



Memo

To: Interested Parties

Fr: Simon Rosenberg and Corey Cantor

Dt: Wednesday, October 29th, 2014

Re: Does Our Government Continue To Have the Consent of the Governed? – An Essay About Our Ailing Democracy

As we enter the home stretch of the 2014 election and survey the races across the country, we keep returning to the same question - whether or not our much maligned American political system is still capable for providing the most foundational of all electoral outcomes in a democracy, the “consent of the governed.”

The basic issue is that for far too many Americans their vote for Federal office simply doesn't matter. In recent years, there has been a significant decline in the number of competitive states at the Presidential level, and in competitive Senate and House races. Using one measure, in 2012 only 17% of registered voters cast a meaningful vote for President, 1.7% for the Senate and 3.7% for the House (meaningful being a vote which could in theory alter the outcome of the election). Not only does this lack of competitive states and races contribute to lower voter turnout (see graph below), but it is becoming routine for 65-85% of the country to not really be part of any Federal election every two years – the ads, the voter contact, the ubiquitous candidates – giving them far less investment in the issues at hand, the democratic process, and we fear ultimately the outcomes of these elections themselves.

Consider that in 3 of our 4 largest states, CA, NY and TX, equaling about 22% of all voters in the country, there has not been a competitive race for President, Governor or Senate since the 1980s. This means young adults in their mid 20s who have grown up and still live in these states have never experienced a close statewide election contest with all that comes with it in their entire lifetimes. Below you will find a series of charts and graphs offering a bit more data on the trends we refer to here.

We will readily acknowledge that our concern here about consent is in an early beta form of analysis, but we wanted to put it out there for broader discussion. One recent [poll](#) taken earlier this year found that only 19% of the public believes that Washington has “the consent of the

governed.” And it makes sense. If you are one of those whose Presidential vote has not mattered for decades, and perhaps only once every ten years or so for the Senate or House, even if you are voting regularly are you truly granting your consent in the way the Founding Fathers conceived it? Or is our current system in fact achieving the exact opposite – a reinforcement of distance and not proximity, of a system no longer connected to the concerns of everyday people as just far too many people are just sitting on the sidelines watching others far away experience real campaigns with real debates and where one’s vote really matters?

Given how large and diverse our democracy is, ensuring that our process provides true legitimacy and consent is particularly important. But our system now has developed an enormous bias against ease of voting; allows a candidate with fewer votes to become President; provides wealthy Americans a far greater voice in the electoral process; and gives power to political parties in Congress based on a very small fraction of the population’s vote preference. There is little wonder why average Americans would feel disconnected from politics and the outcomes of Federal elections in DC given all this.

How has this come about and what can we do about it? Both of those subjects will have to wait for a longer examination in another day. But the system is ripe for major reform, and ideas like same day registration, universal vote-by-mail, and eliminating the Electoral College should be given far more consideration. In light of all this, efforts to further restrict participation in a system without enough of it today seems particularly malevolent and pernicious.

We end our pre-election musings with this passage from the Declaration of Independence which makes clear just how important this perception of consent is to our democracy and way of life:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

The clear implication - it is *only* governments elected with the consent of the government that are capable of being just.

Send us your thoughts to srosenberg@ndn.org and ccantor@ndn.org.

A Note on Methodology

For this analysis we used a margin of victory of 5 percentage points or less in a state or race as a "swing" race which produced a "meaningful vote." Clearly the actual number of states or races which were perceived to be competitive and thus produced a meaningful vote is higher than our simple metric. But is beyond the scope of his simple essay to do a more accurate and in-depth analysis.

Our guess is that the actual number of "meaningful votes" will not be that much higher than what we find here. The proliferation of media polls even in House races gives many voters a clear sense of where these elections are before Election Day. And we know that as races start to separate and a clear winner starts to emerge, outside money moves to other races and the losing candidates can come up short of raising what they need to close with a fully funded campaign. This means that many elections above a 5% margin don't end up seeing a full-fledged campaign all the way to the end.

So it is our belief that while our crude system is perhaps a bit low in its projections, it isn't by enough to change the analysis or its conclusions. Far too few people cast meaningful votes in our current system.

