

CAUSES AND CONSEQUENCES OF AMERICA'S DISTANCE FROM "ONE PERSON, ONE VOTE"

"The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing - one person, one vote."

-- Gray v. Sanders, Supreme Court decision, March 18, 1963.¹

The 1963 ruling in Gray v. Sanders inserted the notion of "one person, one vote" into American law. A series of Supreme Court decisions reaffirmed the notion in the following years. It is a statement of critical importance to political philosophy. It is also a demographic statement that cannot hold up to scrutiny. Never in American history has the statement "one person, one vote" been true. There has always been – for good reason and ill – populations excluded from voting.

The founders made decisions regarding demographics and the electoral system; this paper explores those decisions and how they distance the American democracy from "one person, one vote." Specifically, this paper will consider the following decisions made during the Constitutional Convention:

- (i) Certain individuals will be deemed ineligible to vote.
- (ii) Seats in the House of Representatives will be apportioned according to the number of each state's residents.
- (iii.) Each state will have two Senators, regardless of the size of the state's population.
- (iv.) State delegations to the Electoral College will be the size of its Congressional delegations.

¹ Gray V. Sanders. No. 372 U.S. 368. Supreme Court. 18 Mar. 1963.

The paper will then discuss the contemporary consequences of these decisions on representation, the House of Representatives, the Electoral College and Presidential elections, specifically the 2000 election. It will conclude with a discussion of alternative decisions which could bring America closer to the notion of one person, one vote.

The Demographic Decisions

While the Declaration of Independence declares that “All men are created equal,” the founders certainly did not intend that equality to extend to voting rights. Never in American history has every resident been given the right to vote, but the reasons for exclusion, as well as the excluded populations, have differed over time. America’s history of voter exclusion is extensive; here is a sampling of exclusion measures:

- Property ownership: In 1776, only white men with property had the right to vote. New Hampshire eliminated property ownership criteria in 1792; other states followed suit ending with North Carolina in 1856.
- Religion: Initially, Quakers, Jews, Catholics and others were disenfranchised.
- Race: Blacks were denied the right to vote until the states ratified the 15th Amendment in 1870. Louisiana grandfathered a clause in 1896 that effectively denies the right to vote to African-Americans; this law is deemed unconstitutional in 1915.
- National Descent: In 1882, Congress passed the Chinese Exclusion Act which denied the right to vote to Chinese-Americans. It was repealed in 1943.
- Gender: Women were denied the right to vote until the ratification of the 19th Amendment in 1920.

- Literacy: Various Southern states established literacy criteria for voting; Lyndon Johnson signed the Voting Rights Act in 1965 making such criteria illegal.
- Age: For most of America's history, individuals under the age of 21 were unable to vote; the 26th Amendment ratified in 1971 lowered the age to 18.²
- Criminal status: While the laws vary over time and between states, prisoners and former convicted felons can currently be excluded from voting. The specific laws are determined by the states.
- Citizenship status: Aliens have been able to vote and hold public office in various states throughout American history; historians disagree as to which states allowed non-citizen and when but an upper limit of 35 states ever permitted non-citizens to vote.³

While huge swaths of the population have been and are still currently excluded from voting, the census still has always counted them (though slaves were counted as three-fifths of a person).

The total resident population – both those who can vote and those who cannot – is the basis for House apportionment. Article I, Section II and the XIV Amendment of the Constitution outline the rules regarding apportionment:

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons... The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative...

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state,

² "Voting Rights Act Timeline." 4 Mar. 2005. American Civil Liberties Union. 5 May 2007 <<http://www.aclu.org/votingrights/gen/12999res20050304.html>>.

³ Tienda, Marta. "Demography and the Social Contract." *Demography* 39 (2002): 587-616.

excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.⁴

The text in both the Article and the Amendment demonstrate the care with which lawmakers considered the distinction between residents and eligible-voters in regards to House apportionment. The Three-Fifths Compromise was negotiated between the pro-slavery Southern states and the anti-slavery Northern States. The Southern states wanted slaves to count as whole people entirely in order to increase their influence on the House. Constitutional Convention participants were conscious of the power that large resident populations could bestow; preserving the Union, however, demanded the Three-Fifths Compromise.⁵

The Senate apportionment decision was the source of argument during the Constitutional Convention. Delegates from large and small states battled over whether representation in the Senate would consist of equal representation, that is equal numbers of Senators from each state, or proportional representation, that is proportional to the number of residents as in the House. Large states supported James Madison's Virginia Plan (proportional representation) while small states supported William Peterson's New Jersey Plan (equal representation). The outcome, called

⁴ United States of America. US Constitution. 1787.

