

Committee Section  
Electoral College

National Board Report

September 1969

ELECTORAL COLLEGE

## A study of the Electoral College

Where Are We Now?

All the presently contemplated national publications on the Electoral College and the Consensus Report Form have been distributed to local and state League presidents--the major publication Who Should Elect the President?, the Facts & Issues: The Electoral College--What Choices for Change?, the Leaders Guide, May 1969 which contains suggested discussion questions essential to the consensus-reaching process and of course the earlier Leaders Guide of August 1968 plus the basic explanation of the Electoral College in the 1968 Election Issue of THE NATIONAL VOTER. We hope every member has the FACTS & ISSUES (only \$1.75 for ten copies) and at least every committee member owns Who Should Elect the President? (\$1.50 - 10 percent discount on orders over 50). The Leaders Guide, May 1969 is 50 cents.

Promotion of Publications - Now is the Time!

Public interest in Electoral College reform should be high as a result of the action in the House of Representatives on September 18. And while you are busy with consensus meetings with one hand, with the other hand do plan promotion in the community of Who Should Elect the President? and the Facts & Issues. Once they are seen by the public or described by the media, they sell themselves. But only YOU can get them into the hands of all the newspapers editors, the political editors, and chief editorial writers of your newspapers; the general managers, program directors, and editorial writers of your radio and TV stations; legislators and party chairmen; particularly those people in your school systems who decide upon teaching aids and the contents of school libraries.

The national office sent Who Should Elect the President? to the members of the Senate Judiciary Committee and of the House Committee on the Judiciary.

Examples of comments we have received include:

Senator Hugh Scott (Pennsylvania)

"Your book is one of the most comprehensive on the subject of Electoral College reform that I have ever seen, and I want to commend you for your excellent work. I believe that it will go a long way toward public education on a matter which is so vastly important that it affects the very lives of over 200 million Americans. Again, my heartiest congratulations on a job well done!"

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This Committee Section available on direct order from national office for 10¢

Senator Joseph D. Tydings (Maryland)

"It is a very intelligent and informed presentation of the problem. Unfortunately, this is an area in which many people form views without understanding fully the question to which they are addressing themselves. Your volume will offer the opportunity for a well-reasoned approach to the problem."

Representative Peter W. Rodino, Jr. (10th District, New Jersey)

"As always, the League is serving the vital purpose of educating the public in the area of voting. The book is excellent in its straightforward, clear and objective presentation of the problem. I look forward to using it myself as a ready reference."

Flyers describing Who Should Elect the President? are available free from the national office.

#### Consensus

Completed consensus reports are beginning to trickle into the national office and this is most helpful. Please send in just as soon as possible after consensus-reaching meetings the green report form which was mailed to each League in triplicate in August. (Send one copy to your state League and keep one in your file.)

The consensus deadline is November 30, 1969. After evaluating the contents of your consensus reports, the national Board at its January 1970 meeting will determine whether or not the League of Women Voters has reached a position and will formulate the League position if there is substantial agreement. The contents of your reports--the shadings, the emphases, etc., must first be analyzed, compiled, and characterized for presentation to the national Board in meaningful fashion. Replies are analyzed by size and type of League, by geographical area of the country, separately and then combined (e.g., small, medium, or large Leagues in, for example, the southwest, northeast, and north central areas of the country).

So far as possible, reports received after November 30 will be included in the overall analysis. Please send in the reports, even though scheduling difficulties make them late.

#### A First in Electoral College Reform

Again--the League was there! During the September national Board meeting the House of Representatives took historic action when it overwhelmingly passed a proposed constitutional amendment for the direct election of the President and Vice President. Mrs. Griffith L. Resor, Jr., national Board chairman, and Mrs. William J. Hamm, the national staff person for the Electoral College item, observed the vote which came after six days of debate on HJ RES 681.



As you well know, this is the first time a direct popular election plan has ever been voted upon by either House or Senate, and not since 1950 has the House voted upon any plan to reform the Electoral College system. Just before the vote was taken, Representative Emanuel Celler of New York, chairman of the House Committee on the Judiciary and chief sponsor of the resolution, said its approval would be "the crowning achievement of my whole life."

The vote was 339 to 70; 82.8 percent of those who voted approved. The breakdown was 185 Democrats, 154 Republicans for, and 44 Democrats and 26 Republicans against. Opposition to the resolution came from six southern states--Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee--and from three small states--Alaska, Nevada, and South Dakota. Six other small states were evenly divided in support and opposition--Idaho, Montana, New Hampshire, New Mexico, North Dakota, and Utah.

Major provisions of the direct election amendment as passed are

- . the people shall elect the President and the Vice President;
- . the President and Vice President are voted upon as a pair;
- . a run-off election between the two pairs of top candidates is held if no pair of candidates receives 40 percent of the popular vote;
- . Congress may set uniform residence requirements for presidential elections;
- . Congress may act to assure that the names of any major party presidential candidate for President and Vice President are assured a place on the ballot in every state;
- . Congress may by law provide for the case of the death or inability or withdrawal of any candidate for President or Vice President before election and for the case of the death of both the President-elect and Vice President-elect.
- . This amendment to the Constitution shall take effect one year after the 21st day of January following ratification.

