

Week 3

Politics and Government

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- The Constitution
- Amendments
- The Electoral College
- The Influence of money
- Cost and length of Campaigns
- Republican/Democratic Duopoly

U.S. Constitution

- Oldest written constitution
- What was the purpose of the constitution?
- Under the Brits we were 13 individual colonies
- The Articles of Confederation were the original constitution but the federal government had little power
- The government didn't even have the power to raise money to pay the soldiers who fought in the Revolutionary War
- The purpose of the constitution was to set up a central government
- Note that the southern states called themselves the Confederate States of America

Why has it worked?

- For the most part, our country has respected the election process
- The Constitution isn't the reason: it's pretty vague
- "How Democracies Die" Steven Levitsky (2018)
- Forbearance
 - It's more important to respect the electoral process than whether my side has control
 - Liz Cheney – right wing Republican
 - Georgia Secretary of State reported infamous Trump call to the media
- Levitsky's book talks about how democracies failed elsewhere and the danger in the United States

Bill of rights

- 1st freedom of religion and speech, no established religion, protest
- 2nd right to bear arms
- 3rd Homeowners may not be forced to quarter soldiers
- 4th no unreasonable search and seizure
- 5th Grand jury indictment, no double jeopardy, no self-incrimination

Bill of rights

- 6th speedy trial
- 7th Civil suits where value exceeds \$20, right to trial by jury
- 8th no excessive bail no cruel and unusual punishment
- 9th Rights that are not enumerated are retained by the people
- 10th powers not delegated to the federal government are reserved to the states or to the people
- What's missing?
- Right to travel (Cuba)
 - European Union constitution has the right to travel within the EU
- Privacy

Amendments

- 236 years later there have been only 27 amendments but 10 of those were included with the original constitution
- Difficult to amend
- 2/3 of the members of the House and Senate must approve plus the legislatures of $\frac{3}{4}$ of the states
- Alternative: two-thirds of the states could request a convention for purposes of proposing amendments
 - Slippery slope
 - vague

Amendments in my lifetime

- Twenty-two 1951 limits president to two terms (Roosevelt) (1947)
 - https://en.wikipedia.org/wiki/Twenty-second_Amendment_to_the_United_States_Constitution#:~:text=by%20the%20Congress.-,Background,been%20debated%20in%20American%20politics.
- Twenty-three 1961 Washington, DC voters can vote for President
- Twenty-four 1964 prohibit poll taxes (Margaret Thatcher)
- Twenty-five 1967 presidential succession (who takes office if a president is unable to serve)
- Twenty-six 1971 18 year old vote (Vietnam)
- Twenty-seven 1992 pay raise for congress passed by congress doesn't take effect until next congress.
- Equal rights Amendment didn't get ratified
- How many amendments will pass in the next 50 years?
- Amendments must be approved within seven years.

Presidential Election Controversies

- 2020 “Get me 11,000 votes!”
- 2016 Hillary Clinton 65.8 million votes, Donald Trump 62.9 million
- 2000 Presidential election decided by the Supreme Court one month later
- In 1992, Bill Clinton won with 43% of the popular vote
- 1960 John Kennedy wins the White House. Charges of voter fraud in Chicago IL may have thrown the election to Kennedy
- What do all these contests have in common?

Electoral College

- Written into the constitution
- Article 2, section 1
- The Electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

Problems with electoral college

- The world has changed drastically since 1787 when there weren't any political parties
- All votes in the presidential election don't carry equal weight
- Each voter in Wyoming is represented by .0000005187 electors
- Each voter in California is represented by .0000001376 electors
- A Wyoming voter's vote counts 4 times as much as a Californian's vote
- Winner take all system in all states except Maine and Nebraska
- <https://www.history.com/news/electoral-college-founding-fathers-constitutional-convention>

Winner take all system alternatives

- If 51% of the voters choose, the other 49% are disenfranchised
- Proportional representation
 - Used in most other countries
 - Seats in legislatures are divided up in proportion to the votes received by each party
- German system
 - Half the legislature is elected by district
 - The other half by PR nationwide
 - Each party receives seats from a list so that the composition of the legislature matches the percentage of votes gained by each party

Winner take all alternatives

- Preference voting
 - Voters rank their choices
 - If no one gets a majority, the candidate with the lowest number of votes gets his votes redistributed according to supporters' second choice
 - Redistributions continue until someone gets a majority
- Runoff elections
 - Some countries have a runoff election if no one gets a majority in the initial election
 - France
 - Brazil
- Source “Great American Political Repair Manual” by Sam Smith

Problems with electoral college

- 2004 election a tale of two cities
- By law, television and radio stations are obligated to carry political ads by candidates and charge the lowest rate.
- Harrisburg, PA is in a tossup state with 19 electoral votes
- Baltimore, MD is in a safely democratic state with 10 electoral votes
- In Harrisburg, normal advertisers were unable to buy ad time. The presidential campaign took it all.
- In Baltimore, there was no presidential advertising.

