my people domestically and globally, is more palpable than the temporary comfort my middle-class upbringing provides me. Voting third party is a long-term strategy. The Green Party only needs 5 percent of the popular vote to qualify for public campaign funds come 2020. Such funds could amount to \$10 million, a sum that could translate into effective grassroots community organizing in key counties across states. **My disdain for the Democratic Party is not an endorsement of the Republican Party. The right-wing establishment is a nativist institution that aims to protect rich, heterosexual, cis-gender and able-bodied white men. Instead, my disdain for the Democratic Party is the result of my disgust with institutions that, at a cursory glance, appear inclined and empathetic to progressive causes while serving and protecting the interests of the most privileged.**

The current two--party system has wreaked havoc on the black community. It has co-opted our fundamental value systems to fit trending political molds.

And such is a reality that I will no longer deem credible, fixable or worthy of my vote.

Third parties inevitably lose with or without the two party system

Malice, 2016. ["Why Third-Party Candidates Can't Win: At some point things stop being a coincidence." By Michael Malice • 07/12/16 8:00am. The Observer.

<http://observer.com/2016/07/why-third-party-candidates-cant-win/>] GST

Though things were sometimes weird **before the modern two-party system was established, the results were still quite similar to today in terms of the impotence of third parties.**

Abraham Lincoln's 1860 victory was over three Democrats. Yet even combined, they still would not have beaten him in electoral vote totals. Similarly, having five candidates receive some electoral votes didn't matter to Martin Van Buren's lopsided 1836 victory, as having four didn't matter to Andrew Jackson in 1832. It's possible that we will one day see Gary Johnson or Jill Stein alongside Teddy Roosevelt on Mount Rushmore. Historically speaking, however, it hasn't happened. **No third-party candidate has ever even come close to winning the presidency, either in terms of the popular vote or in terms of the electoral college.** Does that mean it can't happen? **At some point things stop being a coincidence and start becoming a pattern.**

Most recent EV — popular vote has more support

Dutton 12/15/16 [Sarah Dutton is a writer for CBS News, “Poll: More Americans believe popular vote should decide the president”, *CBS News*, <<http://www.cbsnews.com/news/poll-more-americans-believe-popular-vote-should-decide-the-president/>>] //CJC

More Americans support the popular vote over the Electoral College as the method for electing U.S. presidents

but a majority thinks the 2016 electors should cast their vote for the candidate who won the most votes in their state. Currently, Hillary Clinton is ahead in the popular vote, while Donald Trump, the president-elect, leads in electoral votes. **By 54 percent to 41 percent, more Americans favor amending the Constitution to elect the U.S. president by popular vote (most votes cast in the entire country) rather than the Electoral College. The public has held this view going back to 1987**, including in 2000 after that year’s election also resulted in a difference between the popular and electoral votes.

Reform doesn’t solve — simulation of the 2000 election proves

Griffin 2012 [KATHRYN GRIFFIN has a BA, ABJ, and masters from University of Georgia, “REASSESSING ADVANTAGES IN THE ELECTORAL COLLEGE: FRAMERS’ INTENTIONS AND MINORITY INFLUENCE”, *University of Georgia*, <https://getd.libs.uga.edu/pdfs/griffin_kathryn_g_201205_ma.pdf>] GST

Of course, the counterfactual of changing the rules after the voting occurs must be interpreted with caution as a change in the rules may affect how and who votes. Nonetheless, the results in Table 6 are quite interesting.²⁶ First, **in only the direct election does Al Gore win the presidency. Attempts to simply reform the Electoral College still result in the popular vote winner losing the election.** Under the District Plan, not only would George W. Bush still win, he would have won by a greater proportion of the ECV. However, in the proportional system the winner is not George W. Bush; instead no candidate received a majority of Electoral College votes. Therefore, had the proportional system been in place in 2000, the Twelfth Amendment would have been invoked, sending the vote to the House of Representatives, with each state receiving one vote. Assuming the Representatives vote by party, George W. Bush would have likely still won under this system, due to the fact that Republicans had a majority in 28 out of the 50 states. **Only direct vote would result in minorities preferred candidate, Al Gore, winning the election.**

NPV state initiative doesn’t eliminate the electoral college and would start a SCOTUS battle and require a Congressional vote — also violates constitution’s compact clause

Sherman 11/17/16 [Amy Sherman is a reporter for the Miami Herald and writer for Politifact, “The electoral college vs. the popular vote: Could states do an end-run around the current system?”, *Politifact*,

<<http://www.politifact.com/florida/article/2016/nov/17/electoral-college-vs-popular-vote-could-states-a/>>]
//CJC

"Eliminating the Electoral College does not even require a constitutional amendment. An effort known as **The National Popular Vote Interstate Compact** is an agreement among several U.S. states and the District of Columbia to award all their respective electoral votes to whichever presidential candidate wins the overall popular vote. Once states totaling 270 electoral votes join the compact -- which only requires passing state laws -- then the next presidential election will be determined (by) the popular vote, not the Electoral College." **Is it possible to eliminate the Electoral College without amending the Constitution?**

We wanted to get to the bottom of that claim. Little did we know we were diving into a legal nerd fest. We aren't going to referee all of the arguments about the practical implications and the potential pitfalls of changing how we elect the president. But we will summarize some of the key arguments. Ultimately, we found that the proposal makes sense in concept, but it's not clear whether courts would allow the plan to go forward. National Popular Vote Interstate Compact **Amending the constitution to change the way we elect the president would be difficult. It requires require a two-thirds vote by the House and**

Senate and support from three-fourths of state Legislatures. Since that is a high threshold, advocates for electing the president based on the national popular vote have looked for other paths. Under the current system, voters cast ballots for candidates, but it is electors from each state who elect the president when the Electoral College convenes. The Constitution assigns each state a number of electors based on the state's population. The total number of electors is 538. After Al Gore won the popular vote but lost in 2000, legal scholars (brothers Akhil Reed Amar and Vikram David Amar, both Yale Law graduates, and separately

Northwestern law professor Robert W. Bennett) wrote about the idea of directly electing the president through the national popular vote. **The most popular idea is for states to coordinate to assign their electors to the winner of the national**

popular vote. The concept gained steam in 2006 when John R. Koza, a computer scientist and former Stanford consulting professor, wrote a 620-page proposal to create the National Popular Vote Interstate Compact. Here's how the compact works: states Legislatures pass laws agreeing to award their electoral votes to the candidate who wins the national popular vote, but it only kicks in when enough states sign on to add up to 270 electoral votes. **"It would be an end run around the Electoral College as opposed to abolishing it,"** Pepperdine University

law professor Derek Muller told PolitiFact. **"There are still 538 electors who are still going to meet late December -- the Electoral College still exists -- but it would be operating in a very different way."** Over a decade, 10 states and the District of Columbia -- which add up to 165 electoral votes -- have passed laws to join the compact. So 105 more electoral votes are needed before it can go into effect. The current states in the compact are Hawaii, Illinois, Maryland, Massachusetts, New Jersey, Washington, Vermont, California, Rhode Island and New York. Advocates argue that it is a way to make every vote count and will take the campaigns' emphasis off a small number of battleground

states such as Ohio and Florida. Opponents of the compact argue that the **states shouldn't circumvent the electoral college**

without federal consent. So far, this is a hypothetical debate. The compact has been passed by blue states, and some experts say it is unlikely that enough red or purple states will sign on to get to 270. Battleground states such as Florida might be the most disinclined to join something because they are heavily courted under the

current system. Congressional consent. But that still leaves a key question: **If the compact ever got to that 270-threshold, could states award their electoral votes to the national popular vote winner, or would Congress need to sign off? If the compact ever meets that benchmark, it's likely that someone would file a challenge. It's likely the U.S. Supreme Court would have to rule on whether the system is permissible. The Compact Clause of the Constitution states that "no state shall, without the consent of Congress enter into any agreement or compact with another state,** or with a foreign power." **The courts have ruled in the past that if federal supremacy is threatened, then congressional consent is required for a compact to be**

valid. Interstate compacts were intended to deal with issues that cross state boundaries, such as with bridges, radioactive waste and water. Some have required congressional consent, while others haven't. The question is how consent would be applied to a compact about electing the president. Koza argues that this process is legal because Article 2 of the Constitution spells out that states can award their electors in the way they see fit. All but two -- Maine and Nebraska -- have laws that award all their electors to one candidate. But some lawyers have disagreed with Koza's conclusion and argue that

Congress would have to approve, or that it would be best practice to do so. Tara Ross, lawyer and author of Enlightened Democracy: The Case for the Electoral College, argues that the compact at a minimum requires congressional consent. "If ever a compact encroached on

federal and state sovereignty, this is it," she wrote in a 2010 paper for the conservative Federalist Society. **"If the NPV compact goes into effect, its proponents will have effectively changed the presidential election procedure described in the Constitution, without the bother of obtaining a constitutional amendment."** The Amar brothers argue that Congress should have a say. **"Congress needs to be involved, because it involves a process in which people in every state are going to be voting,"** Akhil Reed Amar told PolitiFact. Our conclusion. Ten states and the District of Columbia have signed on to the National Popular Vote Interstate Compact, in which states agree to award all their electoral votes to the winner of the national popular vote. The compact only takes effect when states totalling 270 electoral votes sign on, and so far the effort still falls short of that. **This plan would not eliminate the Electoral College,** but it would dramatically alter its purpose, because electors would cast their votes based on the national popular vote. Battleground states would become obsolete, and candidates would concentrate on winning the most number of votes nationwide. **If enough states ever sign on, the plan would likely face a court challenge, with the Supreme Court getting to rule on whether the plan passes constitutional muster.** That's a future scenario we can't predict.

