

# Before We Start the Next Election Cycle ...

by Vic Berecz

During this run-up to the 2012 election, there are a whole lot of us Americans who are saying:

- in every election we should have an option for *None of the Above*; or
- we should *elect the President by a simple nation-wide majority*; or
- if Congress refuses to do their job, we should *kick them all out*; or
- we are complaining that something needs to be done, because *the system ain't working!*

You know what folks ... the system **is** broken! Something **does** need to be done!

But, unfortunately none of the first three bullets above ... which seem to be the most frequently touted “solutions” ... will provide the desired results. Almost as importantly, their implementation is not feasible because each requires one or more rather drastic constitutional amendments. Besides, our Constitution has worked well for 2¼ centuries and there's no reason it can't continue to do so. The problem isn't the Constitution, it's the other crap we've built up on top of it, and which motivated people can do something about fairly easily.

So, let's not throw up our hands and concede defeat. Instead, let's motivate our State Legislatures and our federal Congress to take some baby-steps that will get us started in the right direction. Once started, and improvement becomes apparent, additional strategies will be devised and implemented that will keep our Nation as the shining star that we have been for generations ... so that we can help build a better world by example, and not by military force.

Below, I propose a handful of strategies in three distinct areas. Two of the areas are largely under the control of the States, the third will require Congressional action. I've tried to craft these strategies so that they don't give long-term benefits to either major party, they don't raise Constitutional issues that would involve the Courts, and they're so obviously helpful that no prolonged argument will stand up against them. In other words, **they are doable**, and can be accomplished in a step-wise fashion over a reasonable period of time. If we all shout enough about their obvious fairness and usefulness, those who wish to be elected to office will see the handwriting on the wall and support these initiatives. So, read on and ...

## Let's begin the struggle to improve the system.

Many Americans are unhappy with all the candidates running for any given office ... not just the Presidency. How are candidates chosen? In most cases by a “primary election” ... and in the case of the Presidency by a whole series of primaries. In over half the States (including four of the largest: California, Florida, New York, and Pennsylvania) these **primaries are essentially closed** elections permitting only party members to vote ... though in some cases voters are permitted to change party affiliation the day of voting. Unaffiliated voters (30% of the electorate nation-wide, much more in many states) are disenfranchised. It's no wonder they don't have good feelings about any candidate ... they had no say in the choice of candidates.

The number of unaffiliated voters is growing rapidly. In many states, they are now a majority, and it's not always where you expect. In Utah ... the reddest of the “red states” ... 55.4% of those voting in a recent election were unaffiliated. The net effect of this disenfranchisement is that every potential candidate must grovel to the most polarizing segment of their political party, rather than trying to reach-out to the “big tent” that both parties profess to be. I've always encouraged the use of our church's facilities by outside groups, in the belief that more folks walking through the door will result in more folks choosing to stay. Likewise, it is

advantageous to both political parties to invite the unaffiliated through the door of their primary, because some of them will find that party to be a comfortable political home .. and yes, it will truly make for a bigger tent.

But, we must always ask, is it doable? Depending upon which State you're in, this is either a party issue or dictated by State law. In either case, if both major parties see the unaffiliated voting in their primary as advantageous, it can easily be accomplished. If your State is not one of the few that allows unaffiliated voters to participate in either primary (but, obviously not both), why don't you make some noise about this issue. I believe, with this one small step we can:

### **Improve the system by allowing unaffiliated voters to participate in the selection of candidates.**

I believe one of the worst things that has happened to our nation lately was the proclamation by the Republican leadership shortly after the 2008 election that their "number one priority" was making Obama a one-term President ... and the Democratic leadership's responding in kind. This resulted in a 4-year election campaign cycle that effectively left us without anybody minding the store. You can't do your job if you're spending most of your time campaigning. You can't do your job if your head is functioning in the necessarily adversarial campaign mode. They haven't been doing their jobs. We must shorten the campaign cycle and get them back focusing on their jobs for the bulk of their terms in office.

The poor leadership skills of McConnell, Pelosi, and others of their ilk aside, there are other factors which have lengthened the campaign cycle, and therefore detracted from our leadership's ability to do their jobs. High on that list is the race between states to have earlier Presidential primaries. Like most Americans, I've always thought of the Dixwell Notch, NH primary results as a silly, but fun, thing concocted by a handful of backwoodsmen who had nothing better to do on a cold winter night. So why are so many states trying to copy their act? It doesn't make sense. Presidential primary, state and congressional primaries, local elections ... why can't they all happen on the same day and why don't states push that date back as late as seems practical? That would shorten the campaign cycle, save a lot of money, and focus attention on the importance of voting. BTW – a shortened campaign cycle will necessarily mean that less money is spent on campaigning ... there's only so much TV time available for purchase ... and so many billions of dollars would be available for more productive uses!

