Dear Participants:

It is our pleasure to welcome you to this remarkable experiment in American democracy, America in One Room: Democratic Reform. You have the privilege of being one of roughly 500 people in the US, scientifically selected to represent the entire country virtually in June 2023. During these few days, you will join your fellow participants in discussing the current issues surrounding democratic reform in the US, and in hearing from policy experts to discuss those issues in response to your questions and concerns.

We call this type of gathering a “Deliberative Poll.” You have already answered survey questions about the issues. During the virtual event, you will discuss your views with other Americans who also have been randomly selected to represent the whole country. To help prepare you to discuss the issues, we have produced this briefing book. It contains background analysis and competing arguments for and against different policy proposals on six democratic reform issues: the electoral system, the presidential election system, voter access and election administration, campaign finance, Supreme Court reform and civic education. Each issue briefing brings together different points of view. Each has benefited from the input of diverse experts, some conservative, some liberal, some Republicans, some Democrats, and some independents.

If you requested one, we recognize this is a long document, but we have tried to make it as useful as possible. We hope all of you will read the entire document, but we realize people’s time will vary. Please do not worry if you do not get the chance to read the document before arrival. The document is organized so that the background analysis of each issue comes first, followed by a set of boxes that list each issue proposal and the arguments for and against. These are the issues that you were surveyed on recently and will be again at the end of the event. We hope you will read the competing arguments in the boxes before your group deliberations on the issues, but you can also make reference to them during the group discussions. If you requested, you will receive a hard copy of this document.

We realize that you are giving up a weekend or a few weekday evenings to participate in this unique dialogue. We thank you deeply for your time and for the commitment you are expressing to our democracy. We look forward to meeting you.

With best wishes,

James S. Fishkin
Director, Deliberative Democracy Lab
Janet M. Peck Professor in International Communication
Professor, by courtesy, of Political Science

Larry Diamond
Senior Fellow at the Hoover Institution
Senior Fellow at Freeman Spogli Institute for International Studies
Professor, by courtesy, of Sociology
Professor, by courtesy, of Political Science

616 Jane Stanford Way, Stanford, CA. 94305-2050
During this Deliberative Polling® event, you will discuss your views with other people from across the country who also have been randomly selected to participate in this discussion. To help prepare you to discuss the issues, we have produced this briefing book. It contains background analysis and competing arguments for and against different policy proposals across the sessions in which you will participate. These proposals encompass several ideas critical to democracy in the U.S.: how candidates and winners in elections are determined; how elections are administered, supervised, and funded; how the Supreme Court might be reformed; and how civic education in the U.S. might be improved.

Each session brings together different points of view. Each has benefited from the input of diverse experts, some conservative, some liberal, some Republicans, some Democrats, and some independents.

Ordinary polls provide a snapshot of the public’s impressions of sound bites and headlines. However, most citizens do not have the time or opportunity to become well informed about complex public issues. Deliberative Polling® provides a neutral ground where citizens can address the question: What would a representative sample of the public think about policy issues if it were more informed and could weigh the pros and cons of different policy options under good conditions for thinking about them? These good conditions include balanced briefing materials, moderated small group discussions, questions that the small groups pose to panels of competing experts in plenary sessions, and an opportunity for each participant to express their opinions in confidential questionnaires both before and after the deliberation.

Pioneered by James Fishkin at Stanford University’s Deliberative Democracy Lab, Deliberative Polls have been conducted more than 150 times in 50+ countries and jurisdictions under the direction of the Deliberative Democracy Lab.
The Electoral System:

Currently, most officials at the state and federal level in the U.S. are elected through a “first past the post” system (also known as “single member plurality” voting). This means that whoever gets the most votes in a contest wins, even if they do not obtain a majority of the vote. There is only a single winner. Officials and representatives at the state and federal level are generally elected through a two-stage process. First, the nominees of each party are chosen in primary elections. Then the party nominees (and typically any independents who qualify for the ballot) compete in a general election in November. Under this system, whoever gets the most votes in a party primary becomes the party’s candidate in the general election, and then whoever gets the most votes in November is elected to the office. In most states, candidates who lose a party primary are not allowed to have their name on the ballot in November.

RANKED CHOICE VOTING (RCV)

One alternative to “first past the post” voting that’s been proposed is a type of Ranked Choice Voting (RCV). In this system, voters can rank order their choices in a multicandidate field, from the most preferred candidate to the least preferred candidate. During the counting of votes, if a candidate receives a majority of people’s first choice votes (over 50%), then that candidate is the winner. If no candidate wins a majority of first choice votes, the candidate with the fewest votes is eliminated. The votes of those who ranked the eliminated candidate as their first choice are then reallocated to these voters’ second choices. This process of elimination and reallocation continues in what is known as a series of “instant run-offs,” until a candidate receives a majority of votes (over 50%). As of April 2023, Maine and Alaska, 59 cities, and two counties have instituted RCV for various elections.

Some of those who are critical of the current system favor RCV as an alternative method both to elect executive officials, such as governor or mayor, and representatives at the federal, state, and local levels.

Ranked Choice Voting can be used to choose the winner in either party primaries or the general election or both. This briefing document presents specific arguments for and against using RCV for these various elections. But first, we present general arguments that have been voiced for and against RCV as a method for electing officials and representatives. Some of these arguments apply broadly to all the possible applications of RCV, and others to certain types of elections.
RCV allows the will of the majority to emerge, by requiring that the winner obtain a majority of the vote, even if it comes through one or more “instant runoffs.” By contrast, “first past the post” enables a candidate to win with only a plurality of the vote, raising the possibility that the winner is not the preferred candidate of a majority of the electorate.

RCV is a fairer and more democratic system because it takes account of all of a voter’s true preferences and does not “waste” any votes. A voter who favors a third party or independent candidate can give their first preference vote to that candidate, knowing that if no one gets a majority on the first round and their preferred candidate wins the least votes and is eliminated, their vote will then be transferred to their second choice.

RCV encourages candidates to appeal more broadly to a majority of the electorate, rather than simply mobilizing a passionate base of voters.

RCV encourages more civil, less negative campaigns, because a candidate may need the second preference votes of one or more of their opponents to be elected.

RCV is a fairer and more democratic system because it takes account of all of a voter’s true preferences and does not “waste” any votes. A voter who favors a third party or independent candidate can give their first preference vote to that candidate, knowing that if no one gets a majority on the first round and their preferred candidate wins the least votes and is eliminated, their vote will then be transferred to their second choice. Under “first past the post,” voters fear that if they vote for a third party or independent candidate, they will “waste” their vote and enable the candidate they like least to win with just a plurality of the vote.

RCV encourages more civil, less negative campaigns, because a candidate may need the second preference votes of one or more of their opponents to be elected.

RCV is a fairer and more democratic system because it takes account of all of a voter’s true preferences and does not “waste” any votes. A voter who favors a third party or independent candidate can give their first preference vote to that candidate, knowing that if no one gets a majority on the first round and their preferred candidate wins the least votes and is eliminated, their vote will then be transferred to their second choice. Under “first past the post,” voters fear that if they vote for a third party or independent candidate, they will “waste” their vote and enable the candidate they like least to win with just a plurality of the vote.

RCV expands the number of votes a candidate receives in a general election, enabling them to secure victory under an RCV system, even when they did not receive the most first preference votes.

RCV encourages more civil, less negative campaigns, because a candidate may need the second preference votes of one or more of their opponents to be elected.

RCV is a fairer and more democratic system because it takes account of all of a voter’s true preferences and does not “waste” any votes. A voter who favors a third party or independent candidate can give their first preference vote to that candidate, knowing that if no one gets a majority on the first round and their preferred candidate wins the least votes and is eliminated, their vote will then be transferred to their second choice. Under “first past the post,” voters fear that if they vote for a third party or independent candidate, they will “waste” their vote and enable the candidate they like least to win with just a plurality of the vote.
Instead of "first past the post" voting, use Ranked Choice Voting to determine the winner of each party primary in...

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>congressional elections</td>
<td>By requiring that the winner obtain a majority of the primary election vote, RCV will make it more difficult for politically extreme candidates to be nominated. This will reduce polarization and enable Congress to work better.</td>
<td>The intensity of support should matter for a candidate in a party primary, and that is best measured by who gets the most first preference votes, not by who can attract second and third preferences. Many candidates in party primaries are not well known, and so voters may find it hard to rank the candidates.</td>
</tr>
<tr>
<td>state elections</td>
<td>RCV will make it more difficult for extreme candidates to be nominated at the state level as well. This could reduce political polarization and encourage compromise within state legislatures and in relations between governors and legislatures. RCV may make primary elections more interesting and competitive, increasing voter turnout.</td>
<td>Voters often lack information about the candidates in primary elections. In a primary election, they don’t even have party labels to help guide their choices, making ranking too difficult. RCV in state primaries asks too much of voters, making it less likely that they will vote. Voters in party primaries should be able to choose the candidate they feel most strongly about, not necessarily the one with the broadest appeal.</td>
</tr>
<tr>
<td>local elections</td>
<td>In some counties and municipalities, the person who wins the primary election is all but certain to be elected in the general election. So, this candidate should have to appeal at least to a majority of primary voters. Ranked Choice Voting may encourage voters to learn more about multiple candidates in order to rank their choices. There may be many candidates in a local primary election, making it hard for voters to have enough information to rank the candidates. If voters are asked to rank candidates in an election in which they have low information, they may find it too confusing and opt instead to not vote.</td>
<td>By favoring candidates who craft broader appeals, RCV will help to elect more candidates who are willing to cooperate and compromise across party lines. This will make Congress less polarized and more functional. RCV may reduce negative campaigning because candidates have an incentive to appeal to the public broadly. The result may not only be reduced partisan animosity but also less need for campaign spending on negative advertising about the opposing candidate. RCV may help to elect some independent candidates to the Senate from swing states, who could help to broker bipartisan compromises. Third parties will become more relevant and influential over time if they can help to determine who gets elected to Congress. This will result in a more inclusive and democratic political system.</td>
</tr>
</tbody>
</table>

Instead of "first past the post" voting, use Ranked Choice Voting to determine the winner of the general election in...

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>congressional elections</td>
<td>By favoring candidates who craft broader appeals, RCV will help to elect more candidates who are willing to cooperate and compromise across party lines. This will make Congress less polarized and more functional. RCV may reduce negative campaigning because candidates have an incentive to appeal to the public broadly. The result may not only be reduced partisan animosity but also less need for campaign spending on negative advertising about the opposing candidate. RCV may help to elect some independent candidates to the Senate from swing states, who could help to broker bipartisan compromises. Third parties will become more relevant and influential over time if they can help to determine who gets elected to Congress. This will result in a more inclusive and democratic political system.</td>
<td>We need strong, principled representatives in Congress, not individuals who simply avoid confrontation. Sometimes it’s better to have gridlock in Congress than bad legislation. Congressional elections should be a straight fight between Democratic and Republican candidates. Where one party is judged to fail, voters can send a message by voting for the other party. RCV will only confuse the picture. We shouldn’t mess with an electoral system that’s been used for more than two centuries to elect the Congress. We have enough sources of instability in our democracy as it is. Because candidates need a majority of the vote to win, RCV will still mainly elect Democrats and Republicans. It would be better to have a proportional, multi-member system for Congress that would enable multiple different parties to win seats.</td>
</tr>
<tr>
<td>state elections</td>
<td>By electing candidates with broader support, RCV will reduce political polarization in state legislatures and in the relations between governors and legislatures. RCV will adapt to each state’s circumstances, giving greater visibility and voice to the third parties that interest voters in those states. By enabling voters to vote for independents and third parties without wasting their votes, RCV will make state elections more interesting and competitive, thus increasing voter turnout in what are often low-turnout elections.</td>
<td>By enabling more parties and candidates to have influence, RCV will make state elections more complex and confusing, which could reduce voter turnout. As with congressional elections, state elections should offer voters a clear choice between two alternative parties. RCV will only confuse the picture. It’s more important to enable bold policy change than to elect candidates with broad political appeal.</td>
</tr>
<tr>
<td>local elections</td>
<td>Many local elections take place on a non-partisan basis, and voters may easily find more than one candidate acceptable or appealing. RCV enables voters to rank these positive preferences. Voters often have limited information about local candidates. It’s hard enough just to choose one. Ranking several candidates is even more difficult. RCV may drive turnout in local elections down even lower.</td>
<td>By favoring candidates who craft broader appeals, RCV will help to elect more candidates who are willing to cooperate and compromise across party lines. This will make Congress less polarized and more functional. RCV may reduce negative campaigning because candidates have an incentive to appeal to the public broadly. The result may not only be reduced partisan animosity but also less need for campaign spending on negative advertising about the opposing candidate. RCV may help to elect some independent candidates to the Senate from swing states, who could help to broker bipartisan compromises. Third parties will become more relevant and influential over time if they can help to determine who gets elected to Congress. This will result in a more inclusive and democratic political system.</td>
</tr>
</tbody>
</table>
# PRIMARY SYSTEM REFORM

## PROPOSALS

### ARGUMENTS FOR

Instead of party primaries, hold one nonpartisan primary election in which candidates from all parties and independents run against one another. Then have the top two vote-getters in the primary election compete in the general election, no matter their party affiliation (as is now done in two U.S. states).

