

**Topic: I. Democracy**

**What the students do:** Small groups analyze hypothetical proposals for making America more democratic and role-play a presidential commission evaluating the Electoral College system.

**CA History-Social Science Standards:** 12.4, 12.6

**CMS Promising Approaches:** 1, 2, 6

**Thanks to:** [Constitutional Rights Foundation](#)

## Proposals for a More Democratic Country

### Overview

In this lesson, students analyze and discuss several proposals for making America more democratic. Then in small groups, they role-play presidential commissions making recommendations on whether to replace the Electoral College.

### Objectives

Students will be able to:

- Identify voter initiative, campaign finance reform, and the Electoral College.
- Express an informed opinion on whether campaign finance reform is necessary and whether voter initiatives should be adopted at the federal level.
- Evaluate and justify a position on the Electoral College.

### Materials/Preparation

**Handout 1: “Proposals for Making America More Democratic”**— one per student.

**Handout 2: “Should We Replace the Electoral College?”**— one per student.

### Procedure

#### I. Focus Discussion

- A. Hold a brief discussion by asking students: Do you think our form of government is democratic enough?
- B. Tell students that they are going to read a few proposals for making the United States more democratic.

#### II. Reading and Discussion—Proposals for Making America More Democratic

- A. Distribute **Handout 1: “Proposals for Making America More Democratic”** to each student. Ask students to read it, examine the three proposals, and think about whether or not they favor them.
- B. When students finish reading, hold a discussion using the questions on the handout:
  1. What is a voter initiative? Do you think it should be adopted at the federal level? Why or why not?
  2. Do you think campaign finance reform is necessary? Why or why not?
  3. Many times in our history it has been suggested that the Electoral College be changed. Why do you think it never has been?

### III. **Small-Group Activity—Should We Replace the Electoral College?**

- A. Divide the class into groups of 3–5 students.
- B. Distribute **Handout 2: “Activity: Should We Replace the Electoral College?”** to each student. Review it with students and answer any questions they may have.
- C. When students are ready, ask which groups favored option #1. Ask them for their reasons. Ask others who rejected this option why they did. Hold a class discussion. Repeat this for each option.
- D. Debrief the activity by holding a class vote on each option.

## Proposals for Making America More Democratic

Since our nation's founding, many changes have been made to make our country a more democratic nation. For example, the Constitution has been amended three times to extend the right to vote. The 15th Amendment extended it to all racial groups; the 19th, to women, and the 26th to everyone age 18 or older. The Constitution was also amended to allow voters to elect U.S. senators. Prior to the 17th Amendment, ratified in 1913, each state's legislature chose its U.S. senators. Many other proposals have been made to make America more democratic.

### Get Rid of the Electoral College

In an American election, voters do not directly choose a presidential candidate. The founders of the Constitution debated how the president should be selected. Some favored a popular vote (although the practicality of this was questionable at the time). They ultimately reached a compromise that reflected our federal system. They placed the final decision of who will be president and vice president in the hands of a separate voting body called the Electoral College.

Usually, the Electoral College vote accurately reflects the will of the larger voting public. But this does not always happen. Each state is given a number of electors based on the number of members in the House of Representatives plus its two U.S. senators. It is up to the state legislature to determine how the electors are selected. Today, every state chooses its electors through a popular vote. When people vote, the ballot says the name of the candidates for president and vice president. But people are actually voting for a slate of electors committed to a particular candidate. Following the election, the slate of electors for the winning candidate from every state meet in the Electoral College and vote for president.

In only three clear-cut instances has the Electoral College vote gone against the popular vote. In 1876, Rutherford B. Hayes lost the popular vote by about 300,000 votes. In 1888, Benjamin Harrison lost by about 100,000 votes, but won the presidency. In 2000, George W. Bush lost by about 500,000 votes, but won the Electoral College.

Opponents of the Electoral College believe it is archaic and undemocratic. The president, they say, is the president of all the people and should be the candidate with the most votes. They urge a constitutional amendment to change the Electoral College.

Supporters say the Electoral College reflects our federal system. To win the Electoral College, a candidate cannot simply campaign in the most populous states, but must also focus on smaller states. They argue that under the Electoral College the president therefore represents the whole nation.

### Voter Initiatives

In many states, voter initiatives put proposed legislation on an election ballot. This allows citizens to vote directly for or against a proposed law instead of relying on their elected representatives in the legislature. For an initiative to be placed on a ballot, advocates must first collect signatures from registered voters. Then the initiative is placed on the ballot. In this way, a simple majority of votes can transform a bill into law without its being considered by the legislature. Currently, only state governments have voter initiative procedures. There is no federal initiative process.

The Constitution would have to be amended to allow for federal voter initiatives. Proponents believe that an initiative amendment would give more power to the voter. They argue that the initiative process would put responsibility for public policy directly in the hands of America's voters and that putting potential laws on the ballot would attract more voters to the polls.