⁵ Davis, David Brion, and Steven Mintz. The Boisterous Sea of Liberty: a Documentary History Of America from Discovery through the Civil War. New York: Oxford UP, 1998. 241-242.

The Great Compromise, or The Connecticut Compromise,⁶ established proportional representation for the House of Representatives and equal representation for the Senate.

Finally, the convention participants decided each state will send a delegation to the Electoral College equal in size to its Congressional delegation: the number of House Representatives and Senators. The District of Columbia which has only a non-voting representative in the House, will send a delegation akin to a state with a small population – three delegates.

These decisions distance America from “one person, one vote” through two forces: first, apportioning representation according to residents, not eligible voters – the resident-count effect. Secondly, equal representation in the Senate – the Senate effect. Since the size of a state’s Electoral College delegation equals its Congressional delegation, the College is subject to both the resident-count effect and the Senate effect.

The Contemporary Consequences of these Decisions

The framers of the Constitution intended to create a democracy but were simultaneously reluctant to give the right to vote to every resident. Out of that reluctance, as well as protectionist impulses of states with certain political interests and demographics, the American electoral system was established. The framers’ choices outlined above – and subsequent ones by lawmakers -- have consequences for the reality of democracy throughout American history up until today. The consequences touch on the role and influence of voters, the makeup of the House, and even the outcomes of Presidential elections.

⁶ Brinkley, Alan. Unfinished Nation. New York: McGraw-Hill Companies, Inc, 1997. 152-155.

The consequences are illustrated here by examining different systems of enumeration. The populations of interest are:

- Resident population: the population currently used for enumeration
- Voting-age population (VAP): this identifies the portion of the population over age 18, including adults ineligible to vote.
- Voting-eligible population (VEP): this identifies the portion of the population eligible to vote by excluding children, non-citizens and those excluded due to status in the criminal justice system.
- Voters: this identifies the individuals who participate in voting. This differs from the other measures because an individual qualifies through law – being eligible to vote – and behavior – voting.

In contemporary American history, individuals are excluded from voting for primarily three reasons: their status in the criminal justice system, their age and their citizenship status.

Therefore, the voters in each state are in a strict sense speaking for everyone in the state, those eligible to vote and those not eligible. When a citizen goes to vote, she is representing not only herself but perhaps her child or her neighbor who is not a citizen. She may not represent their interests, but she represents them in the narrow sense that she is eligible to vote, they are not and all of those people have been counted for the purposes of enumeration.

People who are ineligible to vote, however, are not evenly distributed across the United States. California, for instance, has a greater proportion of its population that is ineligible to vote than

Montana. An eligible voter in California represents more people than an eligible voter in Montana. The first ten people in California's 2006 eligible voter rolls represent over 17 California residents – themselves and seven others who are ineligible to vote.^{7,8,9,10} In Montana, those ten eligible voters represent themselves and just three others. Considering the ratio of voters to the population is even more stark; ten Texans who turned out to vote in the 2004 Presidential election represented over 30 people – themselves and 20 others. In Minnesota, ten voters represented only 18 people – themselves and 8 others. Table 1 provides a representation ratio for 2006 for all 50 states and the District of Columbia, that is, the ratio of the voting-eligible population to the voting-age population and the resident population respectively. These numbers cannot fall below 1. Table 2 provides a similar ratio but examines the relationship of voters to these two populations. The data in Table 2 are applicable to 2004; being a Presidential election it was expected to bring the highest voter turnout.

⁷ All of the quantitative analysis in the paper uses data from Michael McDonald and the US Census. McDonald, Michael. Turnout 1980-2006. <http://elections.gmu.edu/voter_turnout.htm> 1 Mar 2007.