Holding a nonpartisan primary may lead to more moderate members being elected, since candidates have an incentive to appeal to a broader audience than they do in a party primary that is limited only to voters who have registered for that party. If two candidates from the same party face one another in the November general election, they have an incentive to move to the center to solicit votes from the other party.

If four or five candidates are chosen in a non-partisan primary election, more extreme voters of one party cannot block a more moderate candidate of their party (who might have broad appeal in the general election) from being on the ballot in that election. Incumbent representatives might feel freer to agree to compromises in Congress or state legislatures because they would not necessarily be eliminated in the primary merely for working with members of the other party. General elections would be more interesting and competitive if the top four or five primary vote getters were allowed to compete in November in an RCV election.

This amounts to a third election after the primary and the general election. Turnout in a run-off election is often lower than in a general election, resulting in a candidate being elected with fewer votes than in the general election. Holding a separate run-off election at a later date is expensive, since it requires another election, and candidates must spend more money to campaign again. This imposes significant burden on election administrators, who must manage a second election soon after the general election. A single run-off election does not take account of the full range of voters’ preferences among the different candidates.

### ARGUMENTS AGAINST

This would undermine the right of each political party to choose a single nominee that best represents its voters. A single nonpartisan primary could have a very large number of candidates that voters would be asked to inform themselves about, making voting in the primary more confusing and difficult. Because the order of elimination matters in RCV, the candidate that would be most broadly acceptable to the electorate might still fail to win in November if they did not obtain enough first preference votes.

Keep the current first past the post voting system in party primaries and in the general election.

This system is simple, familiar, and has stood the test of time. It makes it easy for voters to choose their favorite candidate, and then for the votes to be counted. This system is good for accountability; it offers the voters a clear and simple choice in the general election between the nominees of opposing political parties. Keeping this system would avoid costly changes to voting machines and infrastructure.

**First past the post** has been a major factor contributing to polarization between the parties. Changing it is essential to reducing political polarization. The current system has produced a stagnant political system dominated by the two main parties, and often by uncompromising factions of those parties. Only by changing the system can new political parties and perspectives gain voice and influence. Voter interest and engagement will increase if we adopt a new political system that allows more parties a fairer chance to compete.

## PROPOSALS

If party primaries are retained, allow defeated candidates in a party primary to appear on the ballot as independents in the general election.

Allowing defeated candidates in party primaries to qualify for the ballot as independents would be more democratic, because it would give candidates another opportunity to be considered by the voters. Primary elections generally have low turnout; it’s not fair for a small portion of the electorate to keep a candidate off the ballot in November. This provision could encourage state and federal legislators to support bipartisan compromises, even if they are unpopular with their party’s base. Incumbent legislators would know that if even they were defeated in their party’s primary, they would have a chance to contest and win in November by appealing to the broader electorate.

Allowing candidates defeated in the primary to come back and challenge their own party nominee in the general election weakens political parties. By dividing the vote for one party across multiple candidates, such a rule increases the likelihood that a party will suffer defeat even though more voters prefer it to the opposing party. Allowing defeated candidates in party primaries to qualify for the ballot as independents could increase the number of candidates in the general election, making that election more confusing for the voters.

This proposal would increase the likelihood of a candidate being elected in November with a weak plurality (unless there is a runoff requirement RCV).

## PROPOSALS

Keeping the current “first past the post” system.

This system is simple, familiar, and has stood the test of time. It makes it easy for voters to choose their favorite candidate, and then for the votes to be counted. This system is good for accountability; it offers the voters a clear and simple choice in the general election between the nominees of opposing political parties. Keeping this system would avoid costly changes to voting machines and infrastructure.

Keep the current “first past the post” system in party primaries and in the general election.

This system is simple, familiar, and has stood the test of time. It makes it easy for voters to choose their favorite candidate, and then for the votes to be counted. This system is good for accountability; it offers the voters a clear and simple choice in the general election between the nominees of opposing political parties. Keeping this system would avoid costly changes to voting machines and infrastructure.

Keep the current “first past the post” voting system in party primaries and in the general election.

This system is simple, familiar, and has stood the test of time. It makes it easy for voters to choose their favorite candidate, and then for the votes to be counted. This system is good for accountability; it offers the voters a clear and simple choice in the general election between the nominees of opposing political parties. Keeping this system would avoid costly changes to voting machines and infrastructure.

**First past the post** has been a major factor contributing to polarization between the parties. Changing it is essential to reducing political polarization. The current system has produced a stagnant political system dominated by the two main parties, and often by uncompromising factions of those parties. Only by changing the system can new political parties and perspectives gain voice and influence. Voter interest and engagement will increase if we adopt a new political system that allows more parties a fairer chance to compete.

This proposal would increase the likelihood of a candidate being elected in November with a weak plurality (unless there is a runoff requirement RCV).
THIRD PARTY COALITION

PROPOSALS | ARGUMENTS FOR | ARGUMENTS AGAINST
---|---|---
Some states allow a third party and a major party to form a coalition in support of a particular candidate. That candidate appears twice on the ballot, under two different party labels. In this system, the voter chooses the candidate they prefer under the party label that is closest to their values, and all the votes cast for that candidate (for each party) are counted toward that candidate. (This is sometimes termed “fusion voting”).

This system is confusing to voters, who are accustomed to seeing each candidate supported by one and only one political party.

This system would allow the two major parties to deceive voters by “hijacking” party labels, allowing them to gain support from third party voters without actually supporting their policies.

This system will empower more extreme third and fourth parties, which might press major party candidates to adopt more polarizing policies in exchange for the support of these smaller parties.

The two-party system has served America well, and we need not change the rules to give third parties more influence.

Currently in the United States, all members of Congress and legislators in most states are elected individually, from single-member districts. Some democracies elect state and federal legislators from multi-member districts (of 3, 5 or more legislators per district), using a system of Proportional Representation (PR) to choose the winners. Under this system, each party that obtains above a minimum threshold of the vote in a district is guaranteed to win at least one seat. Under one version of PR, voters simply vote for a party, which presents a ranked list of candidates for the district. Under another version, which has been proposed for the U.S., voters would be able to choose both their preferred party and a specific candidate of that party. Another version of this system allows voters to rank all their preferred candidates in the district. The questions below do not ask you to choose among types of PR, but only to consider the general value of this approach. A PR system for the U.S. is predicted to produce five or six parties in the House. This system would not apply to the U.S. Senate without a constitutional amendment.

PROPORTIONAL REPRESENTATION

Use Proportional Representation to elect the U.S. Congress.

Under PR, citizens have multiple representatives they can turn to and are more likely to have one representative who aligns with their ideology and/or demographics.

PR systems do a better job of representing women and racial and ethnic minorities.

PR systems are fair—each party gets a share of seats in the district proportional to its share of the vote.

Multi-member districts would make it more difficult to gerrymander district boundaries. No matter how district boundaries are drawn, if a party wins about 40% of the vote in a five-member district, it will win two of the five seats.

Such a system would give influence to multiple political parties in Congress. This could reduce political polarization as both elections and roll call votes in Congress would no longer be a straight contest between the two major parties.

State legislatures often are the legislative bodies with which citizens have the closest contact, more so than Congress. This makes it even more important that citizens within a district have their beliefs advocated for, which would come about more easily with a choice of parties that more closely align with their preferences.

PR would increase interest in state legislative elections and engagement with state legislatures because more voices and interests would be represented.

Many state legislatures in the U.S. have long been dominated by a single political party. In these states, PR could generate more political choice. With more parties in the legislature, there would be more competition, better representation, and hence stronger democracy.

PR would be a big step to take all at once for the entire nation, including at the federal level. Starting by introducing PR in state legislatures would allow time to evaluate whether PR systems fulfill their aims of reducing polarization and improving representation.

By lowering the requirement for winning a seat in Congress to as little as a sixth of the vote, PR could arguably make it even easier for politically extreme or antidemocratic candidates to get elected to Congress.

Because single-member districts are drawn in the U.S. to allow for significant minority representation, PR would not increase minority representation and might weaken the ability of minority communities to elect their preferred candidate.

PR would result in more parties being represented in Congress. This could make it even more difficult for Congress to function effectively and for a president to get majority support in the Congress for his or her programs.

PR is generally used elsewhere in parliamentary systems, where multiple political parties can combine to form a coalition government. It will not work well in a presidential system like the U.S., where one party wins control of the executive branch.

PR might raise the cost of congressional elections since candidates would have to campaign in bigger districts.

Use Proportional Representation to elect State legislatures.

PR would fragment state legislatures into multiple parties, making it even more difficult for majorities to coalesce in the legislature and for governors to get their budgets and programs passed.

PR would make it easier for politically extreme candidates and parties to win representation in the state legislatures.

PR would be divisive, by encouraging each social or identity group to form its own party and to appeal to voters along those lines.

By creating multi-member districts, PR would dilute the bonds of connection between state legislative representatives and their constituents.
PROPOSALS | ARGUMENTS FOR | ARGUMENTS AGAINST
--- | --- | ---
Use Proportional Representation to elect city and county councils | PR would better represent diverse views in a local jurisdiction. | City and county governments might have to be expanded to add additional seats or altered in their districting arrangements to accommodate PR, introducing additional complications.

Repeal the federal ban on multi-member districts for Congress and allow states to use Proportional Representation (PR) to elect their members of Congress if they so choose. | PR would enable more parties and viewpoints, by representing a greater diversity of political parties and viewpoints in those who are elected. | Without a single representative elected from a specific district, voters will have little sense of who to turn to as “their” representative when 5 members are all elected from very large districts (of 2-4 million people).
PR would be fairer; because each political party would win a share of seats proportional to its share of the vote. In contrast, “first past the post” elections routinely result in disproportionate outcomes (some parties get a much greater share of seats than they do votes).
PR would make it more difficult to “gerrymander” congressional districts because no matter how the district boundaries are drawn, each party will get some share of seats equivalent to its share of the vote.
PR would reduce political polarization along geographic lines in the U.S., because Republicans would win some congressional seats even in heavily Democratic states, and Democrats would win some congressional seats even in heavily Republican states.

Keep the current system of electing representatives in single-member districts. | Single-member districts allow for greater accountability: Voters have an easier time keeping track of a single representative’s legislative record than keeping track of multiple members’ performance. Single-member districts produce a two-party system, which gives voters a clearer choice and produces a more stable party system. In recent decades, single-member districts in the U.S. have created many opportunities for minorities to represent their geographic communities. This should be preserved. Representation from single-member districts has been the norm in the U.S. since our founding as a republic and has served the country well over time. The boundaries of single-member districts can be gerrymandered (rigged) to favor one political party. That is much harder to do with multi-member districts.
By allowing only a single winner in a district, this system leaves many voices unrepresented or under-represented. This is not only true for women and minorities in general, but also for voters of the party or parties that lose the election in each district. Single-member district elections can result in very unfair outcomes, depending on how the vote is distributed across the districts. A party, for example, could earn 40 or 45 percent of the vote statewide but win only 25 percent of the seats. Many representatives in single member districts are elected in “safe seats” that they hold for decades. Hence the system does not do a good job of holding representatives accountable. With multi-member districts, there would at least be more competition.

Set aside a significant proportion of delegates to the national party conventions (such as 25%) for elected officials at the national, state, and local levels, so the party leaders can have a more important role in choosing the party nominee for president. (The parties would have to agree to this arrangement, given past Supreme Court rulings).

Elected party figures from around the country have much greater information about the candidates’ qualities, such as their ability to govern well and to forge consensus. This approach will make it more difficult for an extreme or antidemocratic candidate to capture the party’s nomination by winning only narrow primary victories in a divided field. Party figures are more likely to give significant weight to how electable their candidates will be in the general election. This approach would make celebrity status or high name recognition less critical to a candidate’s chances.

