

Introduction

Paradigms are like glasses. When you have incomplete paradigms about yourself or life in general, it's like wearing glasses with the wrong prescription. That lens affects how you see everything else.

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It's not working.

That's the sentiment of many Americans when they consider the Electoral College – the mechanism used to select the United States President. Their frustration with the presidential voting system rises quickly if their preferred candidate fails to get elected. Many voters voice their disgust with a voting system that seems antiquated, out-of-step, racist, and possibly even anti-democratic.

The Electoral College awarded more electoral votes to Trump in the 2016 presidential election though Clinton won almost 2.8 million more popular votes across the nation. It did not seem to be a good example of democracy at work as the voices of the people were largely silenced. If the candidates themselves were not to blame, surely the voting mechanism could be.

Many now say, “We must change it!”

Americans want their presidential election system to be more democratic, much like other democratic countries wherein the victor captures the most popular votes. There's an eagerness for removing the Electoral College, dispensing with its awkwardness and associated confusion, in favor of a straight up-and-down system of voting. Yea or nay. It would be pure democracy at work.

Some caution that we should keep what we have.

This book favors neither side. Our presidential election voting process must change and the Electoral College should be preserved. Voting results such as we experienced in 2016, ignoring for the moment who won and who lost, ill-serve this nation's demand for voting fairness and inclusivity. This book examines an alternative voting approach, Equal Voice Voting (EVV), that can be incorporated on a proportional state-by-state basis. Without requiring a U.S. Constitutional amendment. The EVV promise is that all votes matter and every state is heard.

We can make the Electoral College work for us.

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Historical Wisdom

Let's begin at the beginning when Alexander Hamilton, one of the Framers of the U.S. Constitution offered the following in the 68th Federalist Paper:

The mode of appointment of the Chief Magistrate [President] of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure. ... if it be not perfect, it is at least excellent.

Hamilton thought that the Electoral College was one of the most ingenious elements of the U.S. Constitution. Yet it faces, and has faced hundreds of times, scorn and rebuke. How can one square his opinion with the oftentimes unnerving voting process we endure every four years?

Was Hamilton wrong? Were the Constitutional Framers unable to provide a voting approach that would encompass a changing nation over centuries? Was there perception of, "...at least excellent" simply not being good enough? If, in the beginning, there was (at least) excellence; where and how did it go wrong? How can we return to what the Framers had in mind – or can we?

Criticism of the Electoral College is nothing new, nor is it new to consider alternatives. To understand our dilemma, we must start at the beginning – the very beginning – when our Founding Fathers started with a blank sheet of paper; and, together, decided how our president should be elected. What would be most fair? What would be least vulnerable to fraud and corruption? What would be worthy of a new and democratic nation rising up in this western hemisphere?

If you count yourself among those who really don't know how the Electoral College works, you're among the many. Most people don't understand it. On the surface, it's much like the face of an analog clock. It seems simple. A quick glance reveals the time. Pulling the face off and looking into the clock's inner workings, however, exposes something quite different. The many wheels and axels and cogs spin and turn in a perfect sequence and rhythm to demarcate that elusive element of our lives: Time! Few things in our lives are so seemingly simple and yet are so complex, an ingenious system to mark the time originating from so long ago.

It's the same with the Electoral College. On the surface it's quite simple. People vote and those votes are proportionally translated into electoral votes on a state-by-state basis (some aren't even aware of this basic truth). Peel away this encounter with the voting process and the situation becomes far more complex and nuanced. There's politics involved, sure; but, as Sherlock Holmes would say, "There's even more mystery afoot." The voting process and results border on what might be deemed magic. Certainly, it's counted as one of our greater unknowns, at least among the vast majority of the voting public.