NPV violates constitution—compact clause, SCOTUS precedent, and Article II — and constitutional amendment won't pass — means NPV is most probable implementation of the res

Von Spakovsky 2011 [Hans von Spakovsky Election Law Reform Initiative and Senior Legal Fellow at the Heritage Foundation, "Destroying the Electoral College: The Anti-Federalist National Popular Vote Scheme", *Heritage Foundation*, <http://www.heritage.org/election-integrity/report/destroying-the-electoral-college-the-anti-federalist-national-popular?_ga=1.213754836.1522943971.1488386128#_ftn5>] //CJC

The National Popular Vote (NPV) plan is the latest in a long line of schemes designed to replace the Electoral College. Imbued with the ideals of this nation's Founders, the Electoral College has proved itself to be both effective in providing orderly elections for President and resilient in allowing a stable transfer of power of the leadership of the world's greatest democracy. Therefore, while it would be a mistake to replace the Electoral College, replacing this system with the NPV would be a disaster. The NPV would devalue the minority interests that the Founders sought to protect, create electoral administrative problems, encourage voter fraud, and radicalize the U.S. political system. It also would likely violate the U.S. Constitution's Compact Clause while directly contravening the Founders' view of federalism and a representative republic. In an age of perceived political dysfunction, effective policies already in place—especially successful policies established by this nation's Founders, such as the Electoral College—should be preserved. Our system for electing a president has worked pretty well. There is no real case being made that it will work better if changed—only that it will look nicer if one subscribes to one particular vision of how democracies should work... We are so accustomed to stable, generally good government that we sometimes forget that failure of government structures is historically much more common than success... [W]e tinker with our success at our peril. Bradley A. Smith, former Chairman, Federal Election Commission[1] Since the 2000 U.S. presidential election, there have been many ill-informed calls to abolish the Electoral College. Even before that contentious election, **there had been more than 700 proposals introduced in Congress to amend the Constitution to change the Electoral College**—more than on any other topic.[2]

[...]

Changing or eliminating the Electoral College can be accomplished only by an amendment to the Constitution, which requires the consent of two-thirds of Congress and

three-fourths of the states.[8] **From a political standpoint, there is almost no probability that such an amendment will be approved in the near future.**

[...]

The NPV movement seeks to create an unfair and unconstitutional system that diminishes the voting rights of citizens throughout the country and raises the prospect of increased voter fraud and post-election litigation contests over the outcome. The Unconstitutionality of the NPV: Compact Clause. Supporters of the NPV claim that because the Constitution gives state legislatures the power to determine how electors are chosen, the NPV is constitutional and requires no approval by Congress. Such claims, however, are specious. **The NPV is unconstitutional because it would give a group of states with a majority of electoral votes “the power to overturn the explicit decision of the Framers against direct election.** Since that power does not conform to the constitutional means of changing the original decisions of the framers, NPV could not be a legitimate innovation.”[17] **The Constitution’s Compact Clause provides that “No State shall, without the Consent of Congress...enter into any Agreement or Compact with another State.”**[18] **The Founders created the Compact Clause because they feared that compacting states would threaten the supremacy of the federal government in matters of foreign affairs and relations among the states.**[19] **If states could make agreements among themselves, they could damage the nation’s federalist structure.** Populist states, for example, cannot agree to have their U.S. Senators vote to seat only one Senator from a less populous state. **The very purpose of this clause was to prevent a handful of states from combining to overturn an essential part of the constitutional design.** The plain text makes it clear that all such state compacts must be approved by Congress. **By circumventing the checks and balances of Congress, the NPV would risk setting a precedent that states can validate non-congressionally approved compacts as a substitute for a constitutional amendment.** Undoubtedly, many liberal activist groups would like to create their own compacts or to lobby states individually to join compacts. Such compacts could then create de facto constitutional amendments regarding many different public policy issues—including purely federal matters.

[...]

The Unconstitutionality of the NPV: U.S. Steel Corp. In U.S. Steel Corp. v. Multistate Tax Commission.[25] **the Supreme Court of the United States held that the Compact Clause prohibited compacts that “encroach upon the supremacy of the United States.”**[26] The Court emphasized that **the real test of constitutionality is whether the compact “enhances state power quoad the National Government.”**[27] To determine this qualification, the Court questioned whether: **The compact authorizes the member states to exercise any powers they could not exercise in its absence; The compact delegates sovereign power to the commission that it created; or The compacting states cannot withdraw from the agreement at any time.**[28] Unless approved by Congress, **a violation of any one of these three prongs is sufficient to strike down a compact as unconstitutional; the NPV plan violates two.** Of course, **congressional approval** of a compact that attempts to change a

provision of the Constitution without following the amendment requirement of Article V **would also be invalid. By eliminating the requirement that Congress approve a virtual constitutional amendment, the NPV would enhance the power of certain states at the expense of the national government—a result that would conflict with the first prong of the U.S. Steel Corp. test.** Without question, the NPV deprives non-participating states of their right under Article V to participate in deciding whether the Twelfth Amendment, which governs the Electoral College, should be changed. From a constitutional standpoint, one could argue that while states are given the power to decide how electors will be chosen, that power is not completely unrestricted. As Tara Ross has pointed out, the Constitution “presupposes that the electors belong to each individual state and the state may not delegate this responsibility outside of state borders.”[29] For example, in *Clinton v. New York*, the Supreme Court struck down the presidential line-item veto because it disrupted “the ‘finely wrought’ procedure that the Framers designed” in the Constitution for the enactment of statutes—a procedure that was “the product of the great debates and compromises that produced the Constitution itself.”[30] Similarly, in *U.S. Term Limits, Inc. v. Thornton*, the Supreme Court threw out state-imposed term limits on Members of Congress.[31] A state-imposed qualification that was intended to evade the requirements of the Qualifications Clauses of the Constitution could not stand: “To argue otherwise is to suggest that the Framers spent significant time and energy in debating and crafting Clauses that could be easily evaded.”[32] Such an argument would trivialize the principles behind the Qualifications Clauses and treat them as an “empty formalism” rather than “the embodiment of a grand principle....” It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated out of existence.”[33] **The NPV would obviously disrupt the “finely wrought procedure” that the Framers designed into our presidential election process with the Electoral College that was a product of the great debates and compromises that produced the Constitution. It would trivialize the federalism principles behind the Electoral College.** The supporters of NPV are not hiding their goal: trying to manipulate the Electoral College out of existence, an objective that cannot be achieved by state compact, especially without congressional approval. **There is another component of the NPV that most likely would also violate the first prong of the U.S. Steel test: the plan’s guarantee that “electors would no longer be accountable to the voters in the states they are from.”**[34] As a result, voters in other states who are ineligible to vote in a particular state—such as felons—could control that state’s electoral votes. Furthermore, “candidates could end up being elected with the electoral votes of a state in which they weren’t even qualified to be on the ballot.”[35] Even more disconcerting, the NPV provides that if the “number of presidential electors nominated in a member state” is less than what the winner of the national popular vote is entitled to, that winner “shall have the power to nominate the presidential electors for that state.”[36] In other words, **a winning candidate** (say a governor from another state like Texas or Massachusetts) **could appoint the electors for New York even if the candidate never qualified to get on the ballot in New York**; he or she could even designate as electors individuals who are not residents or qualified voters in New York. **Under the third prong of the test delineated in U.S. Steel Corp., the compact must allow states to withdraw at any time. The NPV, however, places withdrawal limitations on compacting states. The plan states that “a withdrawal occurring six months or less before the end of a President’s term shall not become effective until a President or Vice President shall have been qualified to serve the next term.”**[37] **This provision is in direct conflict with the U.S. Steel Corp. test and therefore alone renders the compact unconstitutional** without congressional approval.[38] **It could also cause an irresolvable election crisis if a state withdrew in violation of the provision and thus threw into doubt the results of a presidential election.** There is no provision in the NPV for enforcing this limitation or compliance with any of the provisions of the compact. Moreover, **this withdrawal limitation is in explicit violation of the Article II provision that gives to the legislatures of each state the power to select the manner in which electors are chosen. A legislature can delegate to the people of its state the ability to choose electors, but the legislature also retains the power to withdraw that delegation. The NPV scheme would temporarily suspend that legislative power—an act that would violate the Constitution.**

NPV won't get Republican support — can't get majority

Blake 11/16/2016 [Aaron Blake is a reporter and writer for the Washington Post, "Abolish the electoral college? Dream on, Democrats.", *Washington Post*, <https://www.washingtonpost.com/news/the-fix/wp/2016/11/09/getting-rid-of-the-electoral-college-dream-on-democrats/?utm_term=.608f4f63630c>] //CJC

More recent efforts have focused on workarounds, rather than repeal. **The National Popular Vote interstate compact** has been assembling states who pledge to award all of their electoral votes to the winner of the national vote if and when they all combine for a majority of electoral votes (270). **The effort has gained support from 11 states combining for 165 electoral votes, but so far only blue states have jumped on-board -- suggesting the red and swing state problems described above apply here too.**

NPV won't get a majority — only super blue states join

Silver 2014 [Nate Silver is the head of data aggregator and news site FiveThirtyEight, "Why a Plan to Circumvent the Electoral College Is Probably Doomed", *FiveThirtyEight*, <<https://fivethirtyeight.com/datalab/why-a-plan-to-circumvent-the-electoral-college-is-probably-doomed/>>] //CJC

New York this week became the 10th state (plus D.C.) to join **the National Popular Vote**

Interstate Compact. The compact represents a clever workaround to the Electoral College. By signing on, states agree they will award their electoral votes to the winner of the national popular vote (for example, New York would have given its electoral votes to George W. Bush in 2004). However, the measure will only be triggered once states accounting for a majority of electoral votes have joined. There are 538 electoral votes (hence the name of this website), so a majority is 270. The compact's signatories, so far, total 165 electoral votes. That represents a lot of progress since Maryland, with its 10 electoral votes, became the first state to join the compact in 2007.

Here's the problem: **All the states to have joined so far are very blue. Until some purple states and red states sign on, the compact has little in the way of territory to conquer.** As the chart below indicates, the relationship between whether a state has joined the compact and how it voted in 2012 is nearly 1-to-1. The seven states where President Obama won by the widest margins, along with D.C., have joined. So have three others — New Jersey, Illinois and Washington — where Obama won by at least 15 percentage points. But none below that threshold have done so.

