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Seven (or so) Steps to Better Elections, 2018 Version

Back in October of 2004, my mind was boggled as I pondered the possible re-election of George W. Bush, a man who may or may not have actually received more votes than his opponent, Al Gore. Many people were asking: Isn't there something we could do to help assure that our elections actually represent the will of the majority of possible voters? So I wrote a piece called "Seven Steps to Better Elections," which started out like this:

"As we hurtle ever closer to the momentous presidential election of 2004, it seems like a good time to take a look at the system that we use to elect public officials in the United States. Here are seven simple proposals for reform of our current system. These proposals are simple, in the sense that most of them could be taken by any Congress and could take effect more or less immediately upon passage. But "simple" does not in this case mean "easy," since the current political context in the United States makes passage of these reforms unlikely in the short term, to say the least. But I do not offer these reforms as goals in themselves. They are mainly ideas which might usefully be included on the agendas of grassroots groups already working in the community."

Well, now it's 2018, and my mind is not only boggled, but it is astonished, amazed, staggered, astounded, and overwhelmed by the rise of Trumpism and its legitimization at the ballot box. I should say, "seeming legitimization" since—as has been widely reported—Trump did not receive a majority of the votes that were cast. But it's worse than that, for reasons that I think are not widely reported or understood. Check out these facts about the 2016 election:

- Trump received about 62.98 million votes.
- Clinton received about 65.85 million votes.

And there you have it, the famous 3 million votes by which Clinton won the popular vote in 2016. But that's only one

fact about that election, and far from the most important fact. How about these:

- There were about 245.5 million people of voting age (18+ years old) in the United States in 2016
- About 157.6 million of those potential voters were registered voters
- About 136.8 million people actually voted in 2016, about 55 percent, the lowest in 20 years.
- We know that Trump received 62.98 million votes. Which tells us that he received the votes of about 40 percent of registered voters. And which also tells us that he took office with the votes of just under 26 percent of voting-eligible US Americans.
- Clinton received about 65.85 million votes, which comes to 42 percent of registered voters and just under 27 percent of possible voters.

So where does this leave us? Well, we have a president who is claiming a mandate based on his receiving the votes of about one-quarter of the population. And Clinton, should she have prevailed, would have taken office with a similar non-mandate.

We in the United States are so accustomed to electing mediocre candidates who take office with non-mandates that we scarcely seem to notice that three-quarters of our voters do not appear to support the "winner" of the election that put them in office. It's as if no one thinks we can do anything about this sorry state of affairs.

This leads me to update and re-publish Seven Steps to Better Elections, although now it's Some Yet-to-be-determined Number of Steps to Better Elections. This issue of Nygaard Notes and the next will discuss these Steps, hopefully offering not just information but inspiration. If it seems like I'm just indulging in pleasant daydreams in the present political climate, consider that we are living in a volatile time when things can change very quickly. Who knows what new roads will open up as the backlash to Trumpism unfolds in the coming years? ♦

Greetings,

Let's take a break from Trump, from Kavanaugh, from indictments and plea bargains and draining the swamp. My plan for the few weeks before the upcoming elections and maybe for a few weeks after is to cast my mind towards elections themselves. This issue and the one or two issues after this one will offer a few steps we could take to have better elections. And by "better" I mean elections that make it more likely that our political leadership actually represents the majority of the people who elect them.

Back in 2004 I talked about "7 Steps" to better elections. Now, in 2018, I am updating some of the Seven, eliminating one or two, and adding some new ones. If this exercise seems hopelessly naive, remember that there is a lot bubbling below the surface, and things that seem locked in place forever... can change quickly. But key to any change is our ability to imagine how we want things to be. It is in this spirit that I offer these concrete ideas for improving elections in the United States of America.