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This book examines this seemingly mysterious system and provides answers to emerging questions. The importance of this exploration is to show how we can improve our presidential voting process and Electoral College results. There is a way we can engage the Electoral College to make all votes matter, allow all states to retain their independent voting sovereignty (as our Constitutional Framers intended), and underscore the inherent checks and balances originally desired. Making the Electoral College work for us is not difficult to do from a legal standpoint. The question becomes: do we really want to? Do we have the will to change, the strength to fix and improve what the Framers gave us?

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A Paradigm Shift

It's only fair to warn you that this book is a description of and defense of an approach for managing all votes cast on a state-by-state basis. The system is called Equal Voice Voting (EVV) and allows the Electoral College to be exercised such that the voting citizenry can have confidence once again in this most basic of our democratic processes. What EVV cannot do is favor any political party or candidate. It is at once, fair, transparent, easily understood, and an encouragement for disenfranchised voters to cast their ballots for their preferred presidential candidate.

Importantly, *EVV demands a paradigm shift in our thinking.*

EVV requires that we think of the Electoral College from a different perspective. It asks that we look at our elections from a point-of-view that reveals that our voting process does not need to be complicated.

While paradigm shifts are common, they don't occur frequently. Consider the idea that the earth is flat. That used to be the way humans thought of the world (sadly, some still do). Long before Isaac Newton (17th century) proved the earth is an ellipsoid and even centuries before (around 300 BC), we began to realize the earth is not flat. It seems obvious now, but back then it was a big deal.

Here's another paradigm to consider: Humans can fly. Sure, we need an airplane to do so, but we didn't have such things a little over a century ago. Humans fly? Balderdash! Humans have no feathers. Humans are too heavy. God didn't intend for humans to fly, or even try. But someone proved humans can fly (albeit with mechanical devices) and now we do – all the time!

Speaking of time, consider how we humans have compressed time as yet another paradigm shift. A couple of generations ago, communication across this vast country was conducted by mail, which we now refer to as *snail mail*. Letters took days, sometimes weeks, to cross the country (if they successfully made the journey at all). Today, we send and receive emails every second. News, too, was distributed painfully slow and now it runs 24/7. Today we are able to pass text, pictures and videos in near real time, making the idea of long distance more out of this world than across the country. We have compressed time! In so doing, we look at the world and our reality differently. We invent faster. We build faster. We demand faster. Technology has brought the world close to us and our reality of time has shifted.

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It's not easy to shift our thinking, to make a paradigm shift. Sometimes, we need a little nudge or some kind of event to make things clear. There's a story which illustrates this kind of invitation to consider a paradigm shift. Once upon a time Columbus was asking for sponsorship to sail west in order to get to India. He was told it couldn't be done. Some still thought the earth was flat, after all. It's said that Columbus then presented a chicken egg to his potential sponsors and asked if anyone could make the egg stand on one end without touching it or supporting it in any way. All attempts failed. It couldn't be done! Columbus then took the egg and smashed it down on one end so it could stand. You see, the egg had been previously hard boiled. Smashing the egg on its end allowed the shell to partially crush and support the egg on its end.

Standing the egg on end was a bit of a trick but the point is that it is often assumed that something cannot be done until it is shown that it can be. Then the truth becomes obvious. This book is an invitation to consider a paradigm shift in thinking regarding our presidential elections. EVV is not a parlor trick performed to amaze and intrigue, as was the standing egg. But the results are as readily apparent and within our reach if we consider all of the history, context and nuance of our presidential elections. EVV will emerge as a clear and obvious choice that has something for everyone.

EVV is perhaps not as significant as these first examples (round earth, human flight, technology advances) in terms of changing humanity's perspective of reality. But it does require we set aside a comfortable perspective for one that might seem strange at first. Just as standing an egg on its end is impossible until it's shown it can be done, EVV will indeed change perspectives for presidential campaigns, voter engagement, and the nation's confidence in our presidential elections.