Only way for NPV to take effect is if a bunch of Republican state legislatures do it, which won't happen

Stern 11/10/2016 [Joseph Stern is a writer for Slate, "Yes, We Could Effectively Abolish the Electoral College Soon. But We Probably Won't.", *Slate*, <http://www.slate.com/blogs/the_slatest/2016/11/10/the_electoral_college_could_be_abolished_without_an_amendment.html>] //CJC

What to do? Over at Daily Kos, with a piece that seems to be going viral on social media, Chris Bowers reminds us of the **National Popular Vote Interstate Compact**, or NPVIC, probably our best hope of

effectively nullifying the Electoral College. (The only other option is a constitutional amendment, which would require the support of the small states that benefit the most from our current system.) The NPVIC is a proposed agreement among the states and the District of Columbia to render the Electoral College obsolete by ensuring that the winner of the popular vote also wins a majority of electoral votes. Here's how it works: States are constitutionally empowered to decide how they assign electors. If a state passes the NPVIC, it vows to assign its electors to whichever candidate wins the national popular vote—but only once enough states have joined the NPVIC to guarantee that candidate 270 electoral votes. Ten states and D.C. have already joined the compact, adding up to a combined 165 electoral votes—or 61.1 percent of the votes necessary for the compact to take effect. If a few more states join, their combined electoral votes will reach 270, and the compact will take legal force. At that point, the Electoral College will become a footnote. The winner of the popular vote will instantly be awarded the necessary electoral votes to become president under the Constitution. States that refused to join the

compact can do nothing to stop it. There is virtual unanimity among scholars that the NPVIC—which, notably, was designed by the extremely influential legal experts Akhil Amar and Vikram Amar—passes constitutional muster. The Constitution declares that “each state shall appoint” in electors “in such manner as the legislature thereof may direct”; if the state directs the appointment of electors through the NPVIC, the Constitution doesn’t stand in its way. Opponents argue that the Compact Clause of the Constitution requires congressional consent of the NPVIC before it could take effect. But that clause only requires congressional approval of interstate compacts that encroach on federal supremacy or the sovereignty of other states. The NPVIC does neither, because states that don’t sign on can still “appoint” electors however they so choose, and it doesn’t infringe on Congress’ sphere of election regulation. In short, the NPVIC simply creates a mechanism by which participating states assign electors—which presents no Compact Clause problems. The issue, then, is not one of abstract law, but of simple politics. Small states like

Wyoming are not going to voluntarily relinquish their outsized influence over presidential elections, while red states like Texas are not going to risk sending their electoral votes to a Democrat. That leaves swing states as the NPVIC’s only hope. And as Nate Silver explained in 2014, **it’s difficult to envision enough swing states joining the compact to give it legal effect.** (Ballot measures are likely off the table, because the Constitution assigns to “the legislature” the power to decide the “manner” in which electors are appointed.) You would certainly need states like Michigan and Minnesota, which typically lean blue in presidential elections but whose legislatures are both stacked with Republicans. Then you’d need some combination of Ohio, New Hampshire, Colorado, Florida, Virginia, Nevada, Iowa, Wisconsin, and Pennsylvania. In all of these states except Nevada, Republicans control one or both houses of the legislature; in Nevada, a Republican sits in the governor’s mansion.

No areas would be ignored - Governor and swing state campaigns prove

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, “Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote”, *NPV Press*, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] MJS

Candidates must solicit every potential voter in an election in which the winner is the candidate who receives the most popular votes. Every vote, regardless of location, would matter equally under a national popular vote. **The best indicator of how campaigns would be run under a national popular vote is the way campaigns are conducted today for offices where the winner is the candidate who receives the most votes. Serious candidates for Governor solicit voters throughout their entire state. No serious candidate ignores any part of a state if he or she is running in an election where the winner is the candidate who receives the most votes in the entire state. Inside battleground states, presidential candidates solicit voters throughout the entire state.** When it is suggested that a national popular vote would make any state irrelevant in presidential elections, the obvious question is “Which state would that be?” Which 40 states would a presidential candidate totally ignore under a national popular vote? Which 240,000,000 Americans would a presidential candidate totally ignore in an election in which the winner is the candidate who receives the most popular votes?

[...]

We do not have to speculate on how a campaign would be conducted in an election in which the winner is the candidate who receives the most popular votes, because there is ample evidence available to answer this question. **We know, from actual experience, how elections are conducted for every other office in the United States. Serious candidates for Governor or**

U.S. Senator pay attention to their entire constituency. The reason is that every vote is equally important in winning an election in which the winner is the candidate who receives the most popular votes. Focus, for a moment, on a state's congressional districts (remembering that congressional districts within a state contain virtually identical numbers of people). **Serious candidates for Governor do not limit their campaigns to just one out of five of their state's congressional districts while totally ignoring four-fifths of the state.** Taking Massachusetts as a specific example, **it would be inconceivable for a serious candidate for Governor to campaign only in the 1st and 2nd congressional districts, while totally ignoring the 3rd, 4th, 5th, 6th, 7th, 8th, 9th, and 10th districts.** The same principle applies today in present-day presidential races inside each closely divided battleground state. **Inside a battleground state, every vote is equal. Every vote helps a candidate get closer to winning the most votes in the state and thereby capturing all of the state's electoral votes. Inside Ohio,** for example, presidential candidates campaign throughout the state. **Presidential candidates seek votes in Cleveland and Columbus as well as suburbs, exurbs, small towns, and rural areas. None of Ohio's 16 congressional districts is ignored.** Every method of communication (including television, radio, newspapers, magazines, direct mail, billboards, telephone, and the Internet) is used to reach every voter in Ohio. It would be politically preposterous to suggest that any presidential candidate would campaign in only certain parts of Ohio, to the exclusion of other parts. Every vote inside Ohio matters. As David J. Owsiany of the Buckeye Institute wrote in the Columbus Dispatch: "In a swing state such as Ohio, the candidates will visit every area of the state, not just the big cities, because they know winning the popular vote in Ohio—regardless of the margin—means the candidate will get all 18 of the Buckeye State's electoral votes."¹⁸⁶ Similarly, the same is true inside Florida in present-day presidential elections. It would be preposterous to suggest that any presidential candidate would ignore any part of Florida because the winner of all of Florida's 29 electoral votes is the candidate who receives the most votes in the state as a whole. An NPR story entitled "Ads Slice Up Swing States With Growing Precision" reported on presidential campaigning in Colorado's small media markets: "Republicans outnumber Democrats in El Paso County more than 2 to 1. Barack Obama lost this part of Colorado to John McCain by 19 points in 2008. **'It's not a matter of just winning; it's winning by how much,'** says Rich Beeson, a fifth-generation Coloradan and political director for the Romney campaign. **Presidential campaigns know exactly the margin of victory or defeat that they have to hit in each town in order to carry an entire state.** Democratic media strategist Tad Devine says campaigns set extremely specific goals based on hard data. . . . **Although no one suggests that President Obama will win Colorado Springs, whether he loses it by 15 or 25 points could determine whether he carries Colorado.** "Beeson of the Romney campaign says smaller cities are vital to this chess game, especially since they're cheaper to advertise in. "A lot of secondary markets are very key to the overall map, whether it's a Charlottesville in Virginia or a Colorado Springs in Colorado," he says. "You can't ever cede the ground to anyone."¹

Small states are the worst off under the EC

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, "Every Vote Equal: A State-Based Plan for Electing the

President by National Popular Vote”, *NPV Press*, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] MJS

The small states (the 13 states with only three or four electoral votes) are the most disadvantaged and ignored group of states under the current state-by-state winner-take-all method of awarding electoral votes. The reason is that political power in presidential elections comes from being a closely divided battleground state, and almost all of the small states are non-competitive states in presidential elections. **The small states are not ignored because** of their low population, but because **they are not closely divided battleground states.** The 12 small non-battleground states have about the same population (12 million) as the closely divided battleground state of Ohio. The 12 small states have 40 electoral votes—more than twice Ohio’s 18 electoral votes. However, Ohio received 73 of 253 post-convention campaign events in 2012, while the 12 small non-battleground states received none. The current state-by-state winner-take-all system actually shifts power from voters in the small and medium-sized states to voters in a handful of big states that happen to be closely divided battleground states in presidential elections. **The fact that the small states are disadvantaged by the current state-by-state winner-take-all system has long been recognized by prominent officials from those states.** In 1966, Delaware led a group of 12 predominantly small states in suing New York (then a closely divided battleground state) in the U.S. Supreme Court in an effort to get state winner-take-all statutes declared unconstitutional. • **Under the current state-by-state winner-take-all system, a vote for President in Wyoming is equal to a vote in California—both are politically irrelevant.**

[...]

Far from being “protected,” the small states are the most disadvantaged and ignored group of states under the current system of electing the President. Table 9.7 shows the states in which the presidential and vice-presidential candidates held their 300 post-convention general election campaign events in 2008. The table is organized according to each state’s number of electoral votes.²⁰² The data come from the Washington Post campaign tracker. The data cover the period from September 5, to November 4, 2008.²⁰³ Table 9.7 shows that, with the exception of New Hampshire (the sole battleground state among the 13 smallest states), **the 13 smallest states (those with three or four electoral votes) received hardly any attention in the 2008 campaign.** Table 9.8 shows the states in which the presidential and vice-presidential candidates held their 253 post-convention general-election campaign events in 2012. This table is based on CNN’s “On the Trail” campaign tracker and covers the period from September 7, 2012 (the day after the Democratic National Convention) to November 6 (Election Day).^{204,205} The data was compiled by FairVote. The table is sorted according to a state’s number of electoral votes. As can be seen from table 9.3, **only three of the 25 smallest states received any campaign events in 2012**, namely: New Hampshire (4 electoral votes), Nevada (6 electoral votes), and Iowa (6 electoral votes). The 25 smallest states (possessing 116 electoral votes in 2012) received 53 of the 253 post-convention campaign events. In contrast, Ohio (with only 18 electoral votes in 2012) received 73 of the 253 post-convention campaign events. **Although the small states theoretically benefit from receiving two extra electoral votes** (corresponding to their two U.S. Senators), **this “bonus” does not, in practice, translate into political influence.** Political power in presidential elections comes from being a

closely divided battleground state—not from the two-vote bonus conferred on all states in the Electoral College. Under the winner-take-all rule (i.e., awarding all of a state’s electoral votes to the candidate who receives the most popular votes in each separate state), candidates have no reason to visit, advertise, build a grassroots organization, poll, or pay attention to the concerns of voters in states where they are comfortably ahead or hopelessly behind. Instead, candidates concentrate their attention on a small handful of closely divided battleground states. **The small states are the most disadvantaged and ignored group of states under the current state-by-state winner-take-all system because all but one of them are reliably Democratic or Republican in presidential races.** Consequently, presidential candidates have nothing to lose by ignoring and nothing to gain by soliciting votes in the small states. Under the current system, the small states are not ignored because they are small, but because they are not closely divided battleground states.