⁸ US Census. Total Population Estimates, States, 1900 to 1990.

⁹ US Census. Total Population Estimates, States, Time-Series of State Population Estimates, April 1, 2000 to July 1, 2001.

¹⁰ US Census Bureau. Annual Estimates of the Population for the United States, Regions, States, and for Puerto Rico: April 1, 2000 to July 1, 2006.

Table 1. Representation Ratio, 2006

	Representation Ratio Voting-Age Population	Representation Ratio Resident Population
United States	1.0937068	1.4466221
California	1.2478997	1.7098667
New Jersey	1.1928070	1.5830444
Texas	1.1897894	1.6503403
Nevada	1.1807128	1.5698806
Florida	1.1717383	1.4969915
Arizona	1.1687636	1.5752137
New York	1.1494602	1.5013888
Maryland	1.1384856	1.5068183
Georgia	1.1320057	1.5156104
Rhode Island	1.1282409	1.4638293
District of Columbia	1.1115758	1.5057599
Hawaii	1.1099083	1.4408058
Connecticut	1.1093379	1.4457586
Virginia	1.1090392	1.4464135
Colorado	1.1057369	1.4732951
Illinois	1.0949157	1.4658555
North Carolina	1.0921701	1.4433804
Washington	1.0916899	1.4198557
Utah	1.0885587	1.5159143
Massachusetts	1.0833935	1.4159775
New Mexico	1.0788449	1.4285660
Delaware	1.0728025	1.3830407
Minnesota	1.0707103	1.3971074
Arkansas	1.0682274	1.4030186
Oregon	1.0667961	1.3821969
Idaho	1.0662532	1.4210414
Alaska	1.0533559	1.4517394
Tennessee	1.0532290	1.3659955
Iowa	1.0521592	1.3499675
Nebraska	1.0516949	1.3811647
South Carolina	1.0487200	1.3730316
Wisconsin	1.0476003	1.3561085
Kansas	1.0465288	1.3808066
Michigan	1.0460959	1.3859972
Oklahoma	1.0435216	1.3652752
Mississippi	1.0431393	1.3812546
Missouri	1.0419722	1.3554628
Louisiana	1.0388697	1.3064635
Alabama	1.0380046	1.3595719
Kentucky	1.0355640	1.3485324
Indiana	1.0354205	1.3874596
Vermont	1.0333475	1.3006854
Pennsylvania	1.0326811	1.3284243
New Hampshire	1.0306931	1.3245679
Ohio	1.0305310	1.3536104
South Dakota	1.0294757	1.3463944
Wyoming	1.0244378	1.3119517
North Dakota	1.0199154	1.2804419
West Virginia	1.0135163	1.2805885
Maine	1.0121829	1.2664626
Montana	1.0109142	1.2791433

Note: For clarification, the representation ratio for the voting age population is the voting age population divided by the voting eligible population; the representation ratio for the resident population is the resident population divided by the voting eligible population.

Source: McDonald, Michael. Turnout 1980-2006. <http://elections.gmu.edu/voter_turnout.htm> 1 Mar 2007.

US Census Bureau. Annual Estimates of the Population for the United States, Regions, States, and for Puerto Rico: April 1, 2000 to July 1, 2006.