Imagining a better future,
Nygaard

Step 1: Limit the Length of Campaigns

There's no reason why presidential campaigns need to go on for literally years like they do in the United States. In England campaigns are limited to a few weeks, maybe six or seven. The longest campaign in Canadian history was 78 days long, in 2015. Australia's 2016 campaign was, at eight weeks, the longest campaign in 50 years. National Public Radio reported in 2015 that "Mexican general election campaigns start 90 days before election day (and have to stop three days prior to the election)..." The ACE Electoral Knowledge Network reports that in France, the official election campaign usually lasts no more than 2 weeks, while in Japan, campaigning is allowed for 12 days!

Does this mean that these other countries have "better" elections than does the United States? I'm not saying that, I'm simply pointing out that there's no obvious reason why the length of campaigns can't be limited. Actually, that's not true; Cook County clerk David Orr, writing in the Chicago Tribune last November, reminded us of an obvious

reason: Money. He asked, "Why do [election] campaigns start so soon and go on so long?" And his answer was, "It's simple: Because only wealthy candidates can afford to start a campaign and build a financial firewall to ward off challengers. We have few rules limiting campaign spending, thanks to the U.S. Supreme Court's disastrous decision in Citizens United v. Federal Election Commission, and virtually no rules limiting the length of campaigns."

Reflecting in 2015 on the already-underway 2016 campaign, NPR underlined the point, saying, "A candidate can't keep advertising for a year and a half ... without millions of dollars at his or her disposal. The U.S. system essentially requires candidates to raise millions of dollars to even mount a serious run."

There you have it: Endless campaigns require endless money to buy endless advertising. That's why my second step to better elections is to ban paid political ads. ♦

Step 2: Ban Paid Political Advertising

Many will say that the main problem with political advertising is that it's too negative. But that's not the main problem. The main problem is that political ads do not and will not educate or inform potential voters. And the reason is because that's not what they're designed to do. They're designed to get people to vote a certain way, or to not vote at all. The solution? Get rid of them.

Even though I'm in the imagination business—imagining different policies, imagining solutions to big problems,

imagining different ways of thinking—the idea of a campaign without paid ads is hard to imagine. And yet...

In a 2012 study by the Canadian Centre for Law and Democracy ("Regulation of Paid Political Advertising: A Survey") we read that:

"In contrast to the minimalist approach taken in the United States and elsewhere, several European states prohibit paid campaign advertising on radio and television altogether. ↗

These tend to be nations with a strong tradition of public broadcasting. For example, in the United Kingdom, all paid political advertising is banned from television and radio. This prohibition extends not only to political candidates and parties, but to any advertisement which aims to influence public opinion on a matter of public controversy...

“Several other European countries maintain total bans on paid political advertising on television and radio, including France, Ireland and Belgium (though all three countries allow advertising in the print media). Generally, countries that ban paid political advertising on radio and television have put in place requirements for broadcasters to provide free broadcasting time to political parties and/or candidates.” (More on this in a future Nygaard Notes.)

CNN reported, also in 2012, that “unlike in the U.S., where candidates and their supporters can buy as much television time as they can afford, political ads are banned from television and radio” in Norway.

More recently, in 2015, National Public Radio reported on the “absurdly long” length of election campaigns in the United States. In that context NPR reported that “in many countries, there’s not room for a massive advertising arms race like the U.S. has... Brazil, the U.K. and Japan, among many others, simply don’t allow candidates to purchase TV ads (but that doesn’t mean zero ads — in some countries, like Japan, candidates each get equal, free, ad space).”

Free ad space? That’s covered in a later Step. ♦

Step 3: Ranked Choice Voting

My third step to better elections is: Make Ranked Choice Voting the Law of the Land.

On September 17th the New York Times reported that a woman named Lori Trahan “emerged Monday as the official winner of a 10-person Democratic primary for the congressional seat based in Lowell, Mass., held for a decade by Representative Niki Tsongas, who is retiring... After a recount of votes was finished Monday, Ms. Trahan, a former congressional aide and now a business consultant, was declared the winner — with less than 21 percent of the vote, according to the secretary of state. That slim margin could strengthen calls for Massachusetts or some of its municipalities to convert to a system known as ranked choice voting, which ensures that the eventual winner earns a majority of votes.”