Constitutional amendment is most probable form of the res — 700 bills and only way to eliminate

Von Spakovsky 2011 [Hans von Spakovsky Election Law Reform Initiative and Senior Legal Fellow at the Heritage Foundation, “Destroying the Electoral College: The Anti-Federalist National Popular Vote Scheme”, *Heritage Foundation*, <http://www.heritage.org/election-integrity/report/destroying-the-electoral-college-the-anti-federalist-national-popular?_ga=1.213754836.1522943971.1488386128#_ftn5>] //CJC

Bradley A. Smith, former Chairman, Federal Election Commission[1] Since the 2000 U.S. presidential election, there have been many ill-informed calls to abolish the Electoral College. Even before that contentious election, **there had been more than 700 proposals introduced in Congress to amend the Constitution to change the Electoral College—more than on any other topic.**[2]

[...]

By 1836, only South Carolina did not provide for the direct election of electors, and “since the Civil War, electors have been popularly chosen in all states.”[5] The slate of electors chosen by voters then cast their votes for President and Vice President in their respective states on the first Monday after the second Wednesday in December.[6] Forty-eight states have a winner-take-all system that allocates all of their electoral votes to whatever presidential candidate wins the popular vote in that state.[7]

Changing or eliminating the Electoral College can be accomplished only by an amendment to the Constitution, which requires the consent of two-thirds of Congress and three-fourths of the states.[8]

NPV isn’t an example of the res — it doesn’t eliminate the electoral college

Sherman 11/17/16 [Amy Sherman is a reporter for the Miami Herald and writer for Politifact, “The electoral college vs. the popular vote: Could states do an end-run around the current system?”, *Politifact*, <<http://www.politifact.com/florida/article/2016/nov/17/electoral-college-vs-popular-vote-could-states-a/>>] //CJC

"Eliminating the Electoral College does not even require a constitutional amendment. An effort known as **The National Popular Vote Interstate Compact** is an agreement among several U.S. states and the District of Columbia to award all their respective electoral votes to whichever presidential candidate wins the overall popular vote. Once states totaling 270 electoral votes

join the compact -- which only requires passing state laws -- then the next presidential election will be determined (by) the popular vote, not the Electoral College." Is it possible to eliminate the Electoral College without amending the Constitution?

We wanted to get to the bottom of that claim. Little did we know we were diving into a legal nerd fest. We aren't going to referee all of the arguments about the practical implications and the potential pitfalls of changing how we elect the president. But we will summarize some of the key arguments. Ultimately, we found that the proposal makes sense in concept, but it's not clear whether courts would allow the plan to go forward. National Popular Vote Interstate Compact Amending the constitution to change the way we elect the president would be difficult. It requires require a two-thirds vote by the House and Senate and support from three-fourths of state Legislatures. Since that is a high threshold, advocates for electing the president based on the national popular vote have looked for other paths. Under the current system, voters cast ballots for candidates, but it is electors from each state who elect the president when the Electoral College convenes. The Constitution assigns each state a number of electors based on the state's population. The total number of electors is 538. After Al Gore won the popular vote but lost in 2000, legal scholars (brothers Akhil Reed Amar and Vikram David Amar, both Yale Law graduates, and separately Northwestern law professor

Robert W. Bennett) wrote about the idea of directly electing the president through the national popular vote. **The most popular idea is for states to coordinate to assign their electors to the winner of the national popular vote.**

The concept gained steam in 2006 when John R. Koza, a computer scientist and former Stanford consulting professor, wrote a 620-page proposal to create the National Popular Vote Interstate Compact. Here's how the compact works: states Legislatures pass laws agreeing to award their electoral votes to the candidate who wins the national popular vote, but it only kicks in when enough states sign on to add up to 270 electoral votes. **"It would be an end run around the Electoral College as opposed to abolishing it."** Pepperdine University law professor Derek Muller told PolitiFact. **"There are still 538 electors who are still going to meet late December -- the Electoral College still exists -- but it would be operating in a very different way."**

Over a decade, 10 states and the District of Columbia -- which add up to 165 electoral votes -- have passed laws to join the compact. So 105 more electoral votes are needed before it can go into effect. The current states in the compact are Hawaii, Illinois, Maryland, Massachusetts, New Jersey, Washington, Vermont, California, Rhode Island and New York. Advocates argue that it is a way to make every vote count and will take the campaigns' emphasis off a small number of battleground states such as Ohio and Florida. Opponents of the compact argue that the states shouldn't circumvent the electoral college without federal consent. So far, this is a hypothetical debate. The compact has been passed by blue states, and some experts say it is unlikely that enough red or purple states will sign on to get to 270. Battleground states such as Florida might be the most disinclined to join something because they are heavily courted under the current system. Congressional consent. But that still leaves a key question: If the compact ever got to that 270-threshold, could states award their electoral votes to the national popular vote winner, or would Congress need to sign off? If the compact ever meets that benchmark, it's likely that someone would file a challenge. It's likely the U.S. Supreme Court would have to rule on whether the system is permissible. The Compact Clause of the Constitution states that "no state shall, without the consent of Congress enter into any agreement or compact with another state, or with a foreign power." The courts have ruled in the past that if federal supremacy is threatened, then congressional consent is required for a compact to be valid. Interstate compacts were intended to deal with issues that cross state boundaries, such as with bridges, radioactive waste and water. Some have required congressional consent, while others haven't. The question is how consent would be applied to a compact about electing the president. Koza argues that this process is legal because Article 2 of the Constitution spells out that states can award their electors in the way they see fit. All but two -- Maine and Nebraska -- have laws that award all their electors to one candidate. But some lawyers have disagreed with Koza's conclusion and argue that Congress would have to approve, or that it would be best practice to do so. Tara Ross, lawyer and author of *Enlightened Democracy: The Case for the Electoral College*, argues that the compact at a minimum requires congressional consent. "If ever a compact encroached on federal and state sovereignty, this is it," she wrote in a 2010 paper for the conservative Federalist Society. "If the NPV compact goes into effect, its proponents will have effectively changed the presidential election procedure described in the Constitution, without the bother of obtaining a constitutional amendment." The Amar brothers argue that Congress should have a say. "Congress needs to be involved, because it involves a process in which people in every state are going to be voting," Akhil Reed Amar told PolitiFact. Our conclusion. Ten states and the District of Columbia have signed on to the National Popular Vote Interstate Compact, in which states agree to award all their electoral votes to the winner of

the national popular vote. The compact only takes effect when states totalling 270 electoral votes sign on, and so far the effort still falls short of that. **This plan would not eliminate the Electoral College**, but it would dramatically alter its purpose, because electors would cast their votes based on the national popular vote.

NPV isn't unconstitutional — legal consensus is that it doesn't violate Compact Clause

Stern 11/10/2016 [Joseph Stern is a writer for Slate, "Yes, We Could Effectively Abolish the Electoral College Soon. But We Probably Won't.", *Slate*,

http://www.slate.com/blogs/the_slatest/2016/11/10/the_electoral_college_could_be_abolished_without_an_amendment.html] //CJC

There is virtual unanimity among scholars that the NPVIC—which, notably, was designed by the extremely influential legal experts Akhil Amar and Vikram Amar—**passes constitutional muster**. The Constitution declares that "each state shall appoint" in electors "in such manner as the legislature thereof may direct"; **if the state directs the appointment of electors through the NPVIC, the Constitution doesn't stand in its way**. Opponents argue that **the Compact**

Clause of the Constitution requires congressional consent of the NPVIC before it could take effect. But **that clause only requires congressional approval of interstate compacts that encroach on federal supremacy or the sovereignty of other states. The NPVIC does neither, because states that don't sign on can still "appoint" electors however they so choose, and it doesn't infringe on Congress' sphere of election regulation.** In short, **the NPVIC simply creates a mechanism by which participating states assign electors—which presents no Compact Clause problems.**

Challenging racism is a priori — it's the prereq to morality and must be rejected at all costs

Albert **Memmi 2k**, Professor Emeritus of Sociology @ U of Paris, Naiteire, Racism, Translated by Steve Martinot, p. 163-165 *edited for gendered language, <<https://www.upress.umn.edu/book-division/books/racism>>] //CJC

The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved. Yet, **for this very reason, it is a struggle to be undertaken without surcease and without concessions.** One cannot be indulgent toward racism; one must not even let the monster in the house, **especially not in a mask.** To give it merely a foothold means to *augment the bestial part in us* and in other people, **which is to diminish what is human. To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence.** It is to accept the persistence of the dark history in which we still largely live. **it is to agree that the outsider will always be a possible victim** (and which [person] man is not [themselves] himself an outsider relative to someone else?). Racism illustrates, in sum, **the inevitable negativity of the condition of the dominated that is, it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animosity to humanity.** In that sense, **we cannot fail to rise to the racist challenge.** However, it remains true that **one's moral conduct only emerges from a choice:** one has to want it. It is *a choice among other choices, and always debatable* in its foundations and its consequences. Let us say, broadly speaking, that **the choice to conduct oneself morally is the condition for the establishment of a human order, for which racism is the very negation.** This is almost a redundancy. **One cannot found a moral order, let alone a legislative order, on racism, because racism signifies the exclusion of the other, and his or her subjection to violence and domination.** From an ethical point of view, if one can deploy a little religious language, racism is 'the truly capital sin. It is not an accident that almost all of humanity's spiritual traditions counsels respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, we have an interest in banishing injustice, because **injustice engenders violence and death.** Of course, **this is debatable.** There are those who think that if one is strong enough, the assault on and oppression of others is permissible. But no one is ever sure of remaining the strongest. **One day, perhaps, the roles will be reversed. All unjust society contains within itself the seeds of**

its own death. It is probably smarter to treat others with respect so that they treat you with respect. "Recall." says the Bible, "that you were once a stranger in Egypt," which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming one again someday. It is an ethical and a practical appeal—indeed, it is a contract, however implicit it might be. In short, **the refusal of racism is the condition for all theoretical and practical morality because, in the end, the ethical choice commands the political choice, a just society must be a society accepted by all. If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot.** If it is accepted, we can hope someday to live in peace. True, it is a wager, but the stakes are irresistible.