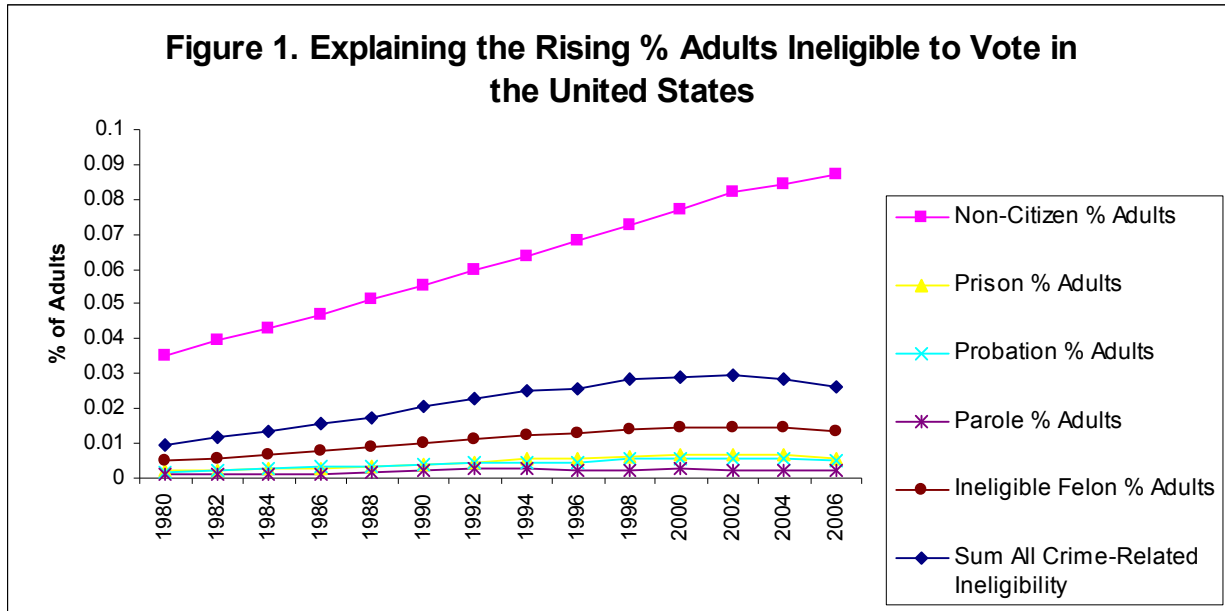
Table 2. Voter Representation Ratio, 2004

	Voter Representation Ratio Voting-Age	Voter Representation Ratio Resident
	Population	Population
United States	1.8094373	2.4010647
Hawaii	2.2846503	2.9353400
Texas	2.1946375	3.0385393
California	2.1452497	2.8853390
Nevada	2.0947592	2.8116207
Arizona	2.0840834	2.8548727
New York	2.0010912	2.6100495
Georgia	1.9791486	2.7060840
District of Columbia	1.9720823	2.5472569
South Carolina	1.9621783	2.5929506
Arkansas	1.9617879	2.6037594
Rhode Island	1.9284102	2.4681905
West Virginia	1.8921836	2.3957364
Indiana	1.8783180	2.5216061
Mississippi	1.8569102	2.5102012
New Mexico	1.8550900	2.5130371
Tennessee	1.8531475	2.4147832
North Carolina	1.8322804	2.4367389
Oklahoma	1.8203462	2.4067004
New Jersey	1.8199277	2.4021654
Alabama	1.8189521	2.3985378
Illinois	1.8046891	2.4104611
Virginia	1.7806788	2.3363323
Utah	1.7733297	2.6098137
Florida	1.7663501	2.2821323
Maryland	1.7601101	2.3267429
Kentucky	1.7580604	2.3055400
Louisiana	1.7284054	2.3136700
Kansas	1.7255581	2.3054870
Idaho	1.7137558	2.3305146
Massachusetts	1.7017824	2.2098687
Connecticut	1.7003727	2.2130489
Nebraska	1.6917639	2.2449389
Delaware	1.6765150	2.2089128
Pennsylvania	1.6665295	2.1452791
Washington	1.6551343	2.1704626
Colorado	1.6229491	2.1592986
Missouri	1.5906707	2.1062228
Montana	1.5884655	2.0565108
Wyoming	1.5864116	2.0767291
Michigan	1.5738735	2.0857352
North Dakota	1.5669468	2.0325477
Vermont	1.5631218	1.9877589
Ohio	1.5424601	2.0365200
Iowa	1.5091844	1.9600925
Oregon	1.5064114	1.9540523
Alaska	1.5036042	2.1012099
South Dakota	1.4842883	1.9839213
New Hampshire	1.4764958	1.9151368
Maine	1.4024046	1.7737664
Wisconsin	1.3989013	1.8347662
Minnesota	1.3691114	1.8011340

Note: For clarification, the voter representation ratio for the voting age population is the voting age population divided by the voting population; the representation ratio for the resident population is the resident population divided by the voting population.