Through their endorsements and campaigning, party leaders already have significant influence over the selection of the party nominee for president. “Superdelegates” who do not vote according to the primary election results in their state take us back to the days of the smoke-filled rooms where party bosses made the decisions. This is undemocratic. It is more important to empower the people to choose each party’s nominee than to give party leaders more influence, even if that risks choosing more extreme or inexperienced candidates. It is unrealistic to think this would make a difference. If a candidate wins the primaries, even a large number of “superdelegates” won’t be able to stop that person from being nominated.
THE ELECTORAL COLLEGE

Under Article II of the Constitution (later modified by the 12th Amendment), the Founding Fathers set up a system of indirect elections for the President and Vice President. The founders were concerned that voters would not know enough about the candidates to make informed choices. After extensive debate and consideration of different models, the authors of the Constitution established a system of electors to choose the U.S. President.¹

Under the current Electoral College system, voters do not vote directly for presidential and vice-presidential candidates, even though it appears that way on the ballot. Instead, voters vote for a slate of electors chosen by each political party. In all U.S. states, except for Maine and Nebraska, the winner of the popular vote in the state wins all the state's electoral votes (that is, the candidate's entire slate of electors is elected to the Electoral College). In Maine and Nebraska, the winning presidential candidate in each congressional district wins one elector and the winner of the popular vote statewide wins an additional two electors. Electors are pledged to vote for party candidates when the Electoral College meets in mid-December following the November election.¹²

According to the Constitution, electors may be almost anyone except for senators, representatives, and certain other officials. Political parties choose the slate of potential electors sometime before the general election. The process varies by political party and state. Political parties typically choose state elected officials, state party officials, or other people with an affiliation to the presidential candidate.¹³

Each state has a number of electors equal to its number of representatives in the House plus its two senators. Each elector has one vote. Presidential and vice-presidential candidates need a majority of the 538 total electoral votes (270) to win.¹⁴ While electors are pledged to cast their votes for their party's candidate, they are not constitutionally required to do so. Since electors are typically chosen for their party loyalty, they rarely break their pledges. However, during the 2016 Electoral College, ten electors attempted to vote for candidates other than the ones they were pledged to (seven did so successfully, while three were replaced before they could do so).¹⁵ In any case, “faithless electors” have never changed the outcome of a presidential election.¹⁶ If there is no winner in the Electoral College, the House of Representatives decides the winner, with each state's congressional delegation casting a single vote, and a majority of all states (26) is necessary.¹⁷

Critics of the Electoral College advance several arguments. The most common criticism is that it is unfair for the winner of a presidential election to be a candidate who lost the popular vote. In the post-Civil War era in the U.S., this has happened four times: 1876, 1888, 2000, and 2016. From this perspective, democratic legitimacy requires that a president be elected with at least a plurality, if not a majority, of the national popular vote.

Second, the indirect, winner-take-all system of electoral vote allocation within states (except for Maine and Nebraska) discourages people from the minority party in non-swing states from voting because they feel that their votes will not make a difference. For instance, Republican voters in a heavily Democratic state like New York may feel that their votes in a presidential contest do not translate into any Electoral College votes, because the majority reliably votes for the Democratic candidate, and the winner takes all of the electors. Democratic voters in large Republican states such as Texas face the same problem.

Third, the winner-take-all system results in swing states receiving disproportionate attention from candidates, including more campaign visits and more focus on issues of concern to those states. Incumbent candidates also tend to send more federal dollars to these states.¹⁸ Meanwhile, presidential campaigns tend to ignore states that are perceived as safe for one party, so these residents receive little attention from presidential candidates.

Fourth, some critics argue that voters in small states are overrepresented in the Electoral College because each state has at least three electoral votes regardless of population. Voters in sparsely populated Wyoming have nearly four times the say of voters in densely populated California, for example.¹⁹

Defenders of the Electoral College argue that the Electoral College is necessary to protect the interests of smaller states and ensure that presidential candidates don’t focus excessively on the most populous states or the largest metropolitan areas. Second, related to this, the Electoral College system ensures that a president has a broad geographic distribution of support; no president can be elected simply by piling up a massive popular vote majority in one section of the country. This also provides an incentive for a geographically balanced ticket of president and vice president.

Third, defenders of the Electoral College see it as a reflection of the strong emphasis on federalism in the U.S. Constitution. Under this system, each state has some influence over the presidential election process, and small states have somewhat elevated influence to protect their interests.

Fourth, defenders agree that the winner-take-all system focuses attention on swing states, but they argue that those states are diverse. They include states with and without heavy minority populations and states from every region of the country, forcing candidates to run on a platform with broad appeal.

Finally, while there have been instances in which the Electoral College has contradicted the popular vote, in most presidential elections the Electoral College has reflected the popular vote. Moreover, the divergence between the national popular vote and the Electoral College vote has only occurred in close elections. Where one candidate wins the national popular vote decisively, they also win a strong majority in the Electoral College. And where one candidate wins only a modest majority or plurality of the national popular vote, if their support is broadly distributed it may translate into a decisive victory in the Electoral College, thus enhancing their ability to govern.
Replacing the Electoral College system would require a constitutional amendment. Constitutional amendments must be proposed by a two-thirds majority of both the House and Senate and then ratified by both houses of the state legislature in three-quarters of the states (at least 38 out of 50 states), a difficult process that has only been achieved 17 times since the adoption of the Bill of Rights in 1791. However, the way that states select their electors is not specified in the Constitution, opening additional possibilities for changing the Electoral College.

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
</table>
| Amend the constitution to replace the Electoral College with a national popular vote, in which the presidential candidate who receives the most votes nationally is elected (regardless of whether that candidate wins a majority). | A national popular vote is a simpler, fairer, and more democratic approach. The Electoral College overrepresents small states and so is biased against larger states. The Electoral College’s winner-take-all system results in a skewed candidate focus on swing states and their interests, while making the election more vulnerable to manipulation. In a close presidential election, the Electoral College outcome may hinge on a very small number of votes in one or two disputed states, which makes the system more vulnerable to post-election controversies. If the president were chosen in a national popular vote, it is very unlikely that the result would depend on a few thousand votes in just a few states. | Some opponents argue that this process disenfranchises voters.² Voters who favor a third-party candidate are faced with either wasting their vote or choosing someone they like less but who has a better chance of winning. RCV also has the advantage of avoiding the expense of a separate runoff election later in time if there is no first-round majority winner.²¹

As noted above, proponents of Ranked Choice Voting (RCV) argue that it is more democratic, because it ensures the election of a candidate with majority support, even if that support comes through the “instant runoff” process. This makes it possible for third parties and independent candidates to contest without being spoilers; if they don’t succeed and no candidate wins a majority, their supporters’ votes can be transferred to their second preferences. Thus, proponents claim, RCV allows voters to express more nuanced viewpoints, by ranking candidates in order of preference. It also leads to less vitriolic campaigning because, to prevail in an instant runoff, candidates may need the second and third preference votes of their opponents’ voters. RCV may also reduce polarization and encourage compromise and coalition-building. Voting for only one candidate, in contrast, benefits candidates with a strong base, allowing them to win with a plurality of votes, even if the rest of the electorate strongly opposes them.²⁰ Voters who favor a third-party candidate are faced with either wasting their vote or choosing someone they like less but who has a better chance of winning. RCV also has the advantage of avoiding the expense of a separate runoff election later in time if there is no first-round majority winner.²¹

Opponents of RCV argue that it does not accurately reflect voter preferences. Voters may feel pressured to rank all candidates, even those they are unsure about, and through multiple rounds of candidate elimination, they might end up having their vote cast for a candidate they don’t like. If voters do not rank all candidates and their preferred candidates are eliminated, their ballots will not be considered in the final round.²² Some opponents argue that this process disenfranchises voters.²³ Opponents also argue that RCV is too complicated for the average voter to understand, and thus decreases voter turnout.²⁴ Critics also worry that it takes longer to determine the winner in an RCV contest, if no candidate wins a majority of first-preference votes, and they argue that it is unfair for candidates with the largest number of first-preference votes to be denied victory in an “instant runoff.”

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
</table>
| Amend the Constitution and use Ranked Choice Voting applied to the national popular vote to elect the president. | RCV would make it possible for third parties and independents to run for president without simply being “spoilers.” It would make elections more interesting and democratic, and hence increase voter turnout. | Under RCV even though voters can choose only one candidate if they like, voters may feel pressured to rank all candidates, including ones they are unsure about or don’t like. RCV is more complicated for the average voter to understand and may decrease voter turnout by making the election more complicated. If no candidate wins a majority of first-preference votes, it could take longer to count the presidential vote. Amending the Constitution is very difficult, making this approach unlikely.

If the Electoral College is still used to determine the winner, use Ranked Choice Voting within each state to determine the winner of the state’s electoral votes. | This system would not require a constitutional amendment. Each state legislature could decide to use RCV to choose the winner of its electoral votes. Third party and/or independent candidates could contest in specific states without being spoilers. A voter could give their first-preference vote to a third-party candidate and could reduce voter turnout. This would especially be the case if some states use RCV for president and others do not, voters may become very confused about which system is used in their state. | As above, under RCV voters may feel pressured to rank candidates that they don’t like.

Keep the current system of electing the president through the Electoral College. | The Electoral College has had a high “success rate,” electing the presidential candidate with the most popular support in all but five elections. The Electoral College usually leads candidates to focus on a diverse group of swing states, forcing them to campaign on a platform with broad appeal. Many other problems facing our democracy are more pressing than reforming the Electoral College. | The Electoral College’s winner-take-all system results in a skewed candidate focus on swing states and their interests. The Electoral College system makes it possible for the candidate who loses the popular vote to be elected anyway—an undemocratic outcome. The Electoral College overrepresents small states relative to their population share, and so penalizes larger states.

² The Electoral College usually leads candidates to focus on a diverse group of swing states, forcing them to campaign on a platform with broad appeal. Many other problems facing our democracy are more pressing than reforming the Electoral College.
Under this system, the electoral votes of a state would be awarded to the top two candidates in that state based on what fraction of the vote they get. So if the Democratic candidate received 45% of the vote in Texas, that candidate would receive 45% of Texas’ electoral votes (17.1). And if the Republican received 45% of the votes from California, that candidate would receive 45% of California’s electoral votes (24.75). With fractional proportional, there would no longer be swing states and spectator states because candidates would have a reason to fight for every vote in every state. At the same time, this system would preserve the current number of electoral votes for each state, and thus the somewhat greater influence of small states.

Critics worry that this system would make it more likely that a third-party candidate with enough support would result in no candidate reaching the 270 electoral votes needed to win the presidency. This would lead to a contingent election. In a contingent election, the House of Representatives elects the president, with each state delegation casting just one vote, regardless of population. This would once again make it possible for the loser of the national popular vote to be elected. In addition, if there is a three-way race for president but only the top two candidates receive electoral votes, many votes may again be wasted.

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winner-take-all maximizes support for candidate by awarding them all electoral votes in that state. This may lead to clearer, more decisive outcomes.</td>
<td>Fractional proportional would encourage candidates to campaign in some non-swing states. Currently, swing states may be unfairly favored by federal policy.</td>
<td></td>
</tr>
<tr>
<td>Although winner-take-all focuses presidential campaigns on a few swing states, which states are swing states changes overtime.</td>
<td>Fractional proportional would ensure that all votes for the top two vote-getters are reflected in a state’s allocation of electoral votes to candidates. The current system leaves supporters of the losing presidential candidate in a state unrepresented in that state’s Electoral College vote.</td>
<td></td>
</tr>
<tr>
<td>Unlike a national popular vote, fractional proportional maintains the small state advantage in electoral power and preserves federalism.</td>
<td>This approach is an end-run around the Constitution. If there is enough public support for eliminating the Electoral College, it should be done through a constitutional amendment.</td>
<td></td>
</tr>
</tbody>
</table>

Critics argue that the National Interstate Popular Vote Compact is unconstitutional and undemocratic. Having state legislatures decide the allocation of electors based on what happens outside of the state runs contrary to the intent of the Constitution, they claim. Furthermore, the proper channel for eliminating the Electoral College is a constitutional amendment, not a legislative end-run around the Constitution. Critics also argue that Ranked Choice Voting methods are incompatible with the Compact, because it is unclear whether the first or final round of voting totals should apply to the calculation of the national popular vote, a particular problem in states that have or will adopt RCV. Additionally, should any state that joined the Compact change its mind or simply defect, there would be no clear legal remedy.