Abolishing the EC would mean candidates would need more money

Ryan Teague **Beckwith**, 11-17-2016 [, "How Campaigns Would Work If We Ended the Electoral College," Time, <http://time.com/4573821/electoral-college-popular-vote-campaigns/>] MJS 3-5-2017

For the fifth time in history, the U.S. has elected a president who lost the popular vote, renewing calls to abolish the Electoral College and move to a simpler system. But strategists who have worked on presidential campaigns say that would change the way elections run dramatically, possibly exacerbating some of the complaints Americans have about their current system. They say that **under a national popular vote, they would push their candidates to** spend more time in TV interviews; hold more rallies in big cities like New York, Houston and Los Angeles; **raise vastly more money for nationwide advertising, direct mail and voter outreach;** and focus more on their party base than swing voters. In short, if you were unhappy with the 2016 election because it featured a charismatic celebrity holding big rallies and doing cable TV interviews facing off against a longtime politician raising hundreds of millions of dollars from major donors, you might not like how campaigns under a popular vote would turn out.

[...]

That would exacerbate a trend that reached new heights this year, with Republican Donald Trump getting as much as \$5 billion in free publicity on TV, according to mediaQuant, which tracked media coverage of both candidates and came up with a dollar value based on advertising rates. **To compete, strategists say candidates would need to raise a lot more money to air ads in more expensive media markets in the country's top urban areas,** instead of just the handful of battleground states each cycle. **Fundraising would also have to increase to pay for more campaign offices across the country, especially in big cities with higher average rents, as well as direct mail and even online outreach for the entire country.** That, too, would exacerbate a trend that accelerated this year, with the team backing Democratic nominee Hillary Clinton raising more than \$1 billion for her campaign, party and joint fundraising committees and super PACs supporting her. Sarah Isgur Flores, who advised Republican Carly Fiorina this year, said that would mean **candidates would** either be more beholden to fundraising or else they would **need to be famous enough to kickstart a campaign on their own, as both Trump and Clinton did.** "Celebrities would become much more viable candidates," she said. "You'd really need everyone to know your name right off the bat, since you wouldn't have time to build name ID."

Close elections are 40x more likely under the EC, only happen 0.02% under DV

David Strömberg, June 2008 [IIES, Stockholm University, "How the Electoral College Influences Campaigns and Policy: The Probability of Being Florida," Forthcoming American Economic Review, <http://perseus.iies.su.se/~dstro/ElectoralCollege.pdf>] MJS

Often discussed concerns are presidents without a majority of the popular vote and razor-thin victories. Since these are very rare events, it is hard to estimate their probabilities using empirical frequencies. However, given that the elections 1948-2004 are representative of future elections, these probabilities can be estimated by using the model to simulate elections and recording event frequencies. **The estimated probability of a winning margin less than 1000 votes is about 40 times higher under the Electoral College system (0.8 percent compared to 0.02 percent under Direct Vote).** The estimated probability of electing a president without a majority of the popular vote is about four percent. This implies that we should expect this outcome about once in every hundred years. Historically, it has happened around three (perhaps four) times in the last 200 years: 1824 (perhaps), 1876, 1888, and 2000. Arguably, however, the outcomes in 1824 and 1876 had to do with peculiarities in the aggregation of votes.

Recounts don't change election results, super uncommon

Bialik 11/27/16 [Carl Bialik is a writer for FiveThirtyEight, "Recounts Rarely Reverse Election Results", *FiveThirtyEight*, <<https://fivethirtyeight.com/features/recounts-rarely-reverse-election-results/>>] //CJC

Could the recounts possibly change the outcome in any of the states? Not if they go anything like statewide recounts over the last 16 years. **Recounts typically don't swing enough votes to change the winner. Out of 4,687 statewide general elections between 2000 and 2015, just 27 were followed by recounts,** according to data compiled by FairVote, a nonpartisan group that researches elections and promotes electoral reform. **Just three of those 27 recounts resulted in a change in the outcome,** all leading to wins for Democrats: Al Franken's win in Minnesota's 2008 U.S. Senate race, Thomas M. Salmon's win in Vermont's 2006 auditor election and Christine Gregoire's win in Washington's 2004 gubernatorial race. **Recounts also typically don't change the margin by an amount that would be large enough to affect the result of this year's presidential election.** The mean swing between the top two candidates in the 27 recounts was 282 votes, with a median of 219. The biggest swing came in Florida's 2000 presidential election recount, when Al Gore cut 1,247 votes off George W. Bush's lead, ultimately not enough to flip the state to his column. In each state Trump won or leads in, his advantage is more than 10,000 votes, according to counts to far. Some statewide races that have undergone recounts have far fewer votes than the closest states in the 2016 presidential race, but even in percentage terms, the average swing was 0.2 percentage points, which could be enough to flip Michigan but not any other states (and therefore not the Electoral College; even with Michigan, Clinton would be 22 electoral votes short of the 270 needed to win).

Recounts unlikely; no impact; better once we nationalize election procedure

Timothy Noah, 8-17-2004 ["The "50 Floridas" argument is wrong.," Slate Magazine, http://www.slate.com/articles/news_and_politics/chatterbox/2004/08/americas_worst_college_p art_2.html] MJS 3-9-2017

After the 2000 election, some commentators observed that if the Electoral College had previously been eliminated and the president had been chosen by popular vote, the drawn-out political battle in Florida would have been replicated in every state. Here's Sen. Mitch McConnell, R-Ky. (in an essay included in the 2001 anthology, *Securing Democracy: Why We Have an Electoral College*): The difference between Al Gore and George W. Bush in the national popular vote was about 500,000 (less than that, even, in the first few days after the election). That is a difference of less than .5% of the votes cast. A few thousand votes here and a few thousand votes there could have changed that election result. The Electoral College served to center the post-election battles in Florida. Without it, I fully expect we would have seen vote recounts and court battles in nearly every state of the Union. There are several problems with McConnell's logic. The first is the familiar truism that hard cases make bad law. Because **most elections are not as close as the 2000 election, it would not make much sense to let this example determine all our thinking** about how presidential elections should be conducted. **Even if the 2000 election had created an occasion for recounts all over the country, the republic would have survived. Might the recounts have awarded the presidency to the wrong man? Conceivably, through human error or chicanery. But at least the country would have been trying to find the top vote-getter and award him the presidency.** In 2000, we didn't even try because that wasn't how our system worked. It's not obvious to me that picking the guy with fewer votes on purpose is preferable to picking the guy with fewer votes by accident. **Nor is it clear that a difference of 500,000 votes nationally** (actually, it was more like 544,000) **poses a likelier recount scenario than a difference of 537 votes in a single state, as occurred in Florida.** Quite the contrary. **The greater the numeric gap between one candidate's votes and another's, the less confidence authorities would likely have that the cumbersome business of recounting votes could be performed more accurately than the original count—regardless of how narrow the gap were proportionally—or that the recount could change enough votes to alter the outcome.** *Bigger numbers also pose a greater obstacle to corruption. It's harder to steal a lot of votes than it is to steal just a few.* Remember, also, that under a popular-vote system, all votes are equal. Under the Electoral College's winner-take-all allocation (in all states but Maine and Nebraska), votes in big states count more than votes in smaller states because they can leverage a lot more electors. **A recount in the right state might therefore tempt partisans simply because it could turn a small difference in votes into a large difference in the Electoral College.** This, George C. Edwards III observes in his excellent new book *Why the Electoral College Is Bad for America*, is precisely what happened **in Florida: [T]he election was so close that adding or subtracting a few hundred votes might realistically have changed the election outcome. A recount thus had a plausible possibility of altering the outcome. If the election had been by popular vote, George W. Bush would have had to find about a thousand times as many votes—a daunting task.** A final argument for switching to **a popular vote** is that it **would likely necessitate imposing a uniform set of rules governing recounts that would apply to every state** (at least in presidential elections). **That standard would presumably reflect a national consensus,**

sparing us the tendentious debates in 2000 about the virtues of one system's method of dealing with hanging chads as compared to another's.

Non-unique: small states ignored in the squo; also who cares?

Timothy Noah, 10-19-2004 ["America's worst college, Part 4.," Slate Magazine, http://www.slate.com/articles/news_and_politics/chatterbox/2004/10/americas_worst_college_p_art_4.html] MJS 3-9-2017

A common argument in favor of keeping the Electoral College is that if America chose its president by popular vote, presidential candidates would no longer visit smaller states, and therefore would no longer take the trouble to familiarize themselves with those states'

idiosyncratic needs. In a Nov. 2000 article in Business Week, Paula Dwyer and Paul Magnusson argued that [F]armers and ranchers in the Nowhere Zone would get short shrift for their concerns—and rarely see a Presidential prospect. Candidates "wouldn't need to worry about putting nuclear waste in Nevada," says Steve Frank, president of the National Federation of Republican Assemblies, a conservative grass-roots group. Adds Scott Reed, who managed Bob Dole's 1996 bid for the White House: "You'd be hunting ducks where the ducks are, and leaving large swaths of the country essentially untouched." But as noted in a chapter of the 2002 anthology Choosing a President by William G. Mayer, Emmett H. Buell Jr., James E. Campbell, and Mark Joslyn—of Northeastern University, Denison College, State University of New York-Buffalo, and the University of Kansas, respectively—the Business Week writers overstated the frequency with which presidential candidates visit the Nowhere Zone now. (Incidentally, Business Week has more recently come down against the Electoral College, in a 2004 article and editorial.) How frequently do presidential candidates visit small states these days? Not very. In his recent book, Why the Electoral College is Bad For America, George C. Edwards, a political scientist at Texas A&M, tabulated all the visits by presidential candidates during the 2000 election. Edwards found that **among the seven states with the fewest possible electoral votes (three), only Delaware got a visit. Eleven of the 17 smallest states received no presidential-candidate visits at all.** Edwards found a similar pattern when he tabulated visits that year by vice-presidential candidates. "It is clear that, contrary to the arguments of its proponents," Edwards wrote, **the Electoral College does not provide an incentive for candidates to be attentive to small states and take their cases directly to their citizens.** Indeed, **it is difficult to imagine how presidential candidates could be less attentive to small states.** Some people may judge this neglect of sparsely populated areas to be tragic. I'm not one of them. It seems to me that **the states with the smallest populations ought to have the least clout in our political system, precisely because they represent the interests of the fewest number of people.** Where better to dump nuclear waste than in an isolated area? (Getting it there is a problem, but that's a story for another day.) **That presidential candidates usually shun small states should come as no surprise**