The EVV paradigm shift, as do all paradigm shifts, requires that we change our thinking as our voting reality changes, at least insofar as our voting is concerned. This book will help you set aside current assumptions, biases, and perceptions of political control. You will see the EVV presidential voting mechanism adheres to successful principles: simple (easy to understand), fair (for all voters), and enticing (because all votes matter).

With that in mind, let's consider another fundamental reality:

Process is as important as results.

Any voting mechanism can identify a winning candidate as a result. A flipped coin or marbles counted in a coffee can will elicit results. Surely, there must be more to voting than that! The process is important!

Let's use basketball (you can insert almost any team sport, if you prefer) for an example. A basketball game is much more than the score. There are rules about how a ball is moved up and down the court, such as passing and dribbling. It's exciting to see which team gets the ball (rebound) if an attempted shot is missed. Markings on the floor itself guide the players where to stand to shoot free throws and where to stand to get the rebound if they're missed. The three-point line encourages longer shots to be attempted to score three points instead of two. Rules for defense ensure the competition is engaged and suspense enhances the excitement. Coaching strategy and on-the-floor skills help take advantage of or compensate for weaknesses. The process of the game keeps the excitement alive and the fans coming back for more. All the while, the clock keeps

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ticking. The game is not just about the score but includes how the score was made and when the score was made.

Basketball may be a crude analogy for a voting comparison, but it's an important one. The sport aims to entertain while a voting mechanism is fundamental to our democratic form of governance. The analogy points out the importance of realizing there's more to consider than just the voting result (i.e., who won). Voting processes must be fair, inclusive, and transparent. As you'll see in this book, the voting process is critical and worthy of much discussion and consideration.

This book examines what appears to be broken in our presidential election process and reveals the troublesome causes. This book relies on a state-by-state voting analysis of the previous sixteen elections (1960 through 2020). Evaluating the data reveals how broken our presidential election system currently is and how the voting process fails to serve our democratic values. Much of the voting citizenry simply are not being heard! Further, the voting data from those elections are compared with what could have occurred if EVV had been used instead.

Looking closely at our historical reality and posing the right questions allows us the opportunity – the awareness – to shift our perspectives. Correctly shifting our perspective to this new-found truth will clarify the focus on our voting process and will engender respect for the Electoral College. We will clearly see that the purpose of the Electoral College outcome is basically threefold: (1) Reflect the popular voting sentiment, (2) Retain the voting significance of each sovereign state, and (3) Allow the checks and balances our voting system to deliver prudent and reliable results, preventing the risk of tyranny and mob rule.

EVV is the remedy that can allow the Electoral College to deliver what our Constitutional Framers had in mind. It removes the Winner-Takes-All (WTA) approach now exercised by every state and Washington, D.C. Instead, the proportional voting approach established by the Electoral College is honored such that all votes matter on a state-by-state basis. Every sovereign state retains its voting voice and significance. Giving no political party advantage, EVV ensures our presidential elections are fair and inclusive, giving equal voting voice to all voting citizens.

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History Will Judge Us

David McCullough, one of our current premier historians, was interviewed by David M. Rubenstein. The conversation was recorded in Rubenstein's book, *The American Story*. It is offered here as a reminder of our responsibility for generations to come.

... at the National Statuary Hall in the U.S. Capitol, there's a piece of sculpture commemorating the goddess of history, Clio. She's riding in her chariot, and there's a clock on the side of the chariot, and she's writing in her book.

The idea behind putting the statue there was that the members of Congress would look up to see what time it is. That clock still keeps perfect time. That's a Simon Willard clock, made in Massachusetts about 1850. They would look up to see what time it is, and they would be reminded that there was another time –

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*history – and that what you’re saying today, what you’re doing today, here on the floor of this legislative assembly, is going to be judged in time to come, in the long run.**

McCullough reminds us that legislators have a responsibility. We do, too. What we preserve in our methods of governance impacts more than a current moment. It impacts our history. The Electoral College mechanism, complex as any clock, records our votes (our collective source of power) and our future. The voting system is not perfect. As Hamilton state, “It is at least excellent.” Given the demands and purpose of such elections, perfection is probably not attainable. Ensuring its excellence, however, is easily within our reach.