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>This method would ensure that the winner of the national popular vote (whether by plurality or majority) also wins the Electoral College and becomes president.</td>
<td>Have each state legislature award the state’s electoral votes for the presidential candidate it prefers, regardless of the popular vote in that state.</td>
<td></td>
</tr>
<tr>
<td>This avoids the defects of the Electoral College (noted above), such as the overweighting of the influence of small states.</td>
<td>This approach would go back in time to an earlier and less democratic era and would almost certainly face legal challenges.</td>
<td></td>
</tr>
<tr>
<td>This would enable presidential candidates to campaign across the country rather than mainly focusing on a few swing states.</td>
<td>This proposal would be an end-run around the Constitution if states defect or change their mind after joining the Compact.</td>
<td></td>
</tr>
</tbody>
</table>

NATIONAL INTERSTATE POPULAR VOTE COMPACT

Because it is very difficult to amend the U.S. Constitution, there has been a movement to alter the effect of the Electoral College with the "National Interstate Popular Vote Compact." The Convention gives state legislatures the authority to determine how their state’s presidential electors will be chosen. Under this arrangement, individual states joining the compact adopt legislation requiring that their electoral votes be cast for the winner of the national popular vote, regardless of who wins the popular vote for president in their own state. This system will not take effect until the number of states that adopt this legislation account for 270 or more electoral votes — a majority of the Electoral College. Fifteen states and the District of Columbia have joined the Compact so far.

Proponents of the National Interstate Popular Vote Compact argue that this approach provides all of the benefits of a national popular vote, including having every vote in every state count, while avoiding all of the defects of the Electoral College. This system, they argue, would ensure that the winner of the popular vote would become president. It also avoids the need for a constitutional amendment.

Opponents argue that the National Interstate Popular Vote Compact is unconstitutional and undemocratic. If states defect or change their mind after joining the Compact, it may lead to clearer, more decisive outcomes. Additionally, should any state that joined the Compact change its mind or simply defect, there would be no clear legal remedy.

Our constitutional founders envisioned a republic, not a direct democracy. Enabling each state legislature to decide how to cast the state’s electoral votes is consistent with this vision of indirect democracy.

If a presidential election in a state is close or disputed, this method may provide a clear and swift way of resolving the dispute over which candidate will obtain the state’s electoral votes.
Voter Access and Election Administration:

The COVID-19 pandemic revealed many opportunities to improve the voting system in America. As states struggled to make voting accessible without exposing citizens to the virus, a need for more robust systems of voting arose. In preparation for the 2020 presidential election, states took a series of measures to help citizens vote and become registered, such as enabling early voting, voting by mail, and automatic registration. According to the Census Bureau, nearly 67% of eligible citizens exercised their right to vote in 2020, the highest national voter turnout of the century.

As citizens’ resources (their skills, knowledge, and time) increase, and as barriers to register and vote decrease, voter turnout increases. Too often the eligible voters who face the greatest obstacles to voting are minority and low-income populations. Some scholars view voter registration as one of the largest barriers to voting in America because of confusing registration deadlines and onerous paperwork requirements, which increase the chances for procedural error during registration. As a result, they believe that one solution lies in establishing universal automatic voter registration or allowing citizens to register to vote on Election Day.

While some studies find little evidence of voter fraud, some experts and observers nevertheless worry about its occurrence. Several measures have been proposed to address this. These include installing video monitors at drop boxes for ballots and requiring that all mail-in ballots be physically submitted only by voters or their family members or designates. The proposals below provide different considerations for how to reform voter access and election administration today.

UNIFORM RULES FOR VOTING

The U.S. Constitution gives state legislatures the authority to establish “the times, places, and manner of holding elections for Senators and Representatives.” However, the Constitution also gives Congress the power to supersede state law with regard to federal elections.

Proponents of Congress establishing uniform nationwide rules for how people register to vote and cast ballots argue that doing so would increase access to voting. Currently, various state legislatures have enacted what critics call “restrictive laws” that limit voting access. In the 2021 legislative session, 262 laws that restricted access to voting were introduced, among which 34 were passed into law. Given that states currently have different policies, laws, and procedures that affect voting access, proponents argue that using existing congressional authority to establish uniform nationwide voting rules would combat these practices.

Opponents argue that state legislatures have the power to decide rules for casting ballots and voter registration. Congress has no authority to change the rules for voter eligibility, only the procedural rules for how to vote. They also note that many of the restrictions adopted are modest and still leave in place ample opportunity to vote early, for example (and more opportunity to do so than in many other states that have had no legislative activity either way on this matter).

Currently, over half of the country’s states have implemented online voter registration, to allow citizens to register to vote and update their voter registration online. Proponents of an online voter registration system argue that the system can expand access to voting, by providing an additional and easy method for citizens to register to vote. Online registration could also be less costly for states, by reducing administrative costs of the paper-based voter registration process, such as the costs of printing and processing. The system could also increase efficiency and reduce the potential for clerical error when handling ballots.
Within the United States, different states have different voter registration requirements and deadlines. Almost half of the country’s states allow voters to register to vote and cast their ballots on Election Day.³⁸ Proponents of allowing citizens to register to vote on Election Day, with proper ID, argue that this would increase voter turnout. Some voters get interested in elections only in the final days of a campaign. Same-day registration would draw in those voters with late-blooming interest.

Moving homes close to Election Day may also be a barrier to voting. Voters moving to a new state must register before the deadline, which may be up to 30 days before Election Day. While some states allow voters to vote by mail or in person if they are unable to register in time in their new state, not all do. Same-day registration would avoid these complications by allowing voters to update their registration and then vote.

Reducing barriers to voting also makes voting more accessible for minority groups.

Opponents argue that allowing citizens to register to vote on Election Day may increase the risks of voter fraud, and therefore threaten the country’s election security. This is because administrative officials may lack the time, training, or resources to ensure citizens who register to vote on Election Day are eligible to vote, and that they are not voting multiple times.²⁸

Furthermore, implementing same-day registration would complicate the work of poll-workers and be potentially costly.

UNIVERSAL AUTOMATIC VOTER REGISTRATION

Universal automatic voter registration (AVR) would allow eligible voters to register to vote during regular interactions with a government agency, such as the Department of Motor Vehicles (DMV) or other social service agencies.⁴⁰ A citizen could also choose to opt out or register through another method. Enacting this proposal in more states or even at the federal level would allow millions of Americans to become automatically registered or to easily update their registration information. When citizens complete applications for government services, they fill out forms with their personal information. With AVR, this information would be sent electronically to elections officials, who would confirm their eligibility to vote. Depending on the state, citizens can opt out of being registered during or after their interaction with a government agency. In the states where AVR has not been implemented, individual citizens are still responsible for registering to vote themselves.⁴¹

Some scholars argue that in those states the current registration process burdens voters, who may have to register as early as 30 days before Election Day and miss registration deadlines. Enacting AVR would eliminate registration as a barrier for voting. Proponents also argue that even if citizens are automatically registered, they would still have the choice of whether to vote. AVR could make the electorate more representative of its population by registering more citizens who are ethnically diverse, living in rural areas, or from low-income backgrounds. With appropriate software AVR would be efficient and cost-effective. Government agencies would send citizens’ information to election officials electronically, which would be cheaper and less prone to human error than paper registration forms.⁴²

Opponents of AVR contend that registering to vote is an individual choice that should be protected. In their eyes, those who do not register do not wish to. Thus, automatically registering citizens might violate their choice to not be registered to vote. Some critics also worry that AVR could lead to fraud since unprepared DMV officials with inadequate software could make mistakes when accessing the voter database.
VOTING RIGHTS FOR CITIZENS WITH FELONY CONVICTIONS

The United States has the most prisoners per capita in the world. Consequently, approximately 5.17 million citizens cannot vote because they have been previously, or are currently, incarcerated.46

Advocates of restoring voting rights to felons who are no longer incarcerated claim that voting is a fundamental right that previously incarcerated felons should be able to access because they have already paid their debt to society.48 Some scholars argue that laws restricting felons’ voting rights hinder their reentry into society. Voting creates a sense of belonging and community, and therefore helps to integrate previously incarcerated citizens back into a community.49 It could also help them better rehabilitate by showing that their voice matters.

Restoring voting rights would also address a significant racial disparity in voting rights. Over 5 percent of adult African Americans are disenfranchised by this rule, more than three times the percentage for other Americans.49 The 15th Amendment, which states that voting rights “shall not be denied or abridged on account of race,”29 bars intentional discrimination based on race. Denying non-incarcerated felons their right to vote arguably indirectly undermines the amendment’s protection.

On the other hand, some argue that convicted felons have shown that they cannot behave as responsible citizens.51 Critics also contend that not all felons should regain the right to vote. For some scholars, restoration of voting rights should only be performed on a case-by-case basis that considers a felon’s behavior after being released, the severity of the crime, the likelihood that a particular felon will reoffend and the quantity of previous offenses committed by that felon. Hence, restoring voting rights to all citizens with felony convictions who are no longer incarcerated negates the fact that some crimes require felons to pay a greater debt to society, part of which is losing the right to vote.52

**PROPOSALS**

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establish automatic voter registration for all eligible voters with an option to opt-out.</td>
<td>A/V/R eliminates registration as a barrier to voting.</td>
<td>Although citizens can opt out, A/V/R still may violate citizens’ choice to not be registered to vote.</td>
</tr>
<tr>
<td></td>
<td>A/V/R makes the electorate more representative.</td>
<td>A/V/R makes the system more vulnerable to fraud.</td>
</tr>
<tr>
<td></td>
<td>A/V/R is a cost-effective way of registering citizens while they interact with other government agencies.</td>
<td>Citizens should be motivated enough to take the initiative to register if they want to vote.</td>
</tr>
</tbody>
</table>

**ID REQUIREMENT FOR VOTING**

More than half of states today require voters to provide some form of identification, ranging from non-photo ID to photo ID, when voting. Fifteen states do not require any form of identification from voters at the polls.48

Supporters of this proposal argue that requiring government-issued photo identification can combat voter fraud, by preventing in-person voter impersonation. Thus, this requirement could increase the electorate’s trust and confidence in the voting process.

However, those who oppose this proposal argue that voters are already subject to perjury charges if they commit voter fraud. State penalties for voter fraud differ, as some states impose harsher penalties depending on the type of conduct involved. Nevertheless, voter fraud is considered a felony offense in most states.44 Requiring government-issued identification at the polls can be burdensome and expensive for elections administrators as well. Furthermore, requiring ID for voting may burden certain minority populations who are less likely to have government ID.

**PROPOSALS**

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Require all voters to provide a government-issued photo identification, obtained with proof of citizenship, when voting.</td>
<td>Requiring government-issued photo identification at the polls can combat voter fraud and increase trust in the election process. A government-issued photo identification is necessary for other purposes as well. Requiring it for voting can help expand citizen access to what should be a right of all citizens to verified identity. Most other established democracies require photo IDs in order to vote in person.46</td>
<td>This proposal is unnecessary, because voters are already subject to perjury charges if they commit voter fraud. Requiring government-issued photo identification at the polls can be burdensome and expensive for elections administrators. This proposal may unfairly burden certain voters – such as minority and young voters, the elderly, people of color, and the disabled – all of whom are less likely to have the required ID.</td>
</tr>
</tbody>
</table>

**VOTING RIGHTS FOR CITIZENS WITH FELONY CONVICTIONS**

The United States has the most prisoners per capita in the world. Consequently, approximately 5.17 million citizens cannot vote because they have been previously, or are currently, incarcerated.46

Advocates of restoring voting rights to felons who are no longer incarcerated claim that voting is a fundamental right that previously incarcerated felons should be able to access because they have already paid their debt to society.48 Some scholars argue that laws restricting felons’ voting rights hinder their reentry into society. Voting creates a sense of belonging and community, and therefore helps to integrate previously incarcerated citizens back into a community.49 It could also help them better rehabilitate by showing that their voice matters.

Restoring voting rights would also address a significant racial disparity in voting rights. Over 5 percent of adult African Americans are disenfranchised by this rule, more than three times the percentage for other Americans.49 The 15th Amendment, which states that voting rights “shall not be denied or abridged on account of race,”29 bars intentional discrimination based on race. Denying non-incarcerated felons their right to vote arguably indirectly undermines the amendment’s protection.