to readers of the first column in this series, in which I explained that the "winner take all" basis on which all but two states (Maine and Nebraska) award electors overrides what would otherwise be a strong Electoral College bias in favor of smaller states. Read silently while I read to you aloud: The big winners in the Electoral College aren't the small states. They're the large states. There is a widespread myth that the Electoral College can never be dispensed with because it would require small states to relinquish the awesome power it gives them. But the only way for the small states to realize that awesome power would be for 48 states to shift from winner-take-all to a proportional system for awarding electors. That would be the hard sell, because it would require big states to relinquish much of their clout in presidential elections. (On Nov. 2 Colorado will vote on an initiative to adopt a proportional system for awarding electors, but because this would apply to the presidential vote conducted on the same day, it's pretty transparently a partisan play by Kerry supporters to scare up a few more electoral votes; Bush is expected to win the state.) When you factor in the effects of winner-take-all allocation, fully 44 states stand to gain power should the Electoral College be eliminated. It takes only 38 to approve a constitutional amendment that's cleared Congress. Let's get started! An excellent piece by Alexander Keyssar in the "Ideas" section of the Oct. 17 Boston Globe noted that the last time a bill abolishing the Electoral College got anywhere in Congress was 1969, when it passed the House. The hang-up in the Senate wasn't that small states opposed it; it was that states that were especially dedicated to preserving states' rights (then indisputably a code word for segregation) opposed it. These days, the Weekly Standard essayist Christopher Caldwell noted in the Oct. 17 New York Times Magazine, states' rights are largely a dead letter. Consequently, Caldwell concluded, the states' rights objection to the Electoral College is a dead letter, too. The presidential candidates are obviously aware that the small states don't

have much clout under the Electoral College, and have adjusted their travel schedules accordingly. The states where Bush and Kerry are spending disproportionate time aren't the small states, but the swing states, especially the swing states with the most electors. **The gravitational pull of swing states would weaken considerably if the Electoral College were eliminated, because candidates could pick up votes almost anywhere.**

People in Clark County, Ohio, would no longer have to endure receiving copyrighted spam from John Le Carré ("Give us back the America we loved") and other British pests participating in the Guardian's ill-conceived pen-pal project, "Operation Clark County." **How would small states' idiosyncratic needs be addressed in a popular vote? About the same way they're addressed now, which is to say: adequately. "Idiosyncratic needs" is mostly a euphemism for "special interests," and we surely don't want more of those in national elections.** Edwards points out that the main thing distinguishing small states from big ones in most people's minds is agriculture. Does this country really need more farm subsidies? The World Trade Organization doesn't think so, and I'm inclined to agree. Anyway, **Edwards notes, "most farmers live in states with large populations, such as California, Texas, Florida, and Illinois,"** the very states likely to get the most attention under a popular vote. The farmers would do just fine.

Non-unique - rural areas are ignored anyways

Robert **Speel**, 11-8-2016 [, "These 3 Common Arguments For Preserving the Electoral College Are All Wrong," Time, <http://time.com/4571626/electoral-college-wrong-arguments/>] MJS 3-16-2017

Presidential candidates don't campaign in rural areas no matter what system is used, simply because there are not a lot of votes to be gained in those areas. Data from the 2016 campaign indicate that 53 percent of campaign events for Trump, Hillary Clinton, Mike Pence and Tim Kaine in the two months before the November election were in only four states: Florida, Pennsylvania, North Carolina and Ohio. During that time, 87 percent of campaign visits by the four candidates were in 12 battleground states, and none of the four candidates ever went to 27 states, which includes almost all of rural America. **Even in the swing states where they do campaign, the candidates focus on urban areas where most voters live. In Pennsylvania, for example, 72 percent of Pennsylvania campaign visits** by Clinton and Trump in the final two months of their campaigns **were to the Philadelphia and Pittsburgh areas.** In Michigan, all eight campaign visits by Clinton and Trump in the final two months of their campaigns were to the Detroit and Grand Rapids areas, with neither candidate visiting the rural parts of the state. The Electoral College does not create a national campaign inclusive of rural areas. In fact, it does just the opposite.

PV protects small states better — forces people to go to states where PV is forgone conclusion instead of ignoring entirely because every vote has an impact

Ky **Fullerton** 2000, lawyer, served as Senior Vice President, Deputy General Counsel and Assistant Secretary at Umpqua Holdings Corporation. Oregon, Oregon Law Review, Summer,

2000, Comment: Bush, Gore, and the 2000 Presidential Election: Time for the Electoral College to Go?, p. 743] //CJC

Supporters of the Electoral College also maintain that the system preserves the concept of federalism that was so important to the framers. Opponents of direct election claim that presidential candidates would focus on states like California, New York, and Texas at the expense of less populous states. They maintain that the Electoral College requires candidates to campaign in nearly every state and address regional issues. This notion that small states would suffer neglect under a direct election plan lacks merit. Common sense dictates that presidential candidates will expend limited amounts of time and effort in states that are dominated by either Republicans or Democrats. For example, neither Bush nor Gore visited Idaho during the 2000 general campaign, an overwhelmingly Republican state with only four electoral votes. In similar fashion, Bush made one brief campaign stop in the Republican stronghold of Utah, while Gore bypassed the state entirely. Even small swing states received little attention in 2000. In Nevada, a poll taken one week before the election showed that Bush's lead over Gore was within the poll's margin of error. But during the campaign, Bush visited Nevada only once, and Gore stopped in Las Vegas twice. These data suggest that direct election would actually encourage presidential candidates to visit states where the popular vote outcome is a foregone conclusion. If every vote for President receives the same weight, candidates would campaign wherever additional votes might be obtained. Under a direct election system, states like Idaho and Utah would actually see more of the presidential candidates than under the Electoral College system.

Turn — EC means it's more efficient to target large states with campaign resources b/c of winner takes all

Griffin 2012 [KATHRYN GRIFFIN has a BA, ABJ, and masters from University of Georgia, "REASSESSING ADVANTAGES IN THE ELECTORAL COLLEGE: FRAMERS' INTENTIONS AND MINORITY INFLUENCE", *University of Georgia*, <https://getd.libs.uga.edu/pdfs/griffin_kathryn_g_201205_ma.pdf>] GST

Presidents are rarely treated as "single-minded seekers of reelection" (Mayhew 1974). However, approximately three-quarters of presidents in the modern presidency (since Teddy Roosevelt) have run for a second term. The prevalence of reelection greatly raises the importance of understanding how the U.S. election system affects distribution of resources and voters. Brams and Davis (1974), in a seminal piece of literature, claimed that the winner-take-all system induces both Democratic and Republican candidates to allocate campaign resources roughly in proportion to the 3/2's power of the electoral votes of each state, essentially making a voter in more populous states as much as three times more attractive a campaign target as a voter living in another state.

No empirical EV that EC protects small states

Michael Herz, law professor and Co-Director, Floersheimer Center for Constitutional Democracy, Cardozo, Cardozo Law Review, May 2005, HOW DEMOCRATIC IS THE AMERICAN CONSTITUTION?: ROBERT DAHL'S HOW DEMOCRATIC IS THE AMERICAN CONSTITUTION?: AN INTRODUCTION, WITH NOTES ON THE ELECTORAL COLLEGE, p. 2522] //CJC

The second standard explanation is that the Electoral College was designed to protect small states. Professor Dahl does not mention this explanation, and rightly so. The explanation is tied to the smaller states' disproportionately high number of electors, which flows from apportioning electors according to the number of Representatives and Senators. As a description of the Framers' goals, **this account is extraordinarily weak**. For one thing, no one actually said anything to this effect at the convention. Rather, this seems an instance of reasoning from effect to intent. Moreover, **as a mechanism for protecting small states it is pretty pathetic, as I shall briefly discuss below. There is little or no scholarly support for this explanation.**

Electoral college causes less turnout in small states

Congressional Research Service, December 12, 2014, The National Popular Vote Initiative: Direct Election of the President By Interstate Compact, https://www.everycrsreport.com/files/20141212_R43823_4df94a11f0b45b91348c622a380b03da934c92a3.pdf] //CJC

NPV advocates also maintain that **the concentration of campaign resources, advertising, and candidate appearances in battleground states depresses turnout in “flyover” states**. Every Vote Equal notes that in 2012, voter participation in battleground states, as identified by political commentator Charles Cook, averaged 67%, while nationwide turnout averaged 59.4% in the nation as a whole.⁷⁴ The NPV manifesto further cites a Brookings Institution study of the 2004 presidential election in support of its argument, **“Because the electoral college has effectively narrowed elections like the last one to a quadrennial contest for the votes of a relatively small number of states, people elsewhere are likely to feel that their votes don’t matter.”**⁷⁵ It should be noted, however, that a range of other political, social, cultural, and economic factors may also contribute to the disparity in turnout between battleground and non-battleground states.

Campaign resources get spread equally under PV because no more battleground states

Congressional Research Service, December 12, 2014, The National Popular Vote Initiative: Direct Election of the President By Interstate Compact, https://www.everycrsreport.com/files/20141212_R43823_4df94a11f0b45b91348c622a380b03da934c92a3.pdf] //CJC

NPV advocates also assert the compact would provide a practical benefit to non-battleground “flyover” states. With “every vote equal,” NPV maintains that presidential and vice presidential nominees and their **organizations would need to spread their presence and**

resources more evenly as they campaigned for every vote nationwide, **rather than concentrate on winning key “battleground” states**. They assert that, **under the present system, ... candidates have no reason to poll, visit, organize, campaign, or worry about the concerns of voters of states that they cannot possibly win or lose**. This means that voters in two thirds of the states are effectively disenfranchised in presidential elections because candidates concentrate their attention on a small handful of “battleground” states. In 2004, **candidates concentrated over two-thirds of their money and campaign visits in just five states; over 80% in nine states, and over 99% of their money in just 16 states**.⁷¹

Political Competition Increases Political Awareness and Accountability

Jones 2012 [Philip, “The Effect of Political Competition on Democratic Accountability,” *Political Behavior* 35. Accessed at: http://www.pejones.org/wp-content/uploads/2016/05/pejones_competition.pdf. Philip is a professor of political science] //DNP NOTE: This paper has links to papers that are turns to political competition!!!!

