

RESOLUTION 03-07-05

DIGEST

Elections: Selection of Presidential Electors

Amends Elections Code sections 6902 and 6906 to have votes in presidential elections apportioned by statewide and Congressional district popular vote.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution amends Elections Code sections 6902 and 6906 to have votes in presidential elections apportioned by statewide and Congressional district popular vote. This resolution should be approved in principle because the current system fails to reflect accurately the cultural and political diversity of California voters.

An argument can be made that apportionment of California’s electoral votes would give up the tremendous power such a voting bloc represents. However, the “winner-take-all” system makes it extremely difficult for third party or independent candidates to make a showing. If a candidate gets one single extra vote in California, which has millions of citizens, the entire Electoral College vote is given to that candidate. For example, if a candidate were to win the support of 49% of the Congressional districts, she would have no Electoral College votes – effectively leaving an enormous number of people without a voice.

The “winner-take-all” system does not accurately reflect the will of California voters, reinforces a two-party system and discourages third party or independent candidates.

TEXT OF RESOLUTION

RESOLVED, that the Conference of Delegates of California Bar Associations recommends that legislation be sponsored to amend Elections Code sections 6902 and 6906 as follows:

- 1 § 6902
- 2 At the general election in each leap year, or at any other time as may be prescribed by the
- 3 laws of the United States, there shall be chosen by the voters of the state as many electors of
- 4 President and Vice President of the United States as the state is then entitled to. One presidential
- 5 elector shall be chosen from each congressional district in the state, and two presidential electors
- 6 shall be chosen at large.
- 7
- 8 §6906
- 9 The electors, when convened, if both candidates are alive, shall vote by ballot for ~~that person~~
- 10 ~~for President and that person~~ for Vice President of the United States, ~~who are, respectively, the~~
- 11 ~~candidates of the political party which they represent~~, one of whom, at least, is not an inhabitant of
- 12 this state. The presidential electors at large shall cast their ballots for the presidential and vice-
- 13 presidential candidates who received the largest number of votes in the state. The presidential
- 14 electors of each congressional district shall cast their ballots for the presidential and vice-presidential
- 15 candidates who received the largest number of votes in each respective congressional district.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: Bar Association of San Francisco

STATEMENT OF REASONS

Existing Law: Provides for a “winner-take-all” contest for California’s presidential electoral votes.

This Resolution: Would apportion California’s electoral votes by congressional districts, with two “at large” electoral votes being awarded to the ticket receiving the most votes statewide.

The Problem: California, like all but two of the fifty states, provides for all of its electoral votes to go to the presidential ticket which receives the most votes in the state. As we saw with Florida and New Mexico in the 2000 election, this can mean that a state’s entire slate of electoral votes can go to a candidate that ekes out a miniscule – and sometimes doubtful – majority in the popular vote. Such a system is not only unfair, but it also disenfranchises voters and fails to reflect the often diverse makeup of each state by treating it as a unitary whole.

Two states – Maine and Nebraska – provide for their electoral votes to be apportioned among the presidential tickets according to how strongly the candidates fared in each congressional district. The two remaining electoral votes, representing the states’ senatorial seats, are awarded to the candidates who won the state overall. (Me. Rev. Stat., tit. 21-A, §§ 801, 802, 805; Neb. Rev. Stat., § 32-714.) Accordingly, those states’ electoral votes provide a fairer reflection of the states’ diversity, since voters in different parts of the state may back different candidates.

California is perhaps the most culturally and politically diverse state in the nation. The political landscape in our state is vast and varied, running from Orange County conservatives to Marin County liberals, from the retired military in San Diego to the retired hippies in Ukiah. Each area’s voters send their voices to Congress in the form of the representative that best suits their values. There is no reason not to give voters the means to do likewise in presidential elections.

Our 35 million citizens should not be defined and represented by a single slate of electors voting in lockstep for one candidate. Changing our system would not only provide a better representation of our state, but might persuade other states to do likewise. This measure would promote and reflect California’s diversity and would provide its citizens with a better voice in presidential elections.

In accordance with CDCBA rules, BASF timely offers this resolution for consideration. Consistent with traditional CDCBA practice, the Proponent reserves the right to timely withdraw or amend the resolution.

IMPACT STATEMENT

This resolution would repeal, modify, or otherwise affect a number of statutory and regulatory provisions and procedures pertaining to the method of choosing electors for the President and the Vice-President.

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