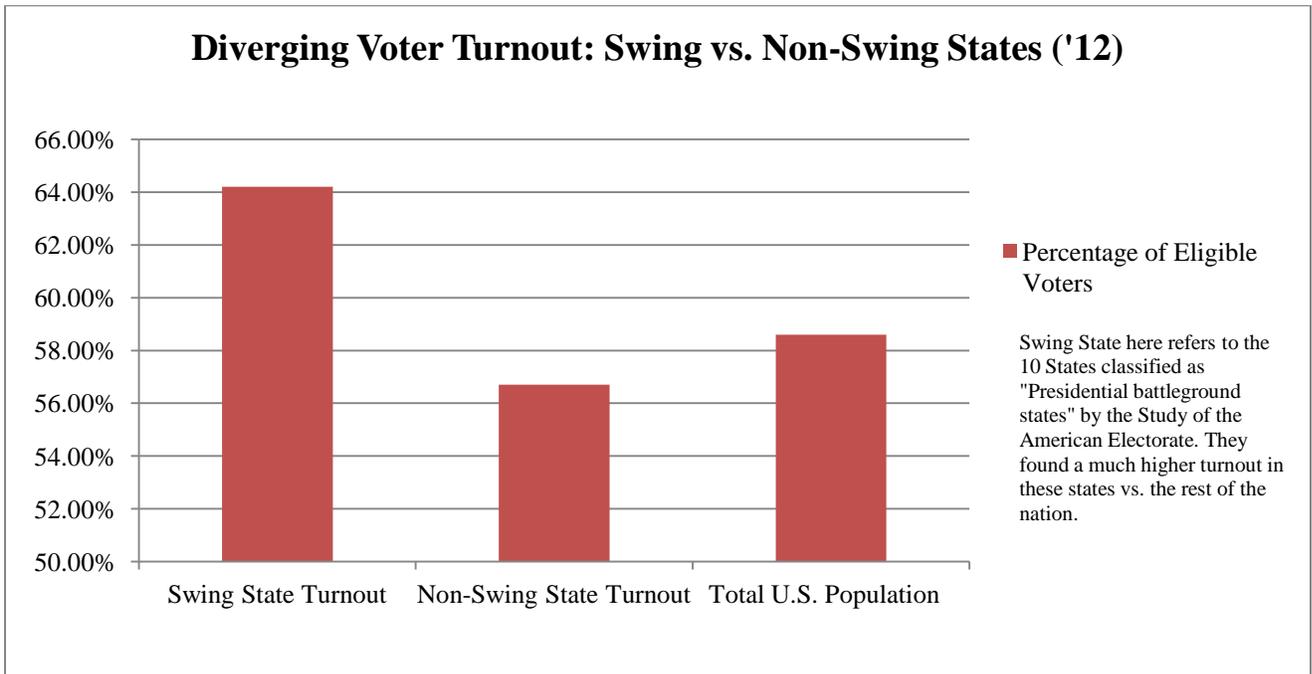
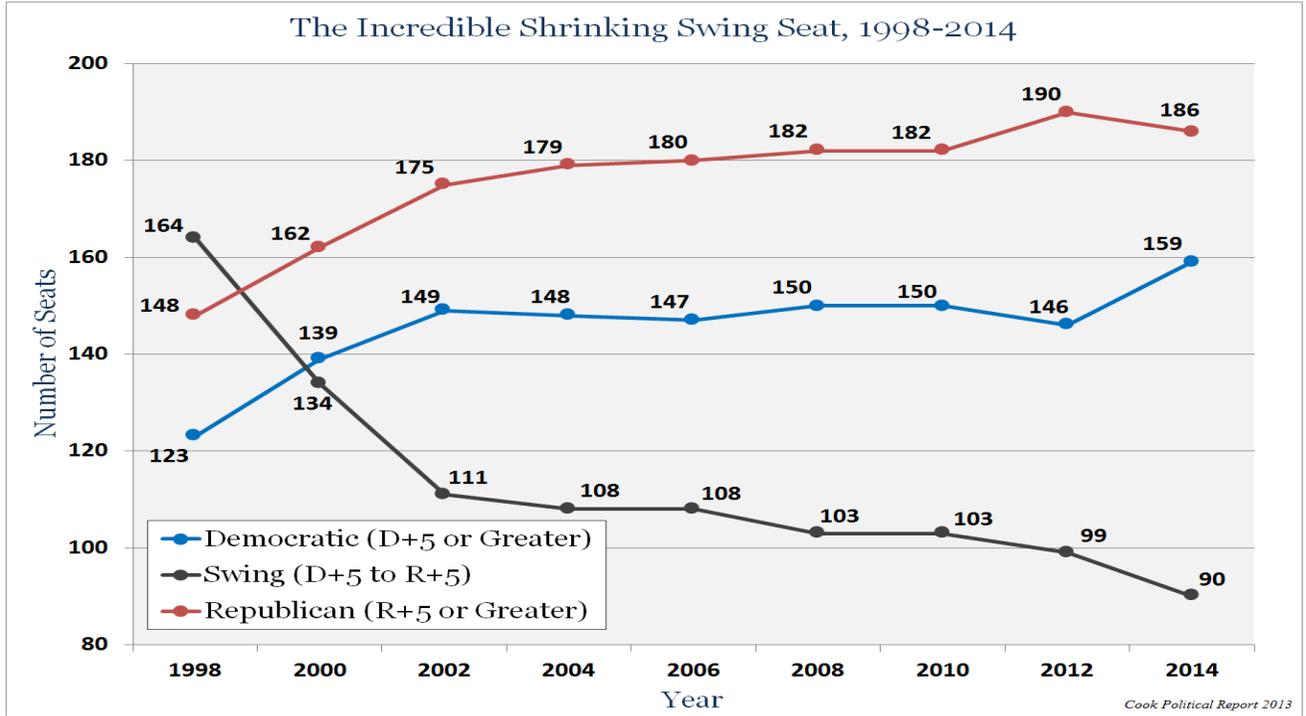
Charts, Graphs & Data:
Declining Competitive Races

Percentage of Electorate Who Cast Ballots In Close Races ('12)

Type of Race	% of Total Votes Cast
Presidential	17.37%
House	3.7%
Senate	1.7%
*A Close Race is any state or district where the final popular vote margin was 5% or less	Voter Data from the Federal Election Commission Additional Voter Data from US Election Atlas

Votes Cast in Close States (Presidential 1992 - 2012):

Presidential Election	# of Close States	Total Votes Cast	Voters in Close Race States	% of Voters in Close Race States (of all Registered Voters)
1992 (Clinton/H.W. Bush/Perot)	17	104,426,611	39,887,599	38.20%
1996 (Clinton/Dole)	11	96,275,640	20,236,452	21.02%
2000 (Bush/Gore)	12	105,425,985	29,681,238	28.15%
2004 (Bush/Kerry)	11	122,303,590	29,799,788	24.37%
2008 (Obama/McCain)	7	131,473,705	28,833,354	21.93%
2012 (Obama/Romney)	4	129,235,558	22,442,970	17.37%
*A Close State is any where the final popular vote margin was 5% or less	Voter Data from US Election Atlas			



Source: [USATODAY](#)