Seventeen amendments to the direct election resolution, HJ RES 681, were defeated, including substitute amendments for a district plan (by Representatives Dowdy of Texas, Dennis of Indiana, Poff of Virginia); for a proportional plan (Rep. Poff); for a proportional plan to be used as a contingent election (Rep. Pucinski of Illinois); for ratification by state conventions rather than by state legislatures (Rep. McClory of Illinois) to bind electors and change the present contingent election to give a vote to each member of the House (Rep. Eckhardt of Texas); to change the specification for victory in a direct popular election from the proposed 40 percent to 45 percent (Rep. Rogers of Colorado); to 50 percent (Rep. Waggonner of Louisiana); and to 35 percent (Rep. Fish of New York). One proposed amendment to the resolution called for striking out the

word "residence" in the clause "and for election of President and Vice President the Congress may establish uniform residence qualifications" (Rep. Conyers of Michigan).

Other attempts to amend HJ RES 681 would have permitted the states to choose the method of reform from among the automatic, district, proportional, or direct plans (Rep. Wylie of Ohio); would have substituted a contingent election in a joint session of Congress (Rep. Coughlin of Pennsylvania); would have given Congress direct responsibility to establish uniform qualifications for electors of the President and Vice President and for setting requirements for getting on the ballot (Rep. Ryan of New York). Rep. Ryan also offered an amendment for a separate vote for President and Vice President. An amendment to prevent the President and Vice President from being inhabitants of the same state was offered by Rep. Hutchinson of Michigan.

Only one amendment was accepted--that of Rep. Poff of Virginia which added the word "inability" to the "death provision." Just before the final vote on the resolution, a motion to recommit the resolution to the House Committee on the Judiciary proposed by Rep. Dennis of Indiana was defeated. The vote on this was 162 yeas, 245 nays, not voting 23.

The House of Representatives floor debate makes fascinating reading. The CONGRESSIONAL RECORD, Volume 115, page references are September 9, H 7705-7709 on the adoption of the Rule. For the debate on HJ RES 681 and proposed amendments, see the CONGRESSIONAL RECORD of September 10, H 7745-7762; September 11, H 7782-7823; September 15, H 7872-7893; September 16, H 7945-7962; September 17, H 7980-1 and H 7982-8006; September 18, H 8104-8143.

#### Senate Prospects

As of September 23, the Senate Judiciary Committee had not scheduled consideration of any Electoral College reform proposals, although it is predicted that consideration of Electoral College reform will take place soon.

Senator Birch Bayh of Indiana, chairman of the Subcommittee on Constitutional Amendments of the Judiciary Committee, said on the floor of the Senate on September 19 that 43 Senators were co-sponsors of his SJ RES 1 for direct election. He continued--

"The situation on the floor of the Senate is a tenuous one. I know that more Senators support direct election of the President than any other plan. But I cannot honestly say if we have the necessary two thirds needed for passage.

"To date, we have not had the active support of President Nixon. In February, the President said that he still agreed with his statement during the campaign -- that he personally favored direct election, but felt it did not have the best chance of passing. The President indicated, however, that he would back any plan Congress passed. I hope the President will not wait for Senate passage of electoral reform to give us his active support."



On September 30, President Nixon issued a statement giving his support to the direct popular election plan of reform. According to THE NEW YORK TIMES of October 1:

"...he said that his change of heart had been impelled by 'an entirely new factor' in the electoral reform picture, the overwhelming approval of the direct plan by the House earlier this month. 'It is clear that unless the Senate follows the lead of the House, all opportunity for reform will be lost this year and possibly for years to come.'

"Mr. Nixon's endorsement of the direct plan seemed sure to improve its somewhat uncertain prospects of passing the Senate. Backers of the reform were confident that the President could sway several wavering Republicans into supporting the program when it reaches the floor in a few weeks."

A change in the membership of the Senate Judiciary Committee has taken place which may (in the opinion of Senator Tydings) hasten a direct election proposal. Senator Robert Griffin (R., Mich.) was assigned on September 16 to the late Everett Dirksen's Senate Judiciary Committee seat. (For the full membership of this Committee, see page 99 of Who Should Elect the President?)

As you may have noticed in THE NEW YORK TIMES of August 8, Senator Griffin this summer conducted a poll of almost 4000 legislators from selected states (27 states of varying sizes). Results were encouraging to proponents of the direct popular vote. Of the legislators responding, 64 percent said they favored ratification of the direct election. Of the 27 states surveyed, only Idaho and North Dakota were opposed.

The following states were surveyed: Alabama, Alaska, Arkansas, Delaware, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Mississippi, Montana, New Hampshire, New Mexico, Nevada, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia and Wyoming. (Before the survey, Senator Griffin said, he favored the proportional plan.)

#### League Action

If the League of Women Voters of the U.S. has reached a position on electoral college reform in 1970 and if both houses of Congress have already passed by a two-thirds vote an amendment embodying a particular type of reform authorized by the League's position, there would still be opportunity for Leagues to act at the state level because three fourths of the states must ratify a constitutional amendment within a specified number of years (usually seven).

New Sources

Since the last National Board Report, two new government publications have become available--

- . the hearings before the Senate Subcommittee on Constitutional Amendments in the 91st Congress entitled "Electing the President." More than a thousand pages, this contains the testimony and related materials presented to the Subcommittee during hearings on January 23 and 24, March 10, 11, 12, 13, 20 and 21, April 30, May 1 and 2, 1969.
- . the Report of the Committee on the Judiciary, U.S. House of Representatives, with additional, minority, individual and separate views on HJ RES 681 -- this was the Resolution passed by the House on September 18, 1969.

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