Others express doubts about the initiative process. They indicate that the legislative process is a complex process full of critical checks and balances. Writing a bill and passing it into a law that is effective and won't be challenged in the courts requires legislative experience and lawmaking skills. They fear that initiatives reduce the legislative process to a contest among powerful groups to determine who can most effectively manipulate the voting public.

### **Campaign-Finance Reform**

In 2004, the campaign expenditures for President George W. Bush and Democratic contender John Kerry reached more than \$1 *billion* by Election Day. Many Americans believe that too much money is required to finance a modern election campaign—including vast amounts paying for expensive media ads. To get elected, they say, politicians must approach big business and special-interest groups for campaign financing. In turn, once they are elected, the biggest contributors have the strongest influence on the politicians they supported.

Advocates for campaign-finance reform argue that the search for campaign dollars defines how politicians behave in office. They argue that even if most legislative decisions are influenced by party, ideology, and the needs of their constituency, politicians still pay back contributors in the countless decisions about where they focus their lawmaking energy.

But, they argue, political favoritism is only one effect of the high cost of political campaigns. They point out that costly campaigns hinder direct democracy by making it nearly impossible for the average citizen to run for office.

Supporters of the current campaign finance system question how the system could be changed. Will donations be limited? They argue that campaign contributions are part of every citizen's rights to free speech and participation in the political process. They say that those who contribute are merely exercising these rights. Will the public finance campaigns? They say that there is little public support for this.

Others point to democratic nations that have restructured their campaign finance laws. Political fund-raising scandals have continued in these nations after they have reformed their finance laws. They argue that a broad range of factors—an equitable tax policy, an independent judiciary, adequate pay for legislators and other civil servants, budget disclosures, and party systems that nurture competition—combat legislative corruption more than the rules of campaign finance.

### **For Discussion**

1. What is a voter initiative? Do you think it should be adopted at the federal level? Why or why not?
2. Do you think campaign finance reform is necessary? Why or why not?
3. Many times in our history it has been suggested that the Electoral College be changed. Why do you think it never has been?

## ACTIVITY

### Should We Replace the Electoral College?

1. Form small groups. Each group will role-play a presidential commission.
2. In your group, do the following:
  - a. Imagine that you have been appointed to a presidential commission. The commission is to make recommendations on whether the Electoral College should be replaced and, if so, what should replace it.
  - b. Read and discuss the arguments for and against the Electoral College and then discuss and decide on one of the options listed below. (Most of these options will require a constitutional amendment.) Be prepared to report on the reasons for your decision.
3. The groups should report back. Hold a class discussion on whether the Electoral College should be replaced, and if so, with which option. Conclude by taking a class vote.

**Arguments Against the Electoral College.** First, it allows a president to be elected who does not win the popular vote. This has occurred at least three times (in 1876, 1888, and 2000). Second, deadlocks can happen. A third party candidate or a close election can prevent any candidate from getting a majority. When no one captures a majority of the electoral votes, the House of Representatives decides who is president. This has occurred twice in our history (in 1800 and 1824). One study has shown it has almost happened 22 times. Third, because every state gets at least three electoral votes regardless of the state's population, voters in small states have more power than those in large states. Fourth, each state's electoral vote does not depend on the number of voters casting ballots. States with the same number of electoral votes may have far different turnouts on election day. Fifth, the Electoral College may hold down voter turnout. If opinion polls show one candidate far ahead in a state, voters in that state who prefer another candidate may not vote. In fact, candidates often ignore states where one holds a substantial lead.

**Arguments in Favor of the Electoral College.** First, the Electoral College represents our federal system, with its emphasis on the states and their representatives. Second, the Electoral College is not archaic and undemocratic. We have two senators from every state regardless of the state's population. We don't consider that archaic or undemocratic. Third, it allows every state to participate and have a voice, including the small states. These states might be overlooked if the election depended solely on candidates seeking the most votes. Fourth, it prevents sectionalism by requiring a winning candidate to have support distributed throughout the country. Fifth, it has contributed to political stability by promoting the two-party system, which encourages the major parties to represent a wide range of interests. Sixth, it strengthens the power of minority groups, which can play a powerful role in deciding the outcome of close elections in states.

**Option #1: Popular vote.** Decide the presidency based on the candidate who receives the highest total popular vote.

(Continued)

**Option #2: Majority Popular Vote.** Decide the presidency based on the candidate who receives a majority of the popular vote. If no candidate receives a majority, then a run-off election between the two highest vote-getters would take place.

**Option #3: District Electoral Vote.** Each state gets electoral votes based on its number of congressional representatives plus its two U.S. senators. The district electoral vote gives one electoral vote to each congressional district and the overall winner in the state gets two electoral votes. This system is already used in two states (Maine and Nebraska). If every state were required to use it, a constitutional amendment would be necessary. But your commission could also simply recommend that each state adopt this system.

**Option #4: Retain the Electoral College.**