Source: McDonald, Michael. Turnout 1980-2006. <http://elections.gmu.edu/voter_turnout.htm> 1 Mar 2007.
US Census Bureau. Annual Estimates of the Population for the United States, Regions, States, and for Puerto Rico: April 1, 2000 to July 1, 2006.

Since 1980, the representation ratio for the United States has remained fairly steady at just above 1 for the VAP representation ratio and around 1.4 for the resident representation ratio. Small changes in the representation ratio represent potentially large changes in the percent of ineligible adults. Figure 1 shows how the voting-ineligible adult population has changed in magnitude and in composition from 1980 to 2006. Figure 2 shows the similar measure for California, the state with the largest proportion, and absolute number, of voting-ineligible adult population. Figure 3 compares the United States and California.

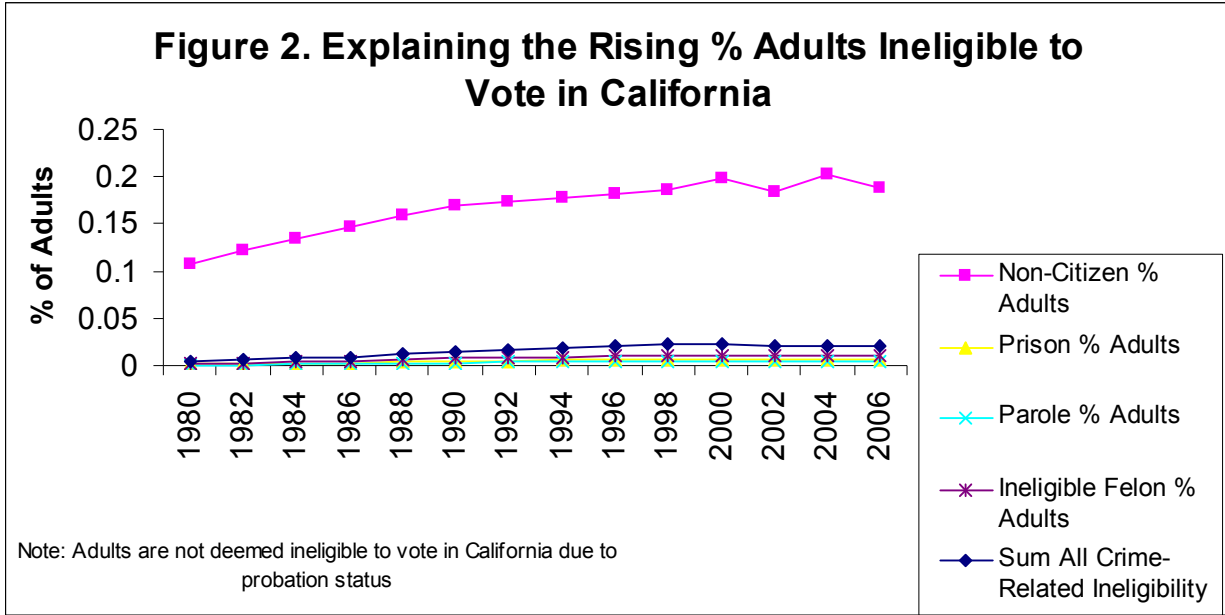


Source: McDonald, Michael. Turnout 1980-2006. <http://elections.gmu.edu/voter_turnout.htm> 1 Mar 2007.