On the other hand, some argue that convicted felons have shown that they cannot behave as responsible citizens.51 Critics also contend that not all felons should regain the right to vote. For some scholars, restoration of voting rights should only be performed on a case-by-case basis that considers a felon’s behavior after being released, the severity of the crime, the likelihood that a particular felon will reoffend and the quantity of previous offenses committed by that felon. Hence, restoring voting rights to all citizens with felony convictions who are no longer incarcerated negates the fact that some crimes require felons to pay a greater debt to society, part of which is losing the right to vote.52

**PROPOSALS**

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restore federal and state voting rights to citizens with felony convictions upon their release from prison.</td>
<td>Previously incarcerated felons should be allowed to vote because they already paid their debt to society during incarceration. Voting also helps felons to reintegrate successfully into their communities. Denying non-incarcerated felons the right to vote disproportionately impacts African Americans.</td>
<td>States have the primary role in administering elections, and democratically elected state legislatures should have the power to determine whether felons should regain their voting rights. Congress has no power to change felony disfranchisement, even for congressional elections. Not all previously incarcerated felons should regain their voting rights because some have to pay a greater debt to society. Hence, restoration should only be done on a case-by-case basis.</td>
</tr>
</tbody>
</table>

**REFERENCES**

43 States have the primary role in administering elections, and democratically elected state legislatures should have the power to determine whether felons should regain their voting rights. Congress has no power to change felony disfranchisement, even for congressional elections. Not all previously incarcerated felons should regain their voting rights because some have to pay a greater debt to society. Hence, restoration should only be done on a case-by-case basis.
CRIMINAL PENALTIES FOR VOTER INTERFERENCE AND INTIMIDATION

Currently, federal laws protect against voter intimidation at the polls in every state. Voter intimidation is either punishable by a fine, up to one-year of imprisonment, or both. Federal law states it is illegal to “intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose.” Illegal forms of voter intimidation includes the verbal threats of violence, using or displaying firearms to intimidate, and following voters in the polling place.

Proponents of this proposal argue that a citizen’s right to cast their ballot free from interference or intimidation is crucial to a free and democratic society. Thus, criminalizing the act of misleading, deceiving, or intimidating eligible voters from voting would deter people from illegally interfering with others’ right to vote. Furthermore, voter intimidation decrease voters’ trust in the political process. Thus, proponents of this proposal argue that establishing criminal penalties for voter intimidation could protect the integrity of the election system.

Opponents argue that criminal and civil penalties for voter intimidation already exist at the federal level and in some states.

NATIONAL VS. STATE STANDARDS FOR VOTING

Currently, the Election Clause of the Constitution gives state legislatures the ability to determine the detailed procedures for voting, subject to a congressional override with respect to congressional elections. Consequently, the United States lacks a set of uniform federal laws and regulations that apply to all states, because Congress has chosen not to exercise its power in this regard.

Proponents of establishing uniform national voting laws argue that the status quo undermines faith in the democratic process. Currently, the votes cast for a federal election could be subjected to different laws and thus different treatment in the voting process. Establishing uniform national laws would create more equal treatment of votes and therefore strengthen faith in the democratic process. Proponents also argue that setting uniform national voting laws would combat current barriers to voting in various states. Instead of allowing states to set their own voting rules and regulations that could discourage or confuse voters, the federal government can implement one voting standard to ensure that the voting process is uniformly accessible.

Opponents of uniform national voting standards point to the constitutional delegation of this responsibility to the states, with the federal government having only a secondary role. In addition, states have different traditions, and under principles of American federalism, they should be able to weigh these considerations in setting their procedures.
### BALLOT SUBMISSION AND SECURITY

The United States has two kinds of mail balloting systems. While some states have a universal “vote by mail” system where ballots are mailed to all voters, other states conduct vote by mail through absentee balloting. This process differs in that absentee ballots need to be requested by voters.\(^4\) On Election Day, vote-by-mail ballots are counted and combined with the count of votes cast in person.

States differ in deadlines for receiving vote-by-mail ballots.\(^5\) Proponents of requiring vote-by-mail ballots to be received by Election Day to be counted argue that accepting ballots after Election Day can increase the risks of electoral fraud. Extending the deadline could allow more fraudulent ballots to be counted at the polls. In addition, the results can be tabulated more quickly if all ballots must be received by Election Day, thus increasing confidence in the election results.

Opponents of requiring vote-by-mail ballots to be received by election day to be counted argue that extending the deadline would allow for the votes of more people to be considered. People who only decide very close to election day could still be confident that their mail-in votes are counted, too. From this perspective, anyone who mails a ballot by election day should have their vote counted, even if it is not received until some days later.

### PROPOSALS

#### Require vote-by-mail ballots to be received by election day to be counted

- **Accepting ballots through the mail after election day can increase the risks of electoral fraud.**
- **The final election results can be determined more quickly if all votes must be received by election day, enhancing public confidence in the process.**

#### Require that vote-by-mail ballots be physically submitted only by the voters or their family members or designates, and not collected by third parties or groups.

- **Requiring that vote-by-mail ballots be physically submitted only by voters or their family members or designates would decrease the risks of voter fraud and of organizing groups pressuring individual voters.**
- **By reducing the scope for fraud, this requirement would increase confidence in the integrity of the election.**

#### Install video monitors at all drop boxes for ballots to protect against fraud.

- **Installing video monitors at all ballot drop boxes would discourage any efforts to tamper with or stuff the ballot boxes.**
- **If the monitors showed no evidence of efforts to tamper with the vote, this provision would increase public confidence in the election.**

### ARGUMENTS FOR

- **Accepting ballots after election day would allow for the votes of more people to be considered.**
- **Given the difficulties in the U.S. Postal Service, it would be unfair to place the burden of ensuring timely delivery on the voters.**

### ARGUMENTS AGAINST

- **Requiring all voters to vote in person on election day by ending voting by mail and early voting, except by voters with a documented health issue or disability.**
- **This provision would speed up the counting of the vote and thus the declaration of the results, increasing public confidence in the process.**

### PROPOSALS

- **Requiring that all voting machines produce a paper record of the vote that the voter verifies and then drops in a ballot box.**
- **Raising the standards for these machines would provide greater assurance of the security of votes. This would increase public confidence in the integrity of elections.**

### ARGUMENTS FOR

- **Producing a paper receipt of the vote provides a paper trail that can be recounted in the event of a dispute. In the absence of this, there is no way to audit or recount the vote.**
- **A paper trail thus increases public confidence in the integrity of the electoral process and can help to resolve any election disputes.**

### ARGUMENTS AGAINST

- **Producing a paper record is not necessarily secure – a secure chain of custody is still needed if the paper records are to be used in a post-election audit.**
- **Many voters may not carefully examine the paper receipt but rather simply drop it in the ballot box.**

### PROPOSALS

- **Strengthen federal standards for election machines and infrastructure, and for reporting requirements for security incidents.**
- **Strengthening the voting infrastructure would be a large expenditure of money for an issue that isn’t too serious.**

### ARGUMENTS FOR

- **Requiring vote-by-mail ballots to be received by election day would reduce the burden on election authorities, since counting mail-in ballots can be more time-consuming.**
- **Eliminating these options would reduce voter turnout and thus the fairness and legitimacy of elections.**

### ARGUMENTS AGAINST

- **Mail-in and early voting expands opportunities to vote for busy people who may have multiple jobs or don’t like long lines.**
- **There is already too much video surveillance in our society; we don’t need the government doing more of it.**

### PROPOSALS

- **If the monitors showed no evidence of efforts to tamper with the vote, this provision would increase public confidence in the election.**
- **Recording citizens at drop boxes might make those wary of government surveillance feel unsafe voting and further discourage political participation.**

### ARGUMENTS FOR

- **Providing a paper trail that can be recounted in the event of a dispute. In the absence of this, there is no way to audit or recount the vote.**
- **A paper trail thus increases public confidence in the integrity of the electoral process and can help to resolve any election disputes.**

### ARGUMENTS AGAINST

- **Proponents of requiring vote-by-mail ballots to be received by election day to be counted argue that extending the deadline could still be confident that their mail-in votes are counted, too.**
- **From this perspective, anyone who mails a ballot by election day should have their vote counted, even if it is not received until some days later.**
In 2002, Congress passed the Help America Vote Act (HAVA) to address the deficiencies in administration during the disputed 2000 presidential election. HAVA established requirements for federal elections for voting systems and information, provisional voting, statewide voter registration databases, voter identification, and federal mail voter registration. HAVA also created the U.S. Election Assistance Commission (EAC), an independent federal agency, and tasked the EAC with providing grants to assist states in election administration. The EAC is also required to maintain Voluntary Voting Systems Guidelines (VVS), which include voluntary specifications for voting system functionality, accessibility, and security. Thirty-eight states and the District of Columbia have incorporated these standards into their laws, and manufacturers of voting machines use them as a baseline, because they cannot create a machine with different standards for each state.64 Nevertheless, there are still those who question whether states should be allowed to continue to set their own standards.

### ELECTION OBSERVATION

Observation of elections is a delicate balancing act between maximizing the integrity of elections and minimizing the potential for intimidation, discrimination, and voter suppression. Almost every state allows political parties to sponsor private citizens as election observers, and in some cases, to challenge the eligibility of voters.64 While some forms of voter intimidation like threats or outright violence are blatant and illegal, other actions are more subtle. For instance, the presence of certain groups of people at a polling site may make people feel uncomfortable but still be legal. Regulations for who can serve as a poll watcher and what they are allowed to do also vary widely. Wearing holstered firearms to polling places is legal in some states even though their presence may result in other voters avoiding polling places. Challenging voters’ eligibility on Election Day may be legal but could also intimidate voters.

Election observation needs clear rules for it to be successful in ensuring access and accountability while allowing free and fair electoral processes to proceed without undue interference. Ideally, election observers would receive training on how to effectively monitor each stage of the election process, as well as what they can and cannot do. Established processes for how to report voter challenges or flawed procedures to election authorities rather than directly confronting voters or disrupting voting are also important for making observation more effective and avoiding ill effects like voter intimidation or suppression.

### PROPOSALS

<table>
<thead>
<tr>
<th>Allow states to continue setting their own standards for election machines and infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ARGUMENTS FOR</strong></td>
</tr>
<tr>
<td>Under the Constitution, states have the primary responsibility for administration of elections. Federal mandates should be kept to a minimum. States and third-party vendors often refer to voluntary federal guidelines for election machines and infrastructure. There is no need to change the status quo.</td>
</tr>
<tr>
<td><strong>ARGUMENTS AGAINST</strong></td>
</tr>
<tr>
<td>States should not be allowed to lag behind federal standards, particularly on matters like election security, which are vital to our democracy. Allowing states to set their own standards has not worked – many states still fall short in their election standards.</td>
</tr>
</tbody>
</table>

### ELECTION AUDITS

Election audits are an important way to check for any irregularities in election administration and can serve to enhance voter confidence. There is no national standard for auditing elections, and many different methods are possible. A random sample of ballots may be an efficient method.65 Risk limiting audits can adjust for different margins of victory. A random sample of ballots may be an efficient method.65 Risk limiting audits can adjust for different margins of victory.

#### PROPOSALS

| Have each state require its voting jurisdictions to conduct an audit of a random sample of ballots in each election to ensure that the votes have been accurately counted. |
| **ARGUMENTS FOR** |
| Election audits are an efficient way to root out errors and enhance voter confidence. |
| **ARGUMENTS AGAINST** |
| It is unclear whether audits actually help to legitimize elections in the eyes of the public. |

---

62 While some forms of voter intimidation like threats or outright violence are blatant and illegal, other actions are more subtle. For instance, the presence of certain groups of people at a polling site may make people feel uncomfortable but still be legal. Regulations for who can serve as a poll watcher and what they are allowed to do also vary widely. Wearing holstered firearms to polling places is legal in some states even though their presence may result in other voters avoiding polling places. Challenging voters’ eligibility on Election Day may be legal but could also intimidate voters.64

63 Nevertheless, there are still those who question whether states should be allowed to continue to set their own standards.64

64 Election observation needs clear rules for it to be successful in ensuring access and accountability while allowing free and fair electoral processes to proceed without undue interference. Ideally, election observers would receive training on how to effectively monitor each stage of the election process, as well as what they can and cannot do. Established processes for how to report voter challenges or flawed procedures to election authorities rather than directly confronting voters or disrupting voting are also important for making observation more effective and avoiding ill effects like voter intimidation or suppression.
CONGRESSIONAL FUNDING FOR ELECTIONS

Under HAVA, Congress authorized three main grant programs to help states meet the requirements of the voting act, replace lever and punch card voting systems, and make other improvements to election administration. Russian interference in the 2016 election highlighted the vulnerability of voting systems and the need for additional funding -- forty-four states had equipment that was over a decade old. Congress subsequently provided $380 million in 2018, $425 million in 2020, and $75 million in 2022 for election security and administration. Some critics of additional funding argue that according to their reports to the EAC, states have not exhausted their funding from previous years. Supporters of additional funding argue that since passing HAVA in 2002, Congress has provided irregular funding to states for administering elections and maintaining voting equipment. Planning is difficult with irregular funding because equipment purchases or contracts with vendors can take years to complete. In some cases, states do not have enough funding of their own to meet federal matching requirements, leading to delays in their spending and stalled improvements in election administration.44

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide regular Congressional funding to the states, to help support the costs of administering elections and acquiring, testing, and maintaining voting equipment.</td>
<td>States need sustained congressional funding rather than intermittent or ad-hoc funding during crises in order to meet their election administration needs. The need for election funding is ongoing rather than one-time. Over time, security requirements evolve and equipment needs maintenance and eventual replacement.</td>
<td>States have not exhausted their funding from previous years, so they do not need new money. Regular congressional funding would create another state dependency on federal dollars, contrary to the intent of the HAVA.</td>
</tr>
</tbody>
</table>

Provide adequate Congressional funding to the states for elections and forbid private foundations from providing financial assistance for conducting elections.