Why elections in November?

- <https://www.history.com/news/why-is-election-day-a-tuesday-in-november>
- 1845 law
- Many Americans were farmers who lived a long way from polling places
- Tuesday because farmers didn't travel on Sunday and wanted to be back for Wednesday market day
- Early November is after most harvests are in and before bad weather in most parts of the U.S.
- Personal gripe: because elections are on a week day, polls have to open at 6:30 AM so people can vote before work
- It is easier to vote than it used to be

Democracy Index

- <https://wisevoter.com/country-rankings/most-democratic-countries/>
- We are 26th
- <https://www.yabiladi.com/img/content/EIU-Democracy-Index-2015.pdf>
- In 2015, we were ranked 20th

Voter turnout in the U.S.

- Voter turnout in the U.S. lower than many other countries
- <https://www.pewresearch.org/short-reads/2022/11/01/turnout-in-u-s-has-soared-in-recent-elections-but-by-some-measures-still-trails-that-of-many-other-countries/>
- While 94.1% of registered voters turned out in the 2020 presidential election, only 62.8% of the voting age population turned out.
- In Uruguay, 90.1% of the voting age population turned out.
- Australia, which fines those who don't vote, 84.6% of registered voters voted and 76.0 % of the voting age population

Too many elections

- <https://www.theatlantic.com/ideas/archive/2023/08/american-election-frequency-voter-turnout/675054/>
- <https://www.theatlantic.com/>
- It's always election season in America: 90,000 local governing bodies
 - We have too many elections, for too many offices on too many days
 - Americans are asked to fill numerous and obscure executive, legislative, and judicial positions
- There are many off-cycle elections (August in Ohio)
- Senior citizens have high turnout, 18 to 34 voters low
- Who said this: "With off-cycle elections, the side that wins is often the one that has a vested interest in the passage of the issue up for consideration"
- Frank LaRose, Ohio Secretary of State, who opposed off-cycle elections and then rammed one through this past August
- Turnout often low for off-cycle elections, as low as 15%
- Even in August, 2023 in Ohio only 34 % of voting-age citizens voted
- 2020 61% of city races, 78% of county races, 62% of school board races and 84% of judicial races were uncontested
- When voters disappear, special interests rush in

Too much on the ballot

- Many people go to the polls not knowing what's on their ballot
- Here's how to see your ballot
- <https://votehamiltoncountyohio.gov/sample-ballot/>
- League of Women voters publishes a guide to elections
- <https://www.lwvohio.org/>
- Guides aren't yet available for this election

Cost of American Elections

- [US election spending exceeds GDP of numerous countries | The Hill](#)
- <https://www.mic.com/articles/118598/7-facts-from-the-around-the-world-show-how-absurd-america-s-elections-really-are>
- Cost of elections limits those who can run and hampers 3rd parties