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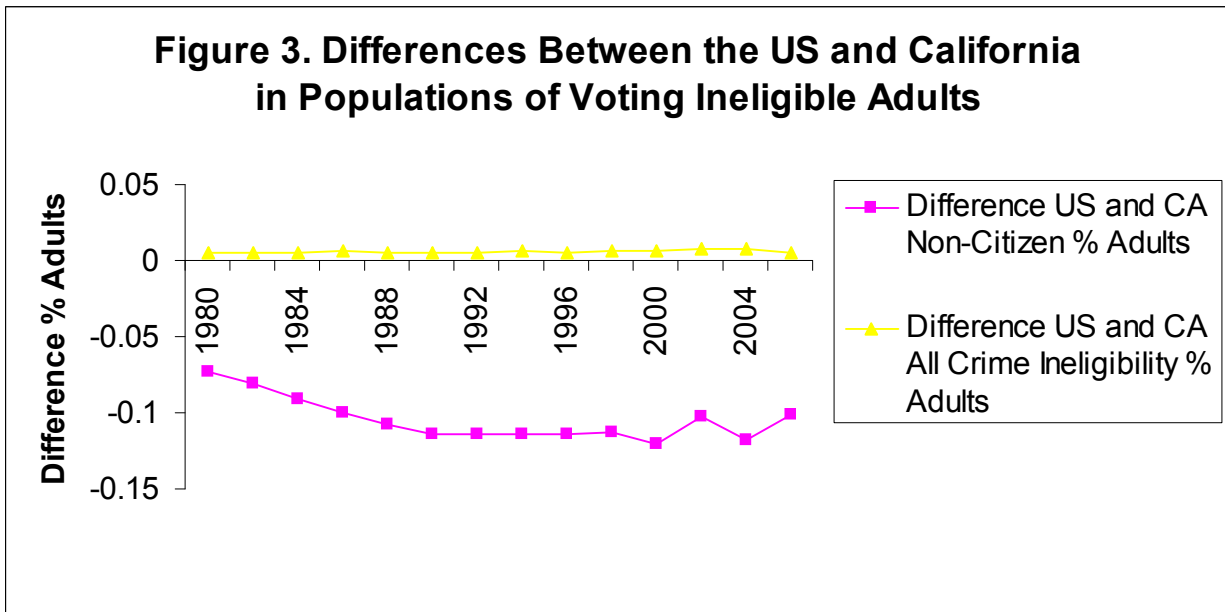


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The representation ratio and its fluctuations raise questions about whether the reality of America's voting laws meet the ideals of American democracy. Perhaps only a ratio equal to one is appropriate – one person one vote. A reasonable person however, does not think infants should vote and with that choice, the ratio grows to greater than one. The question is how high is too high and which populations do we deem it moral to exclude. Perhaps a few decades from now Americans will find denying suffrage to adults who have served felony prison-sentences or who are legal residents as objectionable as we now find denying suffrage to Catholics, Chinese-Americans or non-property owners.

In addition to lofty consequences regarding representation and democracy, the percent of ineligible adults impacts the practicalities of House apportionment. Had the founders chosen to apportion the House according to eligible voters or adults then the makeup of the chamber would be quite different. States with high proportions of individuals ineligible to vote – California and Texas – for instance would lose seats. Those seats would be distributed among other states. Table 3 shows how the makeup of the House for the years 2001-2011 would change had the seats been apportioned according to the size of the voting-eligible population.¹¹

The House, however, is apportioned according to the size of the resident population. The result is that in states with a high proportion of voting-ineligible individuals, those who are eligible get increased leverage or influence on the House – the resident-count effect. The representation ratios are one way to measure this extra influence. Another is to calculate how many eligible voters per representative in the House. Table 4 illustrates this extra leverage; the states with large

¹¹ Details on the process of apportionment are from Huckabee, David C. United States. Congress. [The House Apportionment Formula in Theory and in Practice](#). 10 Oct. 2000. 15 Apr. 2007.

non-voting eligible populations such as Texas, California, New York and Illinois tend toward the bottom. Each voter in these states has additional leverage on the House elections. (Note: Table 4 illustrates quirks around apportionment not discussed in this paper – the issue of rounding. Since the size of the House of Representatives is fixed at 435 and seats are only assigned in whole numbers, a complicated equation determines which states get seats in addition to the whole number seats allotted for them. Montana is at the top of this list for two reasons: relatively many of its residents can vote, it is just under the cut-off for two seats and it did not fare well in the prioritizing.)

While this analysis focuses on the House of Representatives, similar problems can arise in any scenario where seats are apportioned according to population size and not every resident votes. An extreme example illustrates the potential problems. Franklin County is in Northern New York and has a sizeable prisoner population that lives in one village, Malone. If Franklin counted the prisoners in their population counts, as the census does, they would have to create a new county legislative district near Malone. Two-thirds of the new district's population would be disenfranchised prisoners. Franklin does not count prisoners in their population counts and its officials encourage other counties with large prisoner populations to do the same.¹²

¹² Wagner, Peter. Rural Citizens Call for Change in How Census Counts Prisoners. Prisoners of the Census. 2004. 5 May 2007 <<http://www.prisonersofthecensus.org/news/2004/09/06/ruralcitizens/>>.