Representing uncompetitive, homogeneous constituencies is increasingly the norm for American legislators. Extensive research has investigated how competition affects the way representatives respond to their constituents’ policy preferences. This paper explores competition’s effect on the other side of representation, how constituents respond to their legislators’ policy record. Combining multiple measures of state competitiveness with large-N survey data, I demonstrate that **competition enhances democratic accountability. Voters in competitive states are more interested in politics, more aware of the policy positions their U.S. senators have taken, and more likely to hold them accountable for those positions at election time**.

Robustness checks show that these effects are not due to the intensity of campaigning in a state: **general competition, not particular campaign activities, drives citizens’ response**. The recent increase in uncompetitive constituencies has likely lessened the degree to which legislators are held accountable for their actions in office.

[...]

First, **voters in competitive states are more likely to know how their senators have voted on issues than voters in uncompetitive states**, even controlling for a battery of individual-level characteristics that predict general political sophistication. Previous research suggests that representatives of heterogeneous constituencies try to create ambiguous policy records through strategically abstaining from roll call votes (Jones 2003). The results here suggest that those strategies are not particularly successful. Voters in heterogeneous states are in fact more, not less, likely to know how their senator has voted. Perceptions of congruence, however, are less consistently affected by levels of competition. There is limited evidence that electorally competitive states

perceive less representation than their counterparts in uncompetitive states, but this finding is not replicated across the other measures of competition and so I do not treat it as a definitive conclusion. Second, **voters in competitive states are more likely to factor the senator's policy record into their decision at election time than voters in uncompetitive states**. Senators who represent uncompetitive, homogenous states are only somewhat more likely to win the vote of someone whose views they were in step with 75 % of the time as someone whose views they represented 25 % of the time. Winning re-election in these states appears to rely less on taking the right positions than on other factors outside of the models studied here. **In more competitive states, however, the policy record of the incumbent is at the forefront of the vote decision**. There, **incumbents are unlikely to receive the vote of anyone whose views they have represented less than 50 % of the time**. **Political competition, in short, increases the extent to which voters hold incumbents accountable**.

Political Competition has a statistically significant effect on political engagement Flavin 2014 [Patrick, "The Effects of Party Competition on Citizens' Political Engagement in the American States," *Baylor University*. Accessed at: <http://sppc2014.indiana.edu/Papers/Flavin%20and%20Shufeldt.pdf>. Patrick is an Assistant Professor of Political Science] //DNP

Is political competition beneficial for democratic citizenship? We contend that the ideal venue for investigating the link between competition and citizen engagement is at the state level where the devolution revolution has focused increased attention on the policy decisions made by state governments and the degree of political competition varies (often dramatically) across both space and time. Using data on citizens' political attitudes and participation from the American National Election Studies and the Ranney measure of party competition for control of state government, we **examine the effects of state party competition on citizen engagement from 1952 to 2008**. Our analysis reveals that **citizens report greater interest in politics and participate at higher rates when there is greater competition** between the two parties **in their state**. These findings suggest that vigorous competition for control of state government has important implications for citizens' political engagement and, ultimately, the quality of democracy in the American states.

[...]

Substantively, **the magnitude of the effect of state party competition on citizens' political engagement is quite large**. For example, Table 2 reports the substantive effect of state party competition on whether a respondent voted or not and compares it to other common individual level predictors of political engagement (using the coefficient

estimates from Column 3 of Table 1). As the Table indicates, **varying state party competition from the 10th to the 90th percentile leads to a predicted increase in the likelihood of voting of 8.8 percentage points**. By comparison, this effect is larger than the difference between married and unmarried respondents and roughly half the size of the effect of moving from a high school graduate to a college graduate in level of education and moving from the bottom quintile to the top quintile for income, two of the most powerful and commonly cited predictors of political engagement (Verba, Schlozman, and Brady 1995; Nie, Junn, and Stehlik-Barry 1996). In sum, **when compared to traditional predictors of political engagement, the contextual effect of state party competition is substantively important.**

Cambridge Dictionary [*Cambridge University Press*, accessed March 13, 2017

<http://dictionary.cambridge.org/us/dictionary/english/direct-election>] //WGC

“Direct election

noun [C]

/də'rekt ɪ'lekʃən, daɪ-/

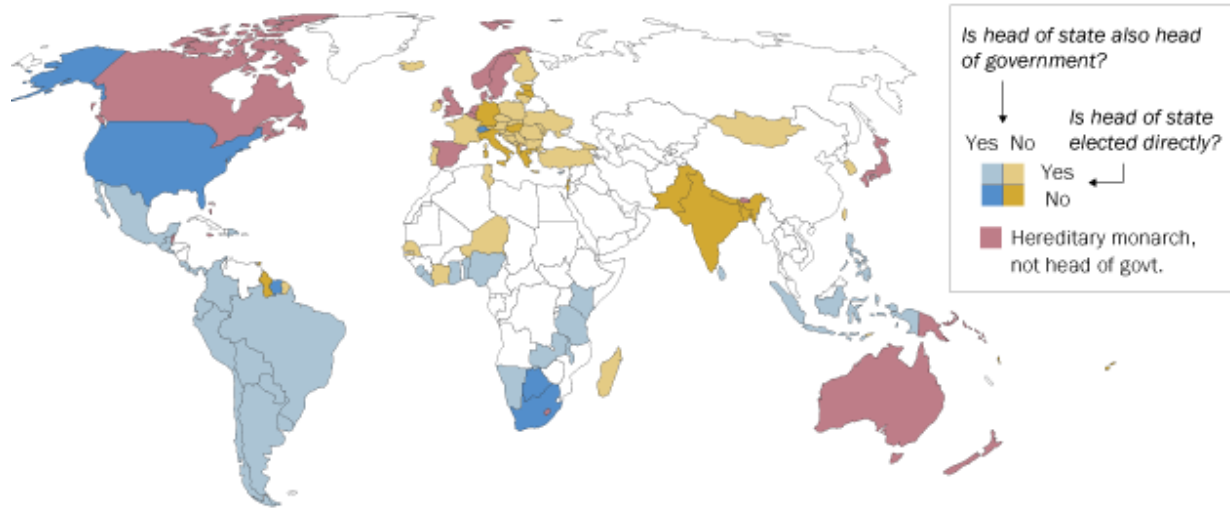
politics & government

an election in which citizens vote for themselves instead of representatives voting for them”

Desilver 2016 [Drew Desilver, “Among democracies, U.S. stands out in how it chooses its head of state,” *Pew Research Center*, November 22, 2016 <http://www.pewresearch.org/fact-tank/2016/11/22/among-democracies-u-s-stands-out-in-how-it-chooses-its-head-of-state/>]

//WGC

U.S. among few democracies that indirectly elect combined head of state/government



Source: Freedom House, CIA World Factbook, individual national constitutions.

PEW RESEARCH CENTER

“Donald Trump’s victory in the U.S. presidential election this month – in particular, his winning a clear majority of the Electoral College vote despite receiving nearly 1.3 million fewer popular votes than Hillary Clinton – prompted readers of another Pew Research Center Fact Tank post to wonder how the U.S. system compares with the way other countries elect their leaders. The short answer: No other democratic nation fills its top job quite the way the U.S. does, and only a handful are even similar.

Besides **the U.S.**, the only other democracies that **indirectly elect a leader** who combines the roles of head of state and head of government (as the U.S. president does) are Botswana, the Federated States of Micronesia, the Marshall Islands, Nauru, South Africa and Suriname. (The Swiss collective presidency also is elected indirectly, by that country’s parliament.)

In more than half (65) of the world’s 125 democracies, the head of state – nearly always called a president – is directly elected by voters. Thirty other democracies are classified as constitutional monarchies, and in the remaining 30, including the U.S., the head of state is indirectly elected. (We confined our analysis to the 125 nations designated as “electoral democracies” by Freedom House, a research institute that studies issues of democracy, political freedom and human rights.)

However, only **the U.S. has a system in which voters elect a body of “electors” whose sole function is to** actually choose the president. The other 29 countries that **indirectly elect their head of state** give that task to their national legislatures, supplemented in five cases by representatives of states or regions. The German president, for example, is elected by the 630 members of the Bundestag together with 630 delegates chosen by the state parliaments. The president of India is chosen by an assemblage consisting of all elected members of both houses of Parliament and of state legislative assemblies – nearly 5,000 “electors” in total, casting more than a million population-weighted votes.”

Republican Voters support a National Popular Vote

Koza 2013 [John Koza is PhD in computer science and Stanford professor of computer science, electrical engineering, and medicine, "Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote", *NPV Press*, <<http://www.every-vote-equal.com/sites/default/files/everyvoteequal-4th-ed-2013-02-21.pdf>>] //WGC

9.31.2. MYTH: Republican voters do not support a national popular vote.

QUICK ANSWER:

- Republican voters support a national popular vote for President by an average of 66% in states where state-level polls are available.

MORE DETAILED ANSWER:

Republican voters support the idea of a national popular vote for President by an average of 66% in states where state-level polls are available.

Table 9.26 shows the results, by party, from these polls.⁵⁵⁶

Table 9.26 RESULTS, BY PARTY, FROM STATE-LEVEL POLLS

STATE	REPUBLICAN	DEMOCRATIC	OTHER	OVERALL
Alaska	66%	78%	69%	70%
Arizona	60%	79%	57%	67%
Arkansas	71%	88%	79%	80%
California	61%	76%	74%	70%
Colorado	56%	79%	70%	68%
Connecticut	67%	80%	71%	74%
Delaware	69%	79%	76%	75%
D.C.	48%	80%	74%	76%
Florida	68%	88%	76%	78%
Idaho	75%	84%	75%	77%
Iowa	63%	82%	77%	75%
Kentucky	71%	88%	70%	80%
Maine	70%	85%	73%	77%
Massachusetts	54%	82%	66%	73%
Michigan	68%	78%	73%	73%
Minnesota	69%	84%	68%	75%
Mississippi	75%	79%	75%	77%
Montana	67%	80%	70%	72%
Nebraska	62%	78%	63%	67%
Nevada	66%	80%	68%	72%
New Hampshire	57%	80%	69%	69%
New Mexico	64%	84%	68%	76%
New York	66%	86%	70%	79%
Ohio	65%	81%	61%	70%
Oklahoma	75%	84%	75%	81%
Oregon	70%	82%	72%	76%
Pennsylvania	68%	87%	76%	78%
South Carolina	64%	81%	68%	71%
South Dakota	67%	84%	75%	75%
Utah	66%	82%	75%	70%
Vermont	61%	86%	74%	75%
Washington	65%	88%	73%	77%
West Virginia	75%	87%	73%	81%
Wisconsin	63%	81%	67%	71%
Wyoming	66%	77%	72%	69%
Average	66%	82%	71%	74%

⁵⁵⁶Detailed reports on all of these polls (and others), including the cross-tabs, are available at the web site of National Popular Vote at <http://www.nationalpopularvote.com/pages/polls.php>.

