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What if no candidate wins a clear majority?

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IMAGINE this scenario for today's presidential election: Clinton wins 43.3 percent of the vote to Bush's 27.7 percent, with Perot gaining only 3.3 percent. Not only does no one win an absolute majority of the popular vote, but the two front-runners are virtually tied. The leaders are separated by only about 500,000 votes — about 10,000 per state. What would happen? Would the stock market crash? Would the losing candidate demand a recount? Would government become immobilized as the final result was being determined? If history is a guide, none of these things will happen.

These are the exact results produced by the 1968 election, when Richard Nixon squeaked past Hubert Humphrey in one of the closest presidential races in our history. Although George Wallace, the third candidate, carried five states and took 46 electoral votes, Nixon still won a solid majority (56 percent) of the electoral vote, emerging with a decisive margin of victory and a legitimate claim to govern.

Or consider an even closer election. In 1960, John Kennedy won only 49.7 percent of the vote to Nixon's 49.5 percent — a difference of fewer than 20,000 votes out of 68 million cast. Still, there were no demands for a recount. Kennedy, who had 56 percent of the electoral vote, claimed a

clear mandate to govern.

The electoral vote system has served us well. We have experienced only one presidential election that failed to identify a winner quickly and decisively. In 1876, Democrat Samuel Tilden won 51 percent of the popular vote in November over Republican Rutherford Hayes. But when the electoral votes were counted in December, Tilden was one vote short of a majority due to 20 disputed votes in the Electoral College, mainly from conflicting returns in three Southern states where Democrats had challenged Republican rule after the Civil War.

Congress established an Electoral Commission to decide the matter. Eventually, the commission reached a political decision and gave all 20 disputed votes to Republican Hayes. In return, the Southern Democrats in Congress gained the withdrawal of federal troops from the South and the end of Reconstruction. Hayes was not declared elected until March 2, almost four months after the election. Such a delay was unsettling enough in the 19th Century; it would be disastrous in today's world.

The United States is the largest



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country that selects its leader by nationwide vote and the only country that has done so for more than 150 years. Few citizens realize how difficult it is to conduct an election in a country with many millions of voters — to ensure that the millions of votes are fairly counted at the local level, that they are reliably reported to higher levels, and that they are accu-

ately tallied to declare a winner.

Due to mistakes — whether accidental or intentional — all national elections produce results that are really estimates of the winner rather than true counts. Even if the election is very close, there is no point in demanding a recount unless the state's votes are critical to the outcome of the electoral vote. In 1960, Nixon's best

chance for winning the electoral vote through a recount required him to shift a total of only 13,000 votes, but in five different states. There is little democratic appeal in giving all a state's electoral votes to a candidate who barely won it. But the method has the unique advantage of having decisively elected our presidents while manufacturing a majority electoral vote to bolster their authority to govern.

Those who would replace our current presidential election system with a direct popular vote should contemplate the political skulduggery likely to ensue in a nationwide recount after a close election. Those who would replace the winner-take-all system for state electoral votes with an apportionment of electoral votes by congressional districts (as has occurred in Maine and recently Nebraska) should understand that this change will encourage political entrepreneurs. Running as minor party candidates, they would seek enough votes in targeted districts to throw a presidential election into the House of Representatives. Then they could trade their support for political favors.

Our Constitution has largely protected us against such potential problems in electing our president through the long life of our democracy. We do not have the best presidential election system in democratic theory, but we may have the best in governmental practice.