

SUMMARY OF S. J. RES. 152

Introduced by Senator Hubert H. Humphrey on March 1, 1956

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S. J. Res. 152 has been proposed as a serious and deliberate compromise of the various proposals previously made (S. J. Res. 9, 10, 30, 31, 53) to reform our Presidential electoral process. This new proposal would (1) eliminate the Electoral College and the Presidential electors as such; (2) retain the numerical strength of both houses of Congress, that is, 531, as the numerical basis for determining the election of Presidents; (3) assign two electoral votes to the candidate winning the plurality of popular votes in each State, and (4) divide the remaining block of 435 votes according to the proportion of popular votes received by each candidate on a nationwide basis.

Elimination of the Electoral College and the Presidential electors is a principle upon which all proposals for change in this field agree.

Retention of the total strength of Congress as the voting basis for the election of a President preserves a time-tested principle in the apportionment of political power in the United States. The Nation and the political forces that make it up have been accustomed both in the national legislature and in the Electoral College to an allocation of power among the States and to the people at large within the limits of the sum of two votes per State and 435 votes for representation in the lower house, that is, 531 votes in all. Those proposals -- the Mundt-Coudert and the Daniels plans-- that have retained this voting base have won much wider acceptance than others, for example, my own direct election proposal, S.J. Res. 53, that ignores it.

The reasons for this acceptance are undoubtedly as follows: (1) 96 of the 531-vote electoral base are recognition by the Mundt-Coudert and the Daniels plans of the federal character of the Republic. Federalism is preserved by the two-vote representation allowed for each of the 48 States. (2) 435 of the 531-vote base include the principle of direct representation of the people, such as we have in one of the two houses of Congress. (3) Finally, the 531-vote base is one to which a great many influential political interests have become adjusted. A radical departure from this base would undoubtedly cause serious disruption in the balance among these interests.

S.J. Res. 152 retains the 531-vote electoral base and recognizes the federal principle by awarding two votes to each State. It accepts the traditional allocation of 435 Presidential electoral votes as the weight to be given the principle of direct representation, but it then proceeds to divide those 435 votes among the candidates in terms of the nationwide constituency that is the President's.

This proposal would not seriously alter the balance between the two major parties in Presidential politics. If the Presidential election outcomes from 1872 to 1952 are recomputed according to this plan, it appears that the outcome of only one election would have been changed, that between Hayes and Tilden in 1876. Instead of losing by 185 to 184 electoral votes, Tilden would have won by 183 to 182 votes under this plan. It would, however, have modified the exaggerated majorities won in the Electoral College over this period.

This proposal requires no special provisions to discourage the rise of third parties in our two-party system. The winning of the two Statewide electoral votes in each State under my system would become an all-or-none contest serious enough to encourage increased two-party organization within each of the States. Third parties would be discouraged simply as a matter of the natural laws of competition. Competition for the greater share of the 435-vote block on the basis of the nation as a whole as a single-member district should also become vigorous enough to discourage the rise of third parties.

This proposal would, however, make the two Statewide electoral votes a much more significant political prize than under any other system thereby encouraging the development of the two-party system within each of the States. If this system of electoral counting had been operative in three recent presidential elections -- 1944, 1948 and 1952 -- most of the States would have been carried by narrow enough margins by one or the other party to make the two-vote prize important.

Most importantly, this proposal would encourage popular participation in Presidential elections because it would penalize those States with a low turnout and reward those with a high turnout. This advantage would remain with the high participation States only so long as the present wide range of difference in voter participation exists among the States. This aspect of S.J. Res. 152 would probably for the first time give some effect to the intent of Section 2 of the Fourteenth Amendment to the Constitution.

This proposal would undoubtedly lead to a strengthening of the national organizations of our political parties. This would be necessary for a nationally coordinated campaign to win as large a part of the 435-vote block as possible. Stronger national party organizations would also become more active in strengthening State party organizations in order to more effectively compete in every State for the valuable two-vote prize in each. S.J. Res. 152 therefore would tend to strengthen the two-party system on a national as well as State-by-State scale. Conversely, it would tend to penalize those areas that maintain one-party systems.

My proposal would alter but not worsen the conditions under which organized interest groups would exert influence in Presidential politics. It is the somewhat debatable claim of some minority group leaders that their access to Presidential policy-makers is enhanced under the present Electoral College system by their ability to shift strategically located popular votes from one party to the other in closely-fought large States. This has been an important political principle for minority leaders and Presidential advisers alike, but it is a principle that is nowhere conclusively confirmed by facts. Political scientists have demonstrated that the outcomes in Presidential elections have hinged in an important sense upon the achievement of party majorities in the major metropolitan communities of this country. Political scientists have not been able to demonstrate to what extent minority groups within these metropolitan communities have been mobile between the parties; that is, to what extent their votes can be "delivered".

Under the system I am proposing, organized interest groups capable of mobilizing voter support would probably have to do so on a nationwide scale rather than in a few strategic places since there would be a greater number of closely-fought States in which a few strategic votes could be influential in winning the Statewide two-vote prize. Furthermore, with a premium on high turnout under the proposed system, organized interest groups would become active promoters of voter participation, particularly in those large, high-turnout States that would receive an initial increase in electoral vote strength over the present system.

All this should make minority interest representation no more or less difficult than it now is in Presidential politics.