Congress has a fundamental duty to adequately fund one of the core activities of our democracy. U.S. elections should not be reliant on private foundations, which may have non-transparent donors and may insert their influence into the electoral process. Private funding was critical for the successful administration of the 2020 election during the COVID-19 pandemic and should not be ruled out for the future. Congress has a poor track record of providing sufficient funding for elections, and more generally, of passing spending bills on time.

State and local officials run the decentralized election system in the U.S. The chief electoral officer of each state, often a secretary of state, has ultimate authority over elections and oversees all of the state’s voting processes, including registering voters, maintaining registration databases, training local election officials testing and certifying voting equipment, and certifying ballots and the election once votes have been tabulated and checked. States vary in how they select the top election official, but most of these officials are selected through political processes, such as elections or appointment by the state legislature or governor.47

While most politically selected chief election officials have worked to ensure free and fair elections, high mistrust in elections in recent years has led states to pass ten new laws diminishing the authority of election officials or shifting their authority to state legislators or election boards dominated by one party.48 Controversies arise when chief election officials endorse candidates for office or refuse to certify results, or when candidates for the chief electoral officer question or deny the legitimacy of the previous election.49 These problems have led to calls for changes in how chief electoral officers are selected.

Voters choose the top election official in over half of the states by electing a secretary of state (25 states) or a lieutenant governor that oversees elections (2 states). In other cases, the governor (6 states) or the legislature (3 states) chooses the secretary of state. In the remaining states, a board or commission is the chief election authority (9 states) or a board or commission shares election authority with an official (6 states).70 Across the country at the state and local levels, the vast majority of over 8000 election officials, who ultimately report results to the chief election officer in their state, are elected.71

Elections for election officials took on heightened importance in 2022, with attitudes toward the legitimacy of the 2020 presidential election results becoming a major issue in some races. In Arizona, Georgia, Michigan, Minnesota, Nevada, and Wisconsin, statewide candidates for chief electoral officer raised a total of $26.4 million by the start of November 2022 (much of it from out of state), more than twice the $11.8 million raised by November 2018.72
Make the office of the chief electoral officer of each state (such as secretary of state) a non-partisan, non-elected, professional position.

The chief electoral officer must be free from politics in order to inspire public trust in the administration of elections. A professional public servant can develop institutional knowledge and expertise in administering free and fair elections. The chief electoral officer needs to be someone with enough public stature to navigate electoral crises — something that an unelected official may lack. Politicians will try to install partisan loyalists in these positions to skew elections in their favor.

The chief electoral officer should not have to spend time running in elections, raising increasingly large amounts of money, and being subject to the influence of large donors. The injection of large sums of money into these elections will effectively dilute the voice of ordinary voters. Chief electoral officers who earn the public's trust through their transparency and competence can choose qualified candidates who earn the public's trust through their transparency and competence. The chief electoral officer needs to be someone with enough public stature to navigate electoral crises — something that an unelected official may lack. Politicians will try to install partisan loyalists in these positions to skew elections in their favor.

Additional Election Reforms

Although the highest-profile election reforms concern how we elect the president, the Congress, governors, and state legislatures, there are other important issues involving elections in the United States. These include how electoral district boundaries are drawn and other details of voting and candidate access to the ballot. These as well raise questions about democratic values of fairness and transparency.

INDEPENDENT REDISTRICTING COMMISSIONS

Every ten years, following the census, states redraw legislative and congressional districts to account for changes in the population. Districts must be equally populated, comply with the Voting Rights Act's prohibitions against reducing or diluting minority voting strength, be drawn so that the district is contiguous and compact, and adhere to other applicable laws and regulations. However, particularly when one political party is in charge of the redistricting process, politicians draw the district lines for partisan advantage, a practice known as gerrymandering. One approach, known as cracking, splits voters with similar characteristics across multiple districts, making it difficult for them to elect their preferred candidates. Another approach, packing, crams certain groups of voters into as few districts as possible, enabling them to elect their preferred candidates with huge majorities but confining their voting strength to a small number of districts. Since race and party affiliation tend to be correlated, gerrymandering often impacts people of color significantly. Both parties have used gerrymandering to draw districts in a way that maximizes the number of seats they can win in the House of Representatives and state legislatures. This can result in one party consistently winning a much higher share of seats than its share of the vote.

In most states, legislatures are responsible for redistricting with a simple majority, subject to a possible veto by the governor. When one political party is in the majority, gerrymandering is a common practice. A number of states have adopted independent redistricting commissions to prevent gerrymandering and make the redistricting process more impartial and transparent. The design of the commission is important, with some advocates arguing that commissions should not be composed of current elected or appointed officials, should not be evenly split between the two major parties (which risks continual deadlock), and should have final authority over redistricting rather than being merely an advisory body.

Proponents of independent redistricting commissions argue that they can be fairer and more transparent than politicians drawing district lines for their own benefit, and that fairer districts will result in increased electoral competition and reduced political polarization. With fewer safe, gerrymandered districts, incumbents would also have to be more accountable to the voters. Opponents argue that these commissions would have too much power without accountability and that their independence is an illusion, since political considerations will always factor into these commissions' decision making.

Examples of Gerrymandering

Maryland's 3rd Congressional District, which was drawn to create a district favorable to Democrats.

Pennsylvania's 7th Congressional District, which was drawn to create a district favorable to Republicans, became known as "Goofy Kicking Donald Duck" due to its distorted shape.
**OTHER REFORMS**

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make it easier for third parties and independent candidates to appear on the ballot.</td>
<td>Lowering the requirements for third parties and independent candidates to appear on the ballot would give voters more choice and reduce the influence of the two major parties. The current system is a duopoly of the two major parties, inhibiting competition and creativity.</td>
<td>Having too many parties and candidates on the ballot would confuse voters and make winning the field to a single choice more difficult. This reform in itself would do little to end the two-party duopoly, unless it were accompanied by other electoral reforms.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make federal election day a national holiday.</td>
<td>Many people find it difficult to vote in person due to their work obligations. Making this day a national holiday would make it easier for all Americans to vote. Symbolically, making election day a national holiday would be a powerful national affirmation of the importance of voting.</td>
<td>Making the federal election voting day a holiday would be burdensome on private firms, adding costs for overtime and absent workers and potentially giving citizens a vacation day that might not necessarily result in more voting. With early voting and broad absentee voting, there are already many options to make voting convenient.</td>
</tr>
</tbody>
</table>

**PROPOSALS**

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopt within each state independent, non-partisan redistricting commissions to redraw the boundaries of state legislative and federal congressional districts.</td>
<td>Adopting an independent redistricting commission would increase the chances that state and federal legislative district boundaries aren’t drawn to satisfy the demands and interests of state legislators and their parties. The resulting districts would make for fairer and more competitive elections.</td>
<td>Independent redistricting commissions give too much power to a body not accountable to checks and balances provided within the separation of powers. There is no such thing as ‘independent’ commissions, political considerations will always play a role.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopt a national law to require all states to use such independent commissions to redraw Congressional district boundaries.</td>
<td>Virtually all other established democracies have independent professional authorities redraw district boundaries, not politicians. Each political party is reluctant to give up the political advantage of gerrymandering in the states it controls, for fear of giving the other party a partisan advantage in Congressional elections. A national law would remove this inhibition by requiring all states to reform simultaneously.</td>
<td>Under our federal system, the Congress has no business telling the states how to manage the process of redistricting. It is unclear whether this proposal would be constitutional under the Tenth Amendment and Supreme Court precedent. It could face constitutional challenges if instituted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make voting a civic obligation, like jury duty, with small fines for people who do not cast a ballot in national elections every two years (or who do not submit a valid reason for nonparticipation).</td>
<td>America should aim to have the interests and beliefs of all citizens reflected in their policy and democracy. If voting was made a civic obligation, voter turnout would increase and more Americans would feel a stake in the system. People who don’t vote tend to be more moderate and less committed to a political party. This provision would reduce political polarization by encouraging greater participation of unaffiliated voters.</td>
<td>Making voting a civic obligation forces citizens to vote, even if they do not have the time to vote or to inform themselves of the various candidates and programs. Only those who want to vote and feel informed enough to do so should vote. Compelling people to vote violates people’s rights to abstain from voting if they wish. Imposing fines (however modest) on those who don’t vote is unfair and can increase civic resentment of the electoral process.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allow 16-year-olds to register and vote in local school board elections.</td>
<td>Arguably, those who know most about the effects of a school board are the students that are subject to their policies. Allowing them to voice their opinions would increase the prospects for effective policymaking. Partial voting for 16-year-olds will get them in the habit of voting from an early stage.</td>
<td>School boards should be able to decide what is best for high schools without having to worry about whether the students will vote to defeat them if they vote the “wrong” way. 16-year-olds haven’t developed the maturity yet to make such consequential decisions.</td>
</tr>
</tbody>
</table>
Campaign Finance:

Campaign finance regulation in the U.S. attempts to limit the amount of contributions to campaigns, restrict the allowable sources of contributions, and make information available about these funds. It seeks to do so in a way that maximizes free speech and minimizes corrupting influences and illegal activity.

Money in campaigns has reached an all-time high. The 2020 federal election cycle was the most expensive in U.S. history, costing close to $14 billion for presidential and congressional races combined, double the cost of the 2016 cycle. The presidential race in 2020 alone cost $6.6 billion, more than the presidential and every congressional race in 2016 combined. Small-dollar donors, contributing less than $200, accounted for 22% of the total money raised for the 2020 election, an increase from 15% in 2016.

Some observers attribute this increase to the Supreme Court's 2010 decision in Citizens United v. Federal Election Commission. (The Federal Election Commission (FEC) is the main regulatory body for enforcing campaign finance law in the U.S.). In this ruling, the Supreme Court overturned two earlier decisions that upheld restrictions on corporate spending to support or oppose political candidates and restricted campaign spending by corporations and unions. The court ruled that limiting independent political spending from corporations and other groups violates the First Amendment's free speech protections.

The same year a federal appeals court ruled that outside groups could accept unlimited contributions from individual and corporate donors but cannot give directly to candidates. These rulings led to the creation of Super PACs, or corporate donors but cannot give directly to candidates. These rulings led to the creation of Super PACs, or outside groups that can collect or spend unlimited amounts as long as they do not give directly to candidates or coordinate directly with them, as well as a massive surge in campaign spending and an increase in the outsized influence of wealthy donors and special interests.

Some observers contend that the impact of Citizens United has been overblown. For instance, a 2023 study of corporate independent expenditures did not find any significant effects on state tax policy, meaning that in the 10 years following Citizens United, corporations did not induce significant changes in state tax policy through campaign spending. ... There are different ways to fund election campaigns – private or public funding or a mixture of the two. Currently there are some restrictions on the size of contributions that can be made directly to candidates and parties in federal elections, but not on how much individuals and groups such as Political Action Committees (PACs) can spend on election campaigns.

There are also proposals for public funding of elections. One form of public funding is public grants to candidates who meet a minimum threshold of support (by signatures, donations, or votes in the last election). Another way is public money that matches donations up to a small amount, or publicly funded vouchers that voters can use to support candidates.

PROPOSALS | ARGUMENTS FOR | ARGUMENTS AGAINST
---|---|---
**Substantially raise the limit on contributions (now $3,300 for each election) that individual donors can make to individual candidates for federal election (President and Congress).**
- Campaigns have become more expensive, and candidates need more money to fund their campaigns.
- Money will flow to campaigns one way or another. But increased individual giving limits could lessen the impact of PACs and other outside groups.
- A higher contribution limit might bring more money into the regulated campaign finance system requiring disclosure of donors.
- Increased contribution limits would favor wealthy individuals who can afford to make higher level donations.
- There is already too much money in politics; this would bring in more.
- Citizens’ freedom of speech is not currently being curtailed under current limits on contributions.