Dark Money

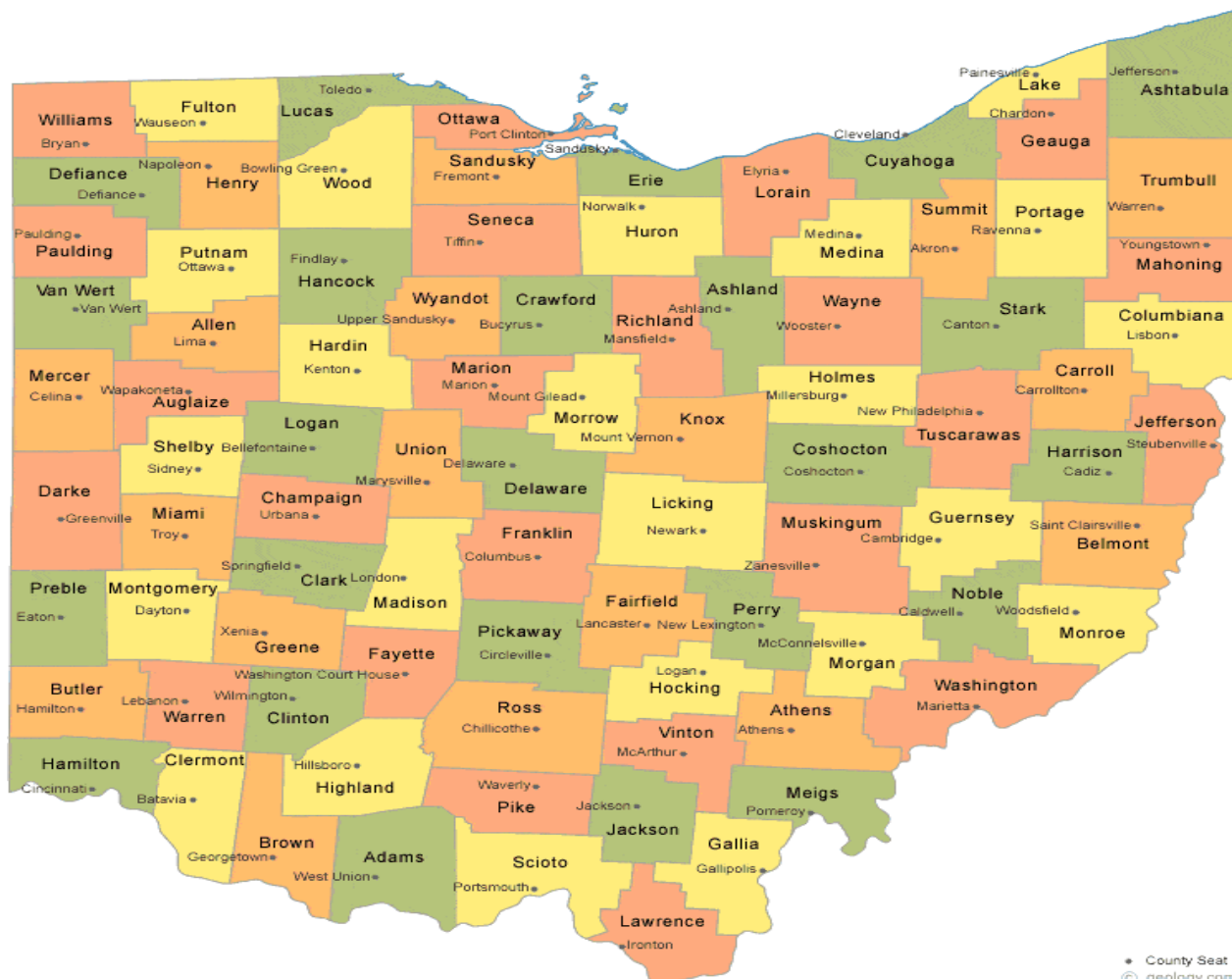
- Citizens United v FEC
 - https://en.wikipedia.org/wiki/Citizens_United_v._FEC#:~:text=The%20court%20held%205%E2%80%934,labor%20unions%2C%20and%20other%20associations.
 - The US Supreme Court held 5-4 that the freedom of speech clause of the First Amendment prohibits the federal government from restricting independent expenditures for political campaigns by corporations, including nonprofit corporations, labor unions and other associations
- Dark Money | American Documentary (amdoc.org)
- <https://www.pbs.org/pov/films/darkmoney/>
- Front line PBS
- <https://www.pbs.org/wgbh/frontline/article/archives-citizens-united-campaign-spending-documentary/>

Ohio Issue 1 (August 2023)

- <https://www.ohiosos.gov/globalassets/elections/2023/spec/issuereport.pdf>
- Requires that any proposed amendment receive the approval of at least 60% of eligible voters voting
- Require that any initiative filed on or after 1/1/2024 be signed by at least five percent of the electors of **each county** based on the total vote in the county for governor in the last preceding election
- Specify that additional signatures may not be added to an initiative proposed to amend the constitution
 - Some signatures will be invalidated for various reason
- Cost of this special election in August 2023 \$15 to \$20 million

Smallest county can veto

Vinton County 12,365 voters



Pink Journalism in Ohio

- During the August issue 1 campaign a document showed up in people's mail which pretended to be a newspaper
- <https://www.wcpo.com/news/government/local-politics/experts-buckeye-reporter-showing-up-in-ohio-mailboxes-isnt-what-it-appears-to-be>
- [What is pink-slime journalism, how to recognize it and how to avoid it | WVXU](#)

Third parties?

- As it stands now we may have to choose between the same two old men who stood for election in 2020
- <https://www.cnbc.com/2022/11/03/increasingly-dissatisfied-voters-favor-getting-a-third-party-choice.html>
- Basically, the two things that prevent third parties from gaining traction are the winner take all system and the tremendous cost of American political campaigns
- If we had more than two parties (choices), candidates would have to tell us what's good about their candidate rather than just trashing the other candidate.
- Are we going to choose between the same two old men in 2024 as in 2020?
- In France, Emmanuel Macron, the president, formed his own political part, Renaissance
- Germany is ruled by a “traffic light coalition” consisting of the Social Democratic Party (red), Alliance 90/the Greens (green), and the Free Democratic Party (yellow)
- Does a coalition government seem chaotic to Americans?

Change averse

- Our society has welcomed many technological change, it resists political change
- Major changes: all required a major fight
- Abolition of slavery 1865
- Women being able to vote
- Social security
- Civil rights movement
- Medicare
- Most new immigrant groups have had to struggle against discrimination before being accepted
- Court-initiated changes
 - Legalized abortions (rescinded)
 - LGBT marriage

Next week

- Mass murder incidents