NPV IS AFF GROUND

Ross, Tara (2012-11-01). [Tara Ross, lawyer, “Enlightened Democracy: The Case for the Electoral College” (Kindle Locations 1307-1329). Kindle Edition] MJS + WGC

“In 2006, a California-based group, National Popular Vote Inc. (NPV) was created to promote legislation based on the De Facto Direct Election idea. A book, Every Vote Equal, was released to explain and defend the mechanics of NPV’s legislation.[35] Where constitutional amendments have failed, NPV believes it can “reform” the Electoral College through a handful of simple state statutes. NPV asks states to change the manner in which they allocate their presidential electors. Today, most states allocate their electors to the winner of the statewide popular vote. NPV proposes to instead allocate these electors to the winner of the national popular vote. If states with a majority of electors (currently 270) agree to the plan, the presidential election system will operate as a national popular referendum rather than a federalist, state-by-state process. To ensure that no state is left alone in its decision, NPV operates through an interstate compact. The compact goes into effect only when a critical mass of states agrees to join.[36] **The practical effect of this plan is to abolish the Electoral College,** although NPV supporters deny it. **With NPV in place,** the Electoral College would exist on paper, but not in practice. **As a practical matter, the election would be a direct national election,** just as Electoral College opponents have long wanted.

NPV is more probable—Amendment literally takes ¾ of states NPV takes FAR fewer

Ross, Tara (2012-11-01). [Tara Ross, lawyer, “Enlightened Democracy: The Case for the Electoral College” (Kindle Locations 1307-1329). Kindle Edition] MJS + WGC

“As this book goes to press, eight states have agreed to the compact: California, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, Vermont, and Washington (129 electoral votes total).[37] The District of Columbia, with three electoral votes, has also approved the plan, bringing the total number of participating electoral votes to 132. One other state legislature approved the plan, but the governor vetoed it: Rhode Island. If Rhode Island is included (a possibility discussed in Chapters Twelve and Fourteen), the total would be brought to 136 electoral votes— more than half the electors needed. **Remember that a constitutional amendment can succeed only with the support of three-quarters (currently 38) of the states. Yet NPV could be over halfway to its goal with only nine states,** plus the District of Columbia, on board. Past efforts to eliminate or modify the Electoral College have failed miserably. Yet **NPV is astonishingly close to success.** This silly proposal has morphed into a force that must be taken seriously. Defenders of the Constitution need to rise up and defend the Electoral College or they may find that it is too late to save the institution.”

NPV will happen when dems wreck Trump in the midterms

Bowers 2016 [Chris Bowers, Executive Campaign Director, “The surprisingly realistic path to electing the president by national popular vote by 2020,” *DailyKos*, November 9, 2016

<http://www.dailykos.com/story/2016/11/9/1594792/-The-surprisingly-realistic-path-to-eliminating-the-Electoral-College-by-2020>] /WGC

“It is long past time that we started electing our presidents by national popular vote. Every vote should count equally. Every state should be a swing state.

There is a realistic path to switching to the national popular vote for the 2020 elections. This is because we don't need a constitutional amendment--we only need the National Popular Vote Interstate Compact: **The National Popular Vote Interstate Compact (NPVIC)** is an agreement among several U.S. states and the District of Columbia to award all their respective electoral votes to whichever presidential candidate wins the overall popular vote in the 50 states and the District of Columbia. The compact is designed to ensure that the candidate who wins the most popular votes is elected president, and it will come into effect only when it will guarantee that outcome. [2][3] **As of 2016, it has been joined by ten states and the District of Columbia; their 165 combined electoral votes amount to 30.7% of the total Electoral College vote, and 61.1% of the 270 votes needed for it to have legal force.** If states and territories totaling at least 270 electoral votes pass laws joining the National Popular Vote Compact, then the next presidential election will be determined by the winner of the national popular vote. We are already up to 165. If we can make electing the president by the popular vote a national issue broadly adopted by elected Democrats, and **if Democrats can do well at the state level in the 2018 midterm elections—which is realistic in the event of an unpopular President Trump—then in 2019 we can pass laws in enough states so that the winner of the 2020 presidential election would be determined by the popular vote.**”

CUBAN EMBARGO ARG IS STUPID AND EMPIRICALLY DISPROVEN

Sopo 2017 [Giancarlo Sopo is a Democratic strategist and serves as the (pro-bono) chair of CubaOne Foundation, “Updated Analysis of the 2016 Cuban-American Vote,” *Wordpress*, December 20, 2016, <https://giancarlosopoblog.com/2016/12/20/final-analysis-of-the-2016-cuban-american-vote/>] /WGC

“It’s Unclear if U.S.-Cuba Policy Influenced Cuban-American Voters

It is unclear what, if any, role U.S.-Cuba policy plays in determining how Cuban-Americans vote. The data shows that voters’ stances on the issue are not the best indicator of how they will vote.

- **According to an August 2016 study by Florida International University (FIU) with a sample of 743 Cuban-American voters, 72% of embargo supporters are Republicans, the vast majority of which would have voted for Trump regardless of Clinton’s position on the issue.**
- Four out of 10 (41.6%) **Cuban-Americans electors** who said they support the new U.S. policy identified themselves as Trump supporters. **In addition, 55% of Cuban-American voters support the new Cuba policy. The study also found that 58% favor ending the U.S. embargo** (including 75% of Independent voters), and 61% support diplomatic relations with Cuba. Support for the new Cuba policy goes beyond the Cuban-American community. An October Bloomberg poll showed 67% of likely Florida voters favor engagement with Cuba.

However, **embargo advocates point to a pair of *New York Times*/Sienna College polls from September and October as proof that Trump enjoyed a + 20-point surge among**

Cubans after changing his position on Cuba policy to a more hardline stance. The problem with this conclusion is that given that the poll only interviewed approximately four dozen Cuban voters, the results are statistically unreliable. In fact, the *Times* itself warned its readers the “survey did not sample a large number of Cuban voters, so the findings should be interpreted with caution.”

Meanwhile, **surveys with significant Cuban-American samples by pollsters from different political parties found that Donald Trump’s margins among Cuban-American voters did not change after his Cuba policy reversal.**

With Clinton making significant gains in Cuban-American neighborhoods; polls showing that majorities of Cuban voters support engagement policies; and no sign that Trump’s Cuba 180° helped him, **there is simply no evidence to backup the claim that Obama’s Cuba policy hurt Democrats or that a hardline stance benefited Republicans.**

The Cuban-American Vote Was Important, But Not Decisive in Florida

Some argue that Cuban-American voters cost Hillary Clinton the state of Florida. Two conditions are required for this to be true: (1) Clinton’s performance among Cubans would have to be unusually low *and* (2) Clinton would have won the state had she mirrored past performances among Cuban-Americans. The election results clearly show that Clinton surpassed Obama’s totals, and as *FiveThirtyEight* pointed out, “Cuban-Americans would have needed to vote for Hillary Clinton by an impossibly wide margin to swing the election her way, and Trump would have won the state if they hadn’t voted at all.”

Indeed, Cuban-American voters accounted for six percent (564,938) of the 9,415,638 Florida voters^[10] who cast a ballot for President. Even if Clinton had improved her performance among them by 10 points, it’s a gain of 57,000 votes—**well short of her statewide deficit of 114,000**. It’s clear that while Cuban-Americans remain an important political constituency, they were not the deciding factor in Present-elect Trump’s Florida win.

White Non-Hispanic Voters Propelled Trump to Victory in Florida

Trump’s performance among white non-Hispanics was the most important factor in his victory in Florida.

- In 2016, white non-Hispanic voters were 62% of the electorate; yet they made-up 81% of Trump’s statewide coalition. Republicans made gains in predominantly white non-Hispanic suburban and exurban counties in Central Florida. For example: Trump surpassed Mitt Romney’s margins in Pasco and Lake counties by 14,164 and 13,447 votes, respectively.
- Sixty-four percent of Florida’s white, non-Hispanic voters supported Donald Trump, while 32% backed Hillary Clinton. In 2012, President Obama and Mitt Romney received 61% and 37%, respectively, of Florida’s white non-Hispanic voters. Trump’s 32-point advantage was an eight-point improvement for the GOP from 2012.
- Had Clinton mirrored Obama’s 2012 performance among Florida’s white non-Hispanic voters and kept Trump at Romney’s support levels, she would have narrowed her 2016 gap among this demographic by approximately 467,015 votes—and maintained Florida in the Democratic column.

The Bottom Line

- **In 2016, Cuban-American voters supported Hillary Clinton at historically high levels.** Moreover, Democrats saw double-digit gains in Cuban neighborhoods, a sign that these voters are still in play.
- **Cuba policy is no longer the third rail of Florida politics for pro-engagement candidates. Based on the data (electoral and survey), neither Obama’s Cuba policy or Clinton’s support for ending the embargo affected the results. Moreover, Cuban-American voters did not determine the outcome in Florida.**
- It’s unclear if a candidate’s position on U.S.-Cuba policy—regardless of whether they support or oppose the embargo—determines how Cuban-Americans vote.
- **Taking a pro-embargo stance on Cuba is no longer the secret to convincing persuadable Cuban voters or winning in Florida where two thirds of all electors**

support ending the embargo. Six polls showed that Trump's support among Cuban-American voters did not change after he reversed his U.S.-Cuba policy position to a more hardline stance. This is largely due to the fact that three out of four embargo supporters are Republicans, and were likely going to vote for Trump regardless of his position on Cuba."