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America should scrap its electoral college

By DAVID GARROW
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Widespread fears that this Tuesday's US presidential election will produce yet another disputed outcome instead of a clear winner dominate these final days before the vote. Every forecast predicts an exceptionally close race, yet both the candidates and the news media are focusing exclusively on just the small number of toss-up states - no more than 12 and perhaps as few as six - that either President George W. Bush or John Kerry, the Democratic senator, could very well carry.

In the remaining three-quarters of the 50 states, where the statewide winner can be predicted long before the polls even open, the final victory margins will be utterly meaningless and neither candidate is devoting any campaign time or advertising money to them. Everyone acknowledges, for example, that Mr Bush will carry his home state of Texas by well over 1m votes and that Mr Kerry will carry both New York state and California by similar margins. A shift of half a million votes one way or the other in any of these states would matter not one whit, for under the US constitution's winner-take-all electoral college system, winning a statewide relative majority is all that matters.

This anti-democratic state of affairs attracted little public comment before the 2000 presidential election. Under the constitution's original design, each state is allocated electoral college votes equal to its total representation in the US Congress. Every state, irrespective of population, has two senators, while seats in the House of Representatives are allocated proportionally, ranging from one to 53 for California. Individual states' electoral college votes thus range from three to 55, with the national total being 538. A simple majority of 270 wins the presidency.

In the two largest toss-up states, Florida and Ohio, which have 27 and 20 electoral votes respectively, the statewide winner could well be determined by no more than 5,000 to 10,000 votes, or even fewer. In these states, and in the other, smaller toss-ups (Minnesota, New Hampshire, New Mexico and Wisconsin), every vote will count and both sides are pulling out all the stops to challenge any apparent or imagined voting irregularities.

It is easy to see how undemocratic the electoral college is in the abstract. Individual voters in the smallest states have greater electoral college representation than do Californians, a disparity that duplicates the allocation of senators. But there has never been any serious effort to reform how the framers of the original constitution designed the Senate so as to protect the political interests of the smallest states against those of the largest.

Likewise, no attempt to abolish the electoral college and replace it with direct popular election of the president has ever made much headway. Even in the aftermath of the 2000 election when Mr Gore lost, notwithstanding his nationwide lead of more than 500,000 popular votes, no serious debate about amending the constitution took place.

But the Florida vote-counting debacle in 2000 - or a 2004 reprise of it - should be enough to make anyone question whether a few hundred highly prized votes there or in Ohio should be able to trump hundreds of thousands of constitutionally meaningless votes in other states. Yet many Americans appear eager for a drawn-out vote-counting tussle in some all-determining toss-up state, just like motor racing fans watch for multi-car pile-ups.

But a presidential election is not spectator entertainment. All the squabbling about election practices in Florida or Ohio would seem trivial if the votes cast there counted for no more and no less than the millions of numerically superfluous votes in states such as California, New York and Texas. If true voter equality is not a powerful enough reason to implement direct popular election of the president, avoiding scandalously contested outcomes every four years should be.

Even if another Florida does not occur on Tuesday, a different electoral college disaster looms on the horizon. With current projections showing a likely Bush-Kerry split of 234 to 228, without the six toss-up states, a 269-269 tie is a real possibility. If that happens, the individual "electors" - party functionaries who actually cast each electoral vote - would emerge from obscurity as competing king-makers who could name their price.

Maybe only that bad a democratic train-wreck could finally motivate Americans to abolish the electoral college and ensure that their president is actually the candidate who receives the most votes.

The writer is presidential distinguished professor at Emory University Law School and writes regularly about the US Supreme Court.