So, what is Ranked Choice Voting, or RCV, anyway? Although opponents criticize it as being too complicated, it’s about the simplest thing you can imagine, at least as far as voters are concerned. Imagine you are going to the local bakery to pick up some bread. You discuss it with your housemate and agree: Get rye bread if they have it. If they don’t have it, get whole wheat. If they don’t have that, get donuts. That’s ranked choice voting: First choice, second choice, third choice. For as many choices as you want.

It does get a little confusing when you talk about how the votes are counted. But not *that* complicated. As the League of Women Voters of Maine explains, RCV is a process that guarantees that the winner has majority support:

“Ranked choice voting lets voters rank their choices based on individual preference. First choices are counted, and if no candidate has a majority of the vote, an ‘instant runoff’ occurs in which the candidate with the least support is eliminated. Voters that picked the eliminated candidate as their first choice have their vote counted for their next choice. In a three-person race, we now have a winner with majority support in the final round of tabulation. In a race with more than three candidates, this process is repeated until one candidate has a majority.”

I started out by talking about Lori Trahan, the Massachusetts woman who won the congressional primary with less than 21 percent of the vote. That can’t happen with RCV, since no one can win without being one of the top choices of an absolute majority of the voters. No more “spoiler” votes, where voting for a third-party candidate ends up helping to elect your LEAST favored candidate.

As an added bonus, RCV would go a long way toward limiting the much-bemoaned “negativity” in campaigns, since, as the nonpartisan advocacy group FairVote explains, “a candidate needs to appeal to a broader range of voters—including core supporters and supporters of other candidates—in order to win. This is because, under RCV, it is riskier for Candidate A to offend Candidate B’s supporters by attacking or besmirching Candidate B, since Candidate A may lose down-ballot rankings from Candidate B’s supporters in the process. There are no equivalent incentives under [the current winner-take-all

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RCV *from page 3*

voting system], where the contest for every vote is a zero-sum game. Indeed, negative campaigning is often a sound strategy for victory in those types of elections because it may enliven the candidate's base.”

Another added, and crucially important, bonus is spelled out by the Minnesota branch of FairVote. They point out that “RCV has been shown to enfranchise communities of color by eliminating low-turnout primary elections—which are attended by disproportionately older, whiter, and more affluent voters than the general election.” A structural remedy to structural racism, in other words.

For a really radical modification of the RCV idea, we could consider extending the process until a candidate receives a majority of the votes of *all possible voters* which, admittedly, would change everything. As it is now, the total votes cast in U.S. elections barely equals 50 percent of all possible voters. Maybe we'd have to legally require people to vote, as is the case in Belgium, Australia, Bolivia, and 19 other countries. But I digress...

Right now, just imagine an election in which EVERY candidate was trying to be your first or second choice, and nobody was trying to get you to hate her opponent. Hard to imagine in the United States of 2018, I know, but Ranked Choice Voting would move us in that direction. Simple. Positive. Inclusive. Let's do it. ♦

“Quote” of the Week: Homegrown Election Interference

“Even if you assumed that all the charges made about ‘Russia interfering in the elections’ were true, and put them all together, they still wouldn’t have a fraction of the impact on the 2016 elections as did Republicans in several states by disenfranchising likely Democratic voters (blacks, poor, students, people in largely Democratic districts), by purging state voting lists.”

That's radical author and historian William Blum, writing in The Anti-Empire Report, Issue #160 of September 20th.
<https://williamblum.org/aer/read/160>

Nygaard Notes
P.O. Box 6103
Minneapolis, MN 55406
E-mail: nygaard@nygaardnotes.org
Web: www.nygaardnotes.org