

The Plot to Rig the 2008 US Election

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In the long, hot autumn of 2000, the world was shocked by the contempt for democracy shown by the Republican Party. They knew their man had lost the popular vote to Al Gore by half a million votes. They knew the majority of voters in Florida itself had pulled a lever for Gore. But they fought – amid the confetti of hanging chads – to stop the state’s votes being counted, and to ensure that the Supreme Court imposed George W Bush.

Today, that contempt for democracy is on display again. In California right now, there is a naked, out-in-the-open ploy to rig the 2008 presidential election – and it may succeed.

To understand how this works, we have to roam back to the 18th century, and learn about the odd anachronistic leftover they are trying to use now to thwart democracy. Back then, America’s founding fathers decided not to introduce a system where US presidents would be directly elected, with the votes totted up in Washington, DC, and the winner being the man with the most. Instead, they chose a complex system called the electoral college. This stipulates that American citizens do not vote directly for a president. Instead, they technically vote for 539 state-wide “electors”, who then gather six weeks after the election to pick the President.

The founders designed it this way for a number of reasons. They wanted the smaller states to have a say, so they gave them a disproportionate number of electoral college votes. They also believed that, in a country that was largely isolated and illiterate, voters wouldn’t know much about out-of-state figures, and would be better off picking intermediaries who could exercise discretion on their behalf.

It is the worst part of the Constitution, producing perverse results again and again. On four occasions there has been such a big gap between the national popular vote and the state-by-state electoral college votes that the guy with fewer real supporters in the country got to be President. It happened in 1824, 1876, 1888 and – most tragically for the world – in 2000.

Today, the Republicans are trying to exploit the discontent with the electoral college among Americans in a way that would rig the system in their favour. At the moment, every state apart from Maine and Nebraska hands out its electoral college votes according to a winner-takes-all system. This means that if 51 per cent of people in California vote Democrat, the Democrats get 100 per cent of California’s electoral votes; if 51 per cent of people in Texas vote Republican, the Republicans get 100 per cent of Texas’ electoral votes.

The Republicans want to change this – but in only one Democrat-leaning state. California has gone Democratic in presidential elections since 1988, and winning the sunny state is essential if the Democrats are going to retake the White House. So the Republicans have now begun a plan to break up California’s electoral college votes – and award a huge chunk

of them to their side.

They have launched a campaign called California Counts, and they are trying to secure a state-wide referendum in June to implement their plan. They want California's electoral votes to be divvied up not on a big state-wide basis, but according to the much smaller congressional districts. The practical result? Instead of all the state's 54 electoral college votes going to the Democratic candidate, around 20 would go to the Republicans.

If this was being done in every state, everywhere, it would be an improvement. California's forgotten Republicans would be represented in the electoral college, and so would Texas's forgotten Democrats. But by doing it in California alone, they are simply giving the Republicans a massive electoral gift. Suddenly it would be extremely hard for a Democrat ever to win the White House; they would need a landslide victory everywhere else to counter this vast structural imbalance against them on the West Coast.

You can see this partisan agenda if you look at who is behind the campaign. It was set up by Charles "Chep" Hurth III – a Republican donor to Rudy Giuliani. It was drafted by Tom Hiltachk – a Republican attorney. Its signature drive was co-ordinated by Kevin Eckery – a Republican consultant. Its funds were provided by Paul Singer – a Republican billionaire and one of Rudy Giuliani's biggest donors. Its chief fundraiser is Anne Dunsmore – who went there straight from her post as national deputy campaign manager for Giuliani. Seeing a pattern yet?

Indeed, this bias is so blatant that the state Republican Party itself has now chipped in \$80,000 (£39,000) to the campaign. Of course, the campaign is not marketing itself as a Republican rigging escapade. They insist: "This initiative is not about helping any one party or candidate. It simply ensures that every vote cast in our state counts in the electoral college." But the best they can do to provide "balance" is to point to the fact that one of the men who has given them \$20,000, Edward Allred, once also gave \$2,300 to the campaign of Democratic contender Bill Richardson. Wow.

There is a real risk they could succeed. They are close to getting the number of signatures they need to secure a referendum in June. (The Los Angeles Downtown News claims to have witnessed signature-gatherers offering homeless people food in return for signing.) The turnout for the referendum is expected to be extremely low, because the state-wide primaries usually held on that date have been moved forward to February. So the Republicans only have to activate a small part of their base to push it through – and they have the cash to do it. California dreamin', on such a winter's day.

The Democrats in response shouldn't be trapped in the conservative position of defending the indefensible electoral college. There is an alternative way to reform it – one that would be fair to all parties. It used to be thought it was all but impossible to ditch the system because it would require a constitutional amendment, which needs the approval of two-thirds of both houses of Congress, plus three-quarters of state legislatures.

But then constitutional scholars realised there was another way. The Constitution only requires that each state must "appoint" its presidential electors "in such manner as the legislature thereof may direct". That leaves a glimmer of hope. The Campaign for a National Popular Vote is campaigning for every state simply to commit its delegates to the electoral college to vote 100 per cent for the candidate who wins the popular vote. This would render the electoral college a forgotten technicality. It's very revealing that when the California

state senate voted to introduce this genuinely democratic system last year, the Republican governor Arnold Schwarzenegger vetoed it, with the support of his party.

It shows that the Republicans' rhetoric of wanting "fairness" and "equal representation" in California is a honeyed lie. They want a system that retains their power, even if it subverts the will of the people. It risks becoming Florida Part II: just when you thought it was safe to go back into the polling booth... Fasten your seatbelts – it's going to be a bumpy election.

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