Table 3. House Apportionment According to the Voting-Eligible Population, 2001-2011

	Current Number of Representatives	Number of Representatives (VEP)	Difference
Alabama	7	7	0
Alaska	1	1	0
Arizona	8	8	0
Arkansas	4	4	0
California	53	45	-8
Colorado	7	7	0
Connecticut	5	5	0
Delaware	1	1	0
Florida	25	24	-1
Georgia	13	13	0
Hawaii	2	2	0
Idaho	2	2	0
Illinois	19	19	0
Indiana	9	10	1
Iowa	5	5	0
Kansas	4	4	0
Kentucky	6	7	1
Louisiana	7	7	0
Maine	2	2	0
Maryland	8	8	0
Massachuse	10	10	0
Michigan	15	16	1
Minnesota	8	8	0
Mississippi	4	5	1
Missouri	9	9	0
Montana	1	2	1
Nebraska	3	3	0
Nevada	3	3	0
New Hamps	2	2	0
New Jersey	13	13	0
New Mexicc	3	3	0
New York	29	28	-1
North Carol	13	13	0
North Dakot	1	1	0
Ohio	18	19	1
Oklahoma	5	6	1
Oregon	5	5	0
Pennsylvani	19	21	2
Rhode Islan	2	2	0
South Carol	6	7	1
South Dakol	1	1	0
Tennessee	9	10	1
Texas	32	30	-2
Utah	3	3	0
Vermont	1	1	0
Virginia	11	11	0
Washington	9	9	0
West Virgin	3	3	0
Wisconsin	8	9	1
Wyoming	1	1	0

Calculations are based off data from: McDonald, Michael. Turnout 1980-2006. <http://elections.gmu.edu/voter_turnout.htm>
1 Mar 2007.

US Congress. Presidential Elections 1789-2000. Washington, D.C.: CQ Press, 2002.

Table 4. Number of Eligible Voters per House Representative (2006)

	Representatives	Eligible Voters per Representative
Montana	1	738,488
Delaware	1	617,101
South Dakota	1	580,750
Utah	3	560,732
Oregon	5	535,489
Nevada	3	529,877
Mississippi	4	526,793
South Carolina	6	524,539
Oklahoma	5	524,321
Maine	2	521,758
Kentucky	6	519,834
Idaho	2	515,983
Wisconsin	8	512,174
Indiana	9	505,602
Arkansas	4	500,862
Washington	9	500,505
Kansas	4	500,446
North Dakota	1	496,600
New Hampshire	2	496,349
Pennsylvania	19	492,892
Tennessee	9	491,201
Arizona	8	489,324
Michigan	15	485,602
Connecticut	5	484,840
Florida	25	483,366
Alabama	7	483,244
Virginia	11	480,366
Vermont	1	479,676
Missouri	9	478,944
Georgia	13	475,256
West Virginia	3	473,342
North Carolina	13	471,996
Ohio	18	471,086
Louisiana	7	468,852
Maryland	8	465,860
Minnesota	8	462,304
Alaska	1	461,552
Colorado	7	460,908
Illinois	19	460,732
New Mexico	3	456,075
Massachusetts	10	454,611
Hawaii	2	446,104
Texas	32	445,131
New York	29	443,410
Iowa	5	441,801
Nebraska	3	426,773
New Jersey	13	423,943
California	53	402,299
Wyoming	1	392,548
District of Columbia	1	386,204
Rhode Island	2	364,663

Calculations are based off data from: McDonald, Michael. Turnout 1980-2006. <http://elections.gmu.edu/voter_turnout.htm> 1 Mar 2007.

The nuances of proportional representation in contemporary America shape small and large jurisdictions, from Franklin County, New York to the entire country in the form of the Electoral College. Each state sends delegations to the Electoral College equal in size to its Congressional delegation: the number of Representatives plus two for the Senators. It is subject to both the resident-count effect and the Senate-effect. Consider the ratio of electors to the voting-eligible population. States with a high proportion of voting-ineligible residents have higher ratios for the House of Representatives. A higher ratio means that each eligible voter represents many more people than just herself. When a jurisdiction is made up of a large number of voting-ineligible residents, it takes fewer votes to get elected. Each official represents fewer eligible voters – the resident-count effect.