**Substantially raise the limit on contributions (now $41,300) that individual donors can make to national political parties in each federal election.**
- National political parties play a valuable role in uniting disparate interests and shaping policy priorities.
- Contributions would be more transparent than if they went to political parties instead of PACs and other outside groups.
- Current contribution limits already favor wealthy individuals who can afford to make substantial donations. Raising the limit would only worsen this problem.
- This would make candidates more dependent on fundraising by their parties.

**Substantially raise the limit on contributions (now $5,000 for each election) that national and state parties can make to individual candidates for federal election.**
- National and state parties are more identifiable than other outside groups and should be able to give more money to individual candidates to match the rising cost of elections.
- If candidates cannot raise enough money through party organizations, they may become more reliant on other groups that are less transparent and accountable.
- Raising the limit encourages donors to contribute within the regulated, more transparent campaign finance system, rather than encouraging them to go outside it in less regulated Super PACs.
- Current contribution limits have not impeded individual candidates from raising sufficient funds in federal elections.
- Candidates might use political parties as conduits to increase the amount that contributors can give to them.
- This would increase the dependence of candidates on their political parties, and so decrease their independence.

**Pass a constitutional amendment allowing regulation of independent political expenditures, thus reversing Supreme Court decisions that equate them with free speech.**
- Citizens United led to the creation of Super PACs, which has vastly increased the amount of money spent on political campaigns.
- Wealthy individuals and special interests now spend billions to influence elections, drowning out the voices of ordinary citizens.
- The rising influence of Super PAC funding has weakened the influence of political parties.
- Voters have little information about the groups behind Super PACs.
- Greater disclosure requirements and enforcement of prohibitions on coordination between candidates and Super PACs can be more effective in regulating independent political expenditures than overturning Citizens United.
- Citizens United has not produced the windfall of political donations from corporations that its opponents feared.
- Overturning Citizens United would effectively ban certain types of political speech.
- It is extremely difficult to amend the constitution, and so unlikely.

---

---
PUBLIC FINANCING

Vouchers for citizen campaign donations, also known as “democracy vouchers,” are intended to broaden citizen involvement in campaigns, diversify the pool of donors to campaigns, and focus campaigns’ attention on communities that have traditionally been marginalized. In Seattle, which implemented a “democracy voucher” program for its municipal elections in 2017, voters received four $25 vouchers to donate to eligible candidates. Candidates also agreed to spending limits of $75,000 for the primary and an additional $75,000 for the general election. Seattle funds its “democracy voucher” program through millions of dollars in property taxes, or an average of $8 per year for homeowners. While supporters argue that this program energizes and diversifies participation in elections, opponents protest that using public financing forces people to fund candidates they oppose.

A few localities, including New York City, have begun using small donor financing of elections. Candidates who meet minimum fundraising thresholds (demonstrating public support) can voluntarily opt into a small donor financing program. All individual small contributions that a candidate raises (e.g., up to $250) are matched by public funds up to $100. Candidates or parties of their choice.

Proponents of small donor public financing argue that this approach attracts a more representative pool of donors, gets more people involved in the election, and offsets large, rich donors. According to a study, small donors participating in the program came from neighborhoods that were more diverse by income, race and ethnicity. Opponents of small donor public financing warn that it will further fuel polarization and divisive politics, because the most successful small donors tend to fund more polarized and ideologically extreme candidates, who often generate national media coverage through taking extreme, attention-getting stances.

Public funds should not be used to finance elections. There are already vast sums of money in election campaigns. Taxpayer money should not be used to support them. Candidates frequently refuse public funds because they know that they can raise more non-public funds. Taxpayers should not be forced to pay into a pool of funds that supports candidates they oppose.

The most successful candidates in small-donor fundraising have been those who can generate national media coverage through ideologically extreme statements or viral moments. Supporting this kind of politics with public funding will further fuel polarization and extremism.

Because small donors tend to be less moderate than typical voters, this could significantly increase political polarization. Many voters object to having public funds used to support election campaigns.

PROPOSALS | ARGUMENTS FOR | ARGUMENTS AGAINST
--- | --- | ---
Match all individual small contributions (for example, up to $100) to individual election campaigns with a larger amount from public funds. | This approach would amplify the voices of smaller donors who cannot afford to make large donations and involve a more representative cross section of society in elections. Small donor financing will help more women and underrepresented groups to reach elected office. | This proposal could disadvantage more moderate candidates and increase political polarization. Voters with more extreme views will be more likely to use the vouchers. As a result, this proposal could disadvantage more moderate candidates and increase political polarization.

"Democracy vouchers" would enable candidates to raise money from people who do not normally make political donations, enabling both the candidates and these donors to have a louder political voice. Giving voters the opportunity to contribute “democracy vouchers” may stimulate interest in election campaigns and candidates. If candidates agree to participate in “democracy voucher” programs and adhere to voluntary spending limits, these programs can offset the influence of big, wealthy donors.

"Democracy vouchers" are financed by taxpayer money, which could be better spent on more pressing issues. The use of public funds means that some taxpayers will be forced to fund candidates they oppose (through tax payments that end up paying for “democracy vouchers”). Voters with more intense views will be more likely to use the vouchers. As a result, this proposal could disadvantage more moderate candidates and increase political polarization.
The Supreme Court’s decision in Citizens United vs. FEC was also interpreted as supporting campaign finance disclosure regulation. Advocates of disclosure argue that voters have a need to know who is supporting candidates and influencing them, and regulators must monitor corruption and illegal activity. Critics argue that disclosure has a chilling effect on speech, if for example, a potential donor does not want his or her political stances to be made public but would be forced to if he or she donated. Others argue that the FEC has not been successful in enforcing compliance with existing disclosure regulations and has failed to provide basic information about how candidates finance their campaigns.90

Federal law prohibits foreign nationals from directly or indirectly making contributions, donations, or expenditures on any federal, state, or local elections in the U.S. It is also illegal to knowingly accept donations from foreign nationals.91 Despite these restrictions, loopholes make it possible for foreign entities to interfere in U.S. elections. One such loophole applies to online political ads. While political ads on TV and radio are required to disclose their funding sources in public reports and in the ads themselves, online ads are not subject to the same rules and face little scrutiny. During the 2016 presidential election season, Russia exploited this discrepancy and purchased ads designed to influence voters using fake or stolen identities.92 A second loophole relates to foreign-owned companies. Federal law allows foreign-owned companies incorporated in the U.S. to make political expenditures as long as the funding is attributed to domestic operations and not under the control of a foreign national. Aided by limited reporting requirements for LLCs at incorporation, these foreign-owned firms can act as vehicles for foreign nationals intent on influencing U.S. elections.

### DISCLOSURE OF CONTRIBUTORS

The disclosure of contributors involves ensuring that voters and regulators have access to information about who is supporting candidates. This can help prevent corruption and illegal activity. Advocates argue that disclosure is necessary for informed voting, while critics argue that it can have a chilling effect on speech.

### PROPOSALS

- **Keep the current federal requirement for full disclosure of all individual contributions to candidates’ campaigns over $200.**
  - This amount is well known and allows for comparisons to other years (with inflation adjustments).
  - If small donor public financing becomes widespread, then a $200 donation will effectively become a much larger donation that should be disclosed.

- **Substantially raise the minimum level of contribution to individual candidates that would require disclosure.**
  - Adjustments should be made for inflation and the scale of spending for modern elections.
  - Disclosure requirements for smaller contributors may have a chilling effect, leading them not to donate at all.

- **Require independent organizations such as PACs purchasing election campaign ads to disclose their top donors and officials.**
  - Voters should have accessible information about who the major supporters are behind PACs funding the election ads they see.

- **Require all organizations that make election campaign expenditures to disclose their donors (over a certain minimum level).**
  - Full disclosure will help regulators to detect foreign interference in our elections or other illegal activity.

### ARGUMENTS FOR

- Transparency is a general principle that should apply to virtually all campaign finance.
- Adjustments should be made for inflation and the scale of spending for modern elections.

### ARGUMENTS AGAINST

- The low disclosure threshold may discourage donations at relatively small amounts.
- Substantial raising of the minimum level of contribution to individual candidates that would require disclosure.
- Disclosure requirements for smaller contributors may have a chilling effect, leading them not to donate at all.

### CLOSING LOOPHoles

Federal law prohibits foreign nationals from directly or indirectly making contributions, donations, or expenditures on any federal, state, or local elections in the U.S. It is also illegal to knowingly accept donations from foreign nationals.91 Despite these restrictions, loopholes make it possible for foreign entities to interfere in U.S. elections. One such loophole applies to online political ads. While political ads on TV and radio are required to disclose their funding sources in public reports and in the ads themselves, online ads are not subject to the same rules and face little scrutiny. During the 2016 presidential election season, Russia exploited this discrepancy and purchased ads designed to influence voters using fake or stolen identities.92 A second loophole relates to foreign-owned companies. Federal law allows foreign-owned companies incorporated in the U.S. to make political expenditures as long as the funding is attributed to domestic operations and not under the control of a foreign national. Aided by limited reporting requirements for LLCs at incorporation, these foreign-owned firms can act as vehicles for foreign nationals intent on influencing U.S. elections.

### PROPOSALS

- **Close loopholes to prevent foreign-controlled entities from making campaign contributions or election expenditures, including advertisements regarding local measures.**

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Close loopholes to prevent foreign-controlled entities from making campaign contributions or election expenditures, including advertisements regarding local measures.</td>
<td>While closing loopholes will not solve all foreign money problems, making it more difficult for foreigners to purchase online political ads and use companies as conduits for foreign funding will complicate malign foreign efforts.</td>
<td>Focusing on closing loopholes misses the need for larger structural reforms, including changes to the international financial transfer system, greater regulation of cryptocurrencies, and increased disclosure requirements.</td>
</tr>
</tbody>
</table>
Supreme Court Reform

The Supreme Court of the United States currently consists of nine Supreme Court Justices—one Chief Justice and eight Associate Justices. The number nine is fixed by legislation and not by the Constitution. Supreme Court justices serve life terms. All other constitutional courts in advanced democracies have either a term limit (such as ten years) or an age limit for justices. Because justices are often appointed at relatively young ages while life expectancy is increasing, this raises the prospect that a growing number of justices may serve for three or even four decades, with the potential to become insulated from society’s changing problems and dynamics.

One proposal would institute an 18-year term for new Supreme Court justices, with each president nominating a new justice in the first and third years of their presidential terms. The Senate would still need to confirm the justices. This proposal would leave the current justices to serve lifetime appointments, and thus it would temporarily expand the size of the Supreme Court until all the currently serving justices were no longer serving. When new Supreme Court justices rotated off active service after 18 years, they would assume senior status on the Court and retain some official duties, but they would not decide cases.

PROPOSALS

Establish through federal legislation eighteen-year terms for new Supreme Court justices, with appointments staggered such that one nomination comes up during each two-year term of Congress. Temporarily expand the size of the Supreme Court so that each president will appoint a new Supreme Court justice in the first and third years of their presidency.

Adopt a constitutional amendment to keep the U.S. Supreme Court at the current size of nine members.

ARGUMENTS FOR

For the next two to three decades (until all currently serving justices retired), this provision would violate a tradition of more than 150 years fixing the size of the Supreme Court at nine members.

This provision would refresh and renew the Supreme Court on a regular basis. If given eighteen-year terms, no Supreme Court justice would have the ability to influence judicial rulings for their entire lifetime.

This system would be fairer and more predictable because each president would have the same power to nominate two Supreme Court justices in each presidential term.

The provision may equally benefit each political party, since each party has an equal chance to win the presidency in the future.

ARGUMENTS AGAINST

Six of the nine current Supreme Court justices have been appointed by presidents of one political party, even though the presidency during this period has been evenly divided in time between the two parties. This is not fair and has undermined the legitimacy of the court. Congress should have the right to take steps to correct the imbalance.

Lifetime appointments insulate the Supreme Court too much from social change and political accountability.

Six of the nine current Supreme Court justices have been appointed by presidents of one political party, even though the presidency during this period has been evenly divided in time between the two parties. This is not fair and has undermined the legitimacy of the court. Congress should have the right to take steps to correct the imbalance.

Lifetime appointments insulate the Supreme Court too much from social change and political accountability.