But, is it doable? This one is tough ... you can't simply pass a law to shorten the campaign cycle as they've done in the UK. Our constitutional "freedom of speech" precludes that. But, there are steps that can be taken. Let's make sure our representatives know we want them to spend the bulk of their term working on our problems, not their re-election problem. Let's ask our local newspapers to publish a *report card* on each of our representatives. Let's lobby for the cost-savings from consolidated primaries and local elections. Today's lengthy campaign cycle does no one any good ... other than the media selling more ad time. All that money could go to more productive uses! So let's:

### **Improve the system by shortening the election campaign cycle.**

Many people consider the Electoral College method of electing the President a key part of the problem. Some believe that direct election of the President would be a cleaner and fairer way to deal with our election problems. Many also believe the all-or-none approach to electoral votes in most States forces an unfair campaign focus on a few "swing" states that have a lot of

electoral votes ... Ohio and Florida being perennially on that list. I disagree with the first of those assessments, and think the second is off-base.

Direct election of the President essentially means doing away with representative democracy and states rights, and replacing them with mob rule. Well, that's a bit of exaggeration, but you get the idea. It would mean a basic change to our form of government and who knows where it will lead. Today, we have the technology that would permit "true democracy" ... putting everything up to a vote of the people, majority rules. But, I don't think that's what any of us wants. Representative democracy and states rights have served us well throughout our nation's history. Also a direct election of the President would take a Constitutional amendment passed by two-thirds of both houses of Congress and the multi-year process needed to ratify such an amendment by three-fourths of the States. And just imagine the problems of doing a "hand recount" of the entire nation in a close election!

Besides, the Electoral College system has worked pretty well, and it's only been rare occasions that the overall popular vote didn't coincide with the electoral vote. What perhaps hasn't worked as well ... and also caused the few anomalies such as the 2000 election ... is the all-or-none approach used by most States. But, that is not enshrined in the Constitution. In fact, two states do not use that approach today. Maine and Nebraska use the "Congressional District Method", selecting one elector within each congressional district by popular vote and selecting the remaining two electors by the statewide popular vote. I personally favor this approach, but would encourage any electoral vote allocation that is more representative of the actual voting patterns with a State. And by eliminating the "winner-take-all" aspect of voting within a State, the focus on "swing" states would be eliminated and all States ... large and small ... will benefit from campaign attention. We can:

**Improve the system by making the Electoral College something other than a winner-take-all proposition.**

Congressional rules are, for the most part, under the complete control of the respective houses of Congress. Unfortunately, there are few rules aimed at ensuring that Congress does its job. Few of us would last long in our jobs if our efforts produced no results and we were perennial no-shows at the office. Yet Congress gets away with it all the time.

We all need to be diligent in reminding them of their obligation to "get the job done." A good step in that direction is the *NoLabels.org* initiative asking Congress to be in session at least three weeks every month. This gives them a week of more each month to be in their home districts to do the part of their job that involves interface with the public. Newspapers periodically providing a "report card" on the Representatives and Senators from the area the paper serves would help to highlight the work ethic (or lack thereof) of Congress as a whole, as well as its individual members.

I would further propose that Congress set their rules such that they may not adjourn for a vacation (yes, everybody needs that break ... politicians included) until they have passed the annual budget. My guess is that such a rule would help immensely in bringing the budget process to the level of priority it deserves. So let's:

**Improve the system by demanding that Congress do the job to which they were elected.**

The Senate, in its wisdom, adopted about 200 years ago rules that allowed members to filibuster ... engage in prolonged debate. That's OK and it worked as intended for over 150

years. But, in the 1970s the Senate changed its rules so that every single Senator could halt virtually all Senate business by simply declaring his/her *intent* to filibuster. This silly rule has the effect of dooming to oblivion every bill that does not have clear super-majority support. It is the biggest facilitator of our current do-nothing Congress. We must demand that our Senators do their jobs. That means proposing bills, holding hearings, debating, and voting. If we shout long enough and loud enough, they will recognize that they must do their jobs or be replaced by someone who will. Hopefully, they will:

**Improve the system by going back to reasonable Senatorial filibuster rules.**

The Senate also has a unique responsibility imposed by our Constitution ... it is the confirmation of senior-level appointees. Personally, I believe the President has the right to have people he trusts and feels comfortable working with reporting to him. Therefore, the rationale for rejection of Executive-branch appointments should be very compelling. But, in recent years it hasn't even been a question of a candidate's background or experience. The Senate simply has not brought many appointees names up for a "Yes or No" vote ... for both Executive and Judicial appointments. This is pure and simple dereliction of duty! Not only isn't the Senate doing its job, but it's preventing many other areas of government from completing their jobs as well.

Holding appointments hostage for long periods means we don't have the senior managers and jurists needed to keep our government functioning efficiently. Sure Senators, if you want to reject an appointment do so. But don't just sit on it. You have it in your power to change your Senate rules to require an up-or-down vote on all appointments within some reasonable period of time ... say 60 days. That will give you plenty of time to hold hearings, debate the candidate, and vote. Let's all get on our Senators to do what they were elected to do ... debate and vote! Demand that they:

**Improve the system by ensuring that all senior government positions are filled expeditiously.**

Let's get a start on improving the system by urging movement on the six issues discussed above ... they benefit both major political parties and benefit the American people ... and they are doable! If we make enough noise, they will get done.