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Chapter Descriptions

All Votes Matter covers the topics described below. You are free to read them in any order. However, while there is no plot to follow, the chapters build upon each other in subtle ways that help provide the nuance and understanding needed to appreciate what they offer. It is suggested to read them in the order presented.

Chapter One – How the Electoral College Began

Any discussion of the Electoral College must consider its history. Introducing some basic terminology along with a brief treatment of what was considered when our U.S. Constitution was crafted forms a baseline from which a more thorough discussion can ensue. It will be noted that much discussion was enjoined by the Constitutional Framers to design a voting mechanism that would be fair to everyone enjoying a form of governance by *We the People*.

Chapter Two – A Purposeful Beginning

It’s easy to say that the Electoral College was established to identify a winning candidate and next President of the United States. But it is much more than that. It is a mechanism that captures and gives representation to the voters. It also recognizes the sovereignty of the individual states. And, to add to this crossroads of vying interests, the Electoral College mechanism was designed to provide a system of checks and balances to guard against corruption and fraud. In fact, it was put in place to guard against a pure democracy that, as history informs us, can give rise to mob rule and tyranny. It’s a check to ensure our representative democracy can persist through times of challenge and stress.

As we consider a voting mechanism, it is beneficial to consider the concerns of our Constitutional Framers. The chapter discusses some basic tests that can be applied to any voting mechanism under consideration. Simply stated, there are three fundamental voting tests: all votes must matter, all states must be heard, and a system of voting checks and balance must work. From this perspective, these tests will be applied and considered for a simple popular vote, the National Popular Vote Interstate Compact (NPVIC) approach, and Equal Voice Voting (EVV).

Chapter Three – Consistency Matters

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This chapter is a return to Electoral College basics. It demonstrates how the voting mechanism is a proportional allocation of votes on a state-by-state basis. It also shows the freedom states have for managing their respective allocated electoral votes. The Winner-Takes-All (WTA) aspect is discussed and is shown how it is applied in congressional district voting, which is used in Maine and Nebraska. The chapter finishes by showing how the states have chosen to switch voting methods in midstream, akin to a marketing bait and switch scheme.

Chapter Four – Equal Voice Voting (EVV)

Equal Voice Voting is explained, including the mathematical formula, with examples of what could have been experienced in past elections. The advantages of requiring neither a constitutional amendment nor an interstate compact are discussed. An examination of voting disparities, differences between Electoral College and popular vote results, is provided. A few elections are closely examined to show the differences that could have been realized if EVV had been used instead. The voting device that the Constitutional Framers included should elections be narrow is explained, showing that there would be no need for Supreme Court interference to select a president. Finally, it is shown that EVV meets the aforementioned voting tests.

Chapter Five – Interference

Interference in our voting for a president, limiting us from experiencing an inclusive process, comes from various sources. Initially, the actual collection of ballots posed some challenges. Adding to the problem of interference was the fact that slaves, people of color, and women could not vote. Even white men who did not own property were excluded. Through the times since when the constitution was written, voters have been refrained from voting through various nefarious voter suppression techniques. Finally, due to the Winner-Takes-All (WTA) approach we still use, almost half of those voting are disenfranchised such that their votes for a president gain no representation in the Electoral College.

Chapter Six – Safety, Tests, and Benefits

This chapter discusses close elections with third-party candidates, explaining what happens if the Electoral College majority threshold of 270 electoral votes is not reached. The discussion reveals some of the ingenuity placed in the Electoral College to address such concerns.

The safety provided by the Constitutional Framers of state electors is discussed. Usually, electors vote as does the state citizens but sometimes disloyal electors surface, disrupting expectations.