Civic Education

Civic education is teaching the knowledge, skills, and virtues needed for competent citizenship in a democracy. The knowledge component includes learning basic knowledge about institutions and issues needed for informed participation. Skills involve knowing how to think critically, communicate effectively, and participate in a way that can influence decision makers. Fostering civic virtue can help develop character traits that enable citizens to contribute to their community and democracy. Collectively, civic education helps people to become informed about and engaged in democracy, making it stronger and more representative.

Nevertheless, the U.S. is falling well short of this aspiration for civic education and engagement. In a 2022 survey, only 47% of U.S. adults could name all three branches of government, and one in four could not name any. Similarly, only 24% of people could name any of the rights protected by the First Amendment, such as freedom of religion. According to recent surveys, most Americans would get an “F” on the U.S. citizenship exam.

Each state has different standards for teaching civic education. Some states require half a year of civics or U.S. government, while others require a full year. Most states include classroom instruction on topics including the Constitution, Bill of Rights, public participation mechanisms, and state and local voting policies, but few, if any, have experiential or local problem-solving components as requirements in their curricula.
In the early 2000s, the federal government spent about $40 million a year on civics education. But in 2010, Congress shifted education funding to emphasize STEM (science, technology, engineering, math) subjects. By 2019, the federal government was spending $3 billion a year on STEM and only $4 million on civics programs.¹ In December 2022, as part of an effort to bolster democracy, Congress allocated $23 million to improve civics and history education and directed the U.S. Department of Education to make competitive grants to eligible organizations to strengthen civics education.¹

Proponents of civic education call for higher levels of funding from the federal government (as much as $1 billion per year for six years) to address recent threats to democracy, including political extremism, polarization, and misinformation.¹³

Studies of civic education have found that most school curricula focus on knowledge but are comparatively lacking in experiential learning and problem solving.¹⁴ Moreover, facilitated, planned discussions teach students deliberative skills while increasing their knowledge and interest.¹⁵ The U.S. remains deeply divided on partisan lines, and previous experience has shown that convening opportunities for diverse groups of people to deliberate with each other can reduce political polarization.¹⁶ Advocates of deliberative events point out that if designed intentionally, these events allow people to consider viewpoints of people that they would not otherwise have encountered, enhance their knowledge about political issues, improve their civic skills, and gain a sense that their voices matter.¹⁷ Detractors might argue that these types of events are expensive to convene properly, and if done poorly, could end up making people more set in their views than before.

<table>
<thead>
<tr>
<th>PROPOSALS</th>
<th>ARGUMENTS FOR</th>
<th>ARGUMENTS AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase state and local funding for civic education in schools, in order to promote knowledge and understanding of democracy as a system of government and of the American constitutional system.</td>
<td>Civic education is in decline in the U.S. The future of our democracy depends on the next generation learning how the American constitutional system works, why it is important, and how to improve it. Years of inadequate funding have set the U.S. far behind in civics education. Sustained spending is needed to get us on track. Educating our young people about democracy will reduce political polarization by giving them a common base of understanding about our democratic traditions and an appreciation for the importance of tolerance, dialogue, and compromise.</td>
<td>We are falling behind in science and technology. All available dollars and hours in schools should be devoted to those fields. And Congress has already appropriated some funds for civic education. It is unclear how effective civic education is improving citizen understanding. Increasing funding without quality assessment might be a waste of money. Reasoning through a partisan lens is the core problem with our politics. It is not clear how civic education would help address this problem.</td>
</tr>
<tr>
<td>Promote opportunities for people of diverse views and backgrounds (including high school and college students) to deliberate with one another on issues confronting their</td>
<td>Civics are best learned outside the classroom through the practice of civic engagement like participation in rallies, town hall meetings, and community service. Deliberation with people from other backgrounds will expose students and adults to viewpoints they might not otherwise hear, help them to formulate their opinions, and gain a sense of empowerment from their voice being heard.</td>
<td>Convening high-quality deliberations (like Deliberative Polling®) requires extensive resources. If not organized well, deliberations could end up hardening people’s ideological views further.</td>
</tr>
</tbody>
</table>

Civic education is in decline in the U.S. The future of our democracy depends on the next generation learning how the American constitutional system works, why it is important, and how to improve it. Years of inadequate funding have set the U.S. far behind in civics education. Sustained spending is needed to get us on track. Educating our young people about democracy will reduce political polarization by giving them a common base of understanding about our democratic traditions and an appreciation for the importance of tolerance, dialogue, and compromise.
ACKNOWLEDGEMENTS

ABOUT THE ORGANIZERS

Helena is a global problem-solving organization. Through Helena Projects, Helena seeks to implement solutions to critical societal problems. Since its founding in 2015, Helena Projects have included: America In One Room, which garnered the attention of President Barack Obama and The New York Times for one of the most significant political experiments in US history; Factory in the Sky, which supported the development and construction of the world’s first carbon capture factory; Shield, which worked to protect the electrical grid from foreign and domestic threats; and The Covid Project, which supplied tens of millions units of medical supplies and personal protective equipment to frontline responders during the COVID-19 pandemic. To learn more about Helena, visit helena.org.

The Deliberative Democracy Lab at Stanford University (DDL) (formerly the Center for Deliberative Democracy) is devoted to research about democracy and public opinion obtained through Deliberative Polling® and related democratic processes. The method of Deliberative Polling® has been used in over 150 times in 50+ countries and jurisdictions around the world, at varying levels of government and society. To learn more about the DDL, visit deliberation.stanford.edu.

NORC at the University of Chicago is an objective, non-partisan research institution that delivers reliable data and rigorous analysis to guide critical programmatic, business, and policy decisions. Since 1941, NORC has conducted groundbreaking studies, created, and applied innovative methods and tools, and advanced principles of scientific integrity and collaboration. Today, government, corporate, and nonprofit clients around the world partner with NORC to transform increasingly complex information into useful knowledge.

OUR ADVISORY COMMITTEE MEMBERS

Note: Expert advisors participated and provided input in numerous formats. Their generosity of time and willingness to review and comment on Deliberative Polling® materials does not denote an endorsement of these materials.

Danielle Allen
James Bryant Conant University Professor, Professor of Government, Harvard University
Director of the Edmond and Lily Safra Center for Ethics, Harvard University

Julia Azari
Professor of Political Science, Marquette University

Brandice Canes-Wrone
Professor of Political Science, Stanford University
Senior Fellow, Hoover Institution

Lanhee Chen
David and Diane Steffy Fellow in American Public Policy Studies, Hoover Institution

Kathy Cramer
Professor of Political Science, University of Wisconsin Madison
Natalie C. Holton Chair of Letters & Science, University of Wisconsin Madison

Lee Drutman
Senior Fellow, Political Reform Program, New America

Edward Foley
Professor of Law, Ohio State University
Charles W. Ebersold and Florence Whitcomb Ebersold Chair of Constitutional Law, Ohio State University
Director of Election Law, Ohio State University

John Fortier
Senior Fellow, American Enterprise Institute

Stephen Heintz
President and CEO, Rockefeller Brothers Fund

Didi Kuo
Associate Director for Research, Center on Democracy, Development and the Rule of Law, Stanford University
Center Fellow, Freeman Spogli Institute for International Studies

Ray La Raja
Professor of Political Science, University of Massachusetts, Amherst
Associate Dean for Program Innovation, College of Social and Behavioral Sciences, University of Massachusetts, Amherst
Associate Director, UMass Poll

Frances Lee
Professor of Politics and Public Affairs, Princeton University
Acting Department Chair, Department of Politics, Princeton University

Larry Lessig
Roy L. Furman Professor of Law and Leadership, Harvard University

Eric Liu
CEO, Citizen University

Nathaniel Persily
James B. McClatchy Professor of Law, Professor of Political Science & Communication, Stanford University
Senior Fellow, Freeman Spogli Institute for International Studies
Co-Director, Cyber Policy Center

Rick Pildes
Sudler Family Professor of Constitutional Law, New York University

Charles Stewart
Kenan Sahin Distinguished Professor of Political Science, MIT
Fellow, American Academy of Arts and Sciences

Elector. As part of the Electoral College process, political parties in each state choose a slate of people, known as electors, corresponding to a presidential candidate. Voters vote for a candidate's slate of electors. The electors are then supposed to cast their ballots for that party's presidential and vice-presidential candidates during a meeting of the electors.

Electoral College. A process for selecting the U.S. President and Vice President, which consists of the selection of the electors, the meeting of the electors where they vote for President and Vice President, and the counting of the electoral votes by Congress. A candidate must win a majority of the 538 electoral votes distributed between the states and Washington D.C. to be elected president.

Federal Election Commission (FEC). The independent regulatory agency charged with administering and enforcing federal campaign finance law. The FEC has jurisdiction over the financing of campaigns for the U.S. House, Senate, the Presidency, and the Vice Presidency.

“First past the post” (also known as winner take all). A voting system in which the candidate with the most votes wins, even if he or she does not have a majority of all votes.

Fractional proportional. A potential alternative to the winner-take-all system. In this system, the electoral votes of a state are awarded to each candidate based on what proportion of the vote they get. For example, if a candidate receives 30% of the votes in a state, that candidate would receive 30% of all that state's electoral votes.

General election. An election in which candidates are elected to offices (in contrast to primary elections).

Gerrymandering. Drawing the boundaries of electoral districts in a way that gives one political party an unfair advantage over its rivals or that dilutes the voting power of members of certain groups.

Incumbent. A person currently holding an office or post. An incumbent in an election would be a person running for an office that he or she already occupies.

American in One Room: Democratic Reform is funded in part by Helena, Thiry-O’Leary Foundation, the Skoll Foundation, and Porticus.

About Skoll Foundation
The Skoll Foundation, founded by Silicon Valley entrepreneur Jeff Skoll in 1999, catalyzes transformational social change by investing in, connecting, and championing social entrepreneurs and other social innovators who together advance bold and equitable solutions to the world’s most pressing problems. For details visit www.skoll.org.

About Porticus
Porticus is a philanthropic organization focused on creating a just and sustainable future where human dignity flourishes. Its work seeks to address social and environmental issues by working together closely with partners locally and globally on system-level change that will benefit people today and for generations to come. For more details: Porticus.

GLOSSARY
(in alphabetical order)
Majority. A number or percentage equaling more than half of a total. To win an election by a majority, a candidate would get over 50% of the vote.

**National popular vote.** The vote for a candidate made by the qualified voters across the country, in contrast to the Electoral College system.

**Nonpartisan.** To be free from party affiliation, bias, or designation.

**Political Action Committee (PAC).** A political committee organized for the purpose of raising and spending money to elect and defeat candidates. PACs are subject to annual limits on the contributions they give and must register with the FEC.

**Plurality** The number of votes cast for a candidate is more than any other candidate, but that candidate does not receive an absolute majority.

**Political polarization** When people identifying with the two major parties hold increasingly different ideologies and policy positions (ideological polarization) and/or a dislike and distrust of members of the opposite party (affectional polarization), while viewing people of the same party positively.

**Primary election.** An election to select candidates to run for public office (typically a preliminary election whereby voters decide their party’s candidates).

**Proportional representation.** An electoral system in which parties gain seats in proportion to the number of votes cast for them.

**Ranked choice voting.** An electoral system in which voters rank the candidates in order of preference, and if no one wins a majority of first-preference votes, votes are transferred from the weakest finishers until a candidate wins a majority in an “instant run-off.”

**Run-off election.** A second election held to determine a winner when no candidate in the first election meets the required threshold for victory.

**Spoiler effect (or problem).** When a non-winning candidate’s presence on the ballot affects which candidate wins. Alternately, when votes are split between two or more similar candidates, resulting in a different candidate winning without widespread support.

**Super PACs.** Groups that may raise unlimited sums of money from corporations, unions, associations, and individuals, and then spend unlimited sums to advocate for or against political candidates. Super PACs are prohibited from donating money directly to political candidates, their spending must not be coordinated with candidates they benefit, and they are required to regularly report their donors to the FEC.

**Superdelegate.** A person chosen as a delegate to a political party’s presidential nominating convention because of his or her status as a leader or official within the party.

**Swing states.** A U.S. state where the two major political parties have similar levels of support among voters. In a presidential election, swing states play a key role in determining the outcome of the election.

**Winner take all.** (see “first past the post”)

---

**Endnotes**

1 Deliberative Polling® is a registered trademark of James S Fishkin. Any fees from the trademark go to the Lab to support research.


8 Ibid.

9 Ibid.


12 Ibid.


14 Ibid.


17 Ibid.


23 Ibid.


96 Ibid.