Checks and balances, a hallmark of the U.S. Constitution comes into play with the requirement for candidates to capture the consensus of the people while also capturing a commanding coalition of states. It is thought that the current Electoral College process adheres to this intent but Winner-Takes-All (WTA) breaks down the election firewall. An ultra-wide variance in voting, comparing the popular and Electoral College results, shows that the popular vote can be terribly suppressed while delivering an electoral vote victory.

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Voting tests are discussed, showing how the standards discussed in Chapter Two come into play. Each presidential election should be fair, equal, inclusive and engaging. Following the Framers' intention, such elections should also capture the popular vote (sentiment of the governed), the sovereign state voting voice, and still provide checks and balances. The chapter compares test results from our current presidential election process with what could be experienced with EVV.

Finally, the chapter shows how EVV provides the benefit of being nonpartisan. There is no political advantage realized by the election mechanism approach as all votes matter and all viable candidates gain representation. Further, the chapter discusses how the current swing state phenomenon could disappear as EVV would make every state that uses it significant.

Chapter Seven – The Popular Vote

Sensing something is wrong, many throughout our nation's history have wanted to change the voting process for a more popular vote approach. This chapter discusses how adopting this approach requires a constitutional amendment, showing what that requires. The popular vote is viewed from the vantage point of our Constitutional Framers, who abhorred a direct democracy. The dangers for sustainability and corruption of such an approach are discussed. The chapter points out how ours is a very diverse nation and deserves a more sensitive treatment than using one process for all 50 states and the District of Columbia. For example, different states have different voting rules regarding voter identification and the treatment of felons. Further, the nation can be compared to Europe but not to an individual European country due the geographic expanse of the United States and the assimilation of a plethora of cultures. The chapter also reveals why the popular vote approach fails the voting tests mentioned in the previous chapter.

Chapter Eight – The National Popular Vote Interstate Compact (NPVIC)

The chapter on the National Popular Vote Interstate Compact (NPVIC) approach explains the idea and its requirements. It also explains how the approach is ridiculous, radical, and dangerous. The chapter shows how volatile the election results can become and, thereby, lead to a false narrative that can be foisted upon the nation by the media and political party agendas. Other concerns that possibly may emerge are identified further showing how NPVIC fails the voting tests and our nation.

Chapter Nine – And Now This

The ninth chapter is a collection of observations and considerations that may emerge in other discussions surrounding our election process. Gerrymandering, for example, is discussed with some congressional district formation principles that may lend credence to better representation. Ranked Choice Voting (RCV) is discussed showing that it is not at odds with Equal Voice Voting (EVV) but can, with some minor mathematical modifications, coincide well with what EVV delivers. Finally, the chapter delves into some general aspects of what it takes to meet the job requirement of being a U.S. President. It shows that popularity alone is not enough and that an appreciation of and deep familiarity with our governing institutions, coupled with sound leadership skills, are needed.

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Chapter Ten – Next Steps

This chapter is simply a response to the question, “So what?” It is realized that nothing in governance happens without first there being public awareness and public conversations that lead to legislation. Once you have read this book and are aware of how the Electoral College truly functions, and why and how EVV better serves the nation, you will be encouraged to share it with others. Such sharing, including contacting your state legislators with this information, will further enable your state to ensure better voter representation for all voting citizenry. Such legislation will ensure all votes matter and that your state is heard in the next presidential election.

Appendix A – Turning an Idea into Law

Used as an example, Oregon’s legislature website provides a diagram of how an idea becomes a law. The steps are identified and explained to provide an overview of the intricate process. Appendix A also shows how initiatives are derived, including their purpose and the process used.

Appendix B – Previous Election Data

The sixteen previous presidential election data are provided, on a state-by-state basis, spanning elections from 1960 through 2020. The data compare what occurred during those elections and what could have happened if EVV were used instead.

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* Rubenstein, David M. (2019). *The American Story*. Simon & Schuster