In the Electoral College, there is another force at play. Every state gets two Senators whether 10 people live there or ten million and this can change the ratio – the Senate effect. States with a large proportion of voting-ineligible populations also tend to be generally populous so while their elector to eligible voter ratio is increased by their voting-ineligible population, it is decreased by their size overall. As Table 5 shows, in 2006, the Senate effect swamped the resident-count effect. The ten least populous states also have the highest ratios – each delegate represents fewer eligible voters. Phrased differently, it takes almost 3.5 times the number of votes to elect a delegate in Florida than the District of Columbia. Those delegates, however, each have equal power in electing a President.

Since the size of the Electoral College delegation equals the Congressional delegation, these figures also apply to overall Congressional representation.

Table 5. Number of Individuals Each Elector Represents, 2006

	Number of Voting Eligible Individuals per Elector	Number of Voting Age Individuals per Elector	Number of Individuals per Elector
United States	N/A	N/A	N/A
Florida	447,562	524,425	669,996
Pennsylvania	445,950	460,524	592,411
Michigan	428,472	448,223	593,861
Ohio	423,977	436,922	573,900
Texas	418,947	498,459	691,405
Illinois	416,853	456,419	611,046
New York	414,803	476,799	622,780
Indiana	413,674	428,327	573,956
Georgia	411,889	466,260	624,263
Wisconsin	409,739	429,243	555,651
Washington	409,504	447,051	581,436
North Carolina	409,063	446,766	590,434
Virginia	406,463	450,784	587,914
Tennessee	401,892	423,284	548,982
South Carolina	393,404	412,571	540,156
Missouri	391,863	408,310	531,156
Arizona	391,459	457,523	616,632
Kentucky	389,875	403,741	525,759
California	387,670	483,774	662,865
Oregon	382,492	408,041	528,680
Massachusetts	378,843	410,436	536,433
Alabama	375,856	390,140	511,003
Oklahoma	374,515	390,814	511,316
Maryland	372,688	424,300	561,573
Minnesota	369,843	395,995	516,710
New Jersey	367,417	438,258	581,637
Louisiana	364,663	378,837	476,419
Colorado	358,484	396,389	528,153
Mississippi	351,195	366,346	485,090
Connecticut	346,314	384,180	500,687
Utah	336,439	366,234	510,013
Arkansas	333,908	356,689	468,479
Kansas	333,630	349,154	460,679
Nevada	317,926	375,379	499,106
Iowa	315,572	332,032	426,012
West Virginia	284,005	287,844	363,694
New Mexico	273,645	295,220	390,920
Maine	260,879	264,057	330,394
Idaho	257,991	275,084	366,616
Nebraska	256,064	269,301	353,666
New Hampshire	248,174	255,792	328,724
Montana	246,163	248,849	314,877
Hawaii	223,052	247,567	321,375
Delaware	205,700	220,676	284,492
South Dakota	193,583	199,289	260,640
Rhode Island	182,332	205,714	266,903
North Dakota	165,533	168,830	211,956
Vermont	159,892	165,224	207,969
Alaska	153,851	162,059	223,351
Wyoming	130,849	134,047	171,668
District of Columt	128,735	143,098	193,843
Value of Largest Multiplier	3.48	3.91	4.03

Source: McDonald, Michael. Turnout 1980-2006. <http://elections.gmu.edu/voter_turnout.htm> 1 Mar 2007.
US Census Bureau. Annual Estimates of the Population for the United States, Regions, States, and for Puerto Rico:
April 1, 2000 to July 1, 2006.

As demonstrated above, the Electoral College is skewed from perfect representation by the resident-count effect and the Senate effect. In 2006, those forces benefited different states -- the former helped populous states, the latter helped relatively uninhabited states. Given the demographic makeup in 2006, the Senate-effect had a much larger magnitude.¹³

Demography will change the magnitude of these forces and which states are affected by them. Given the current laws for enumeration, apportionment and the size of the delegations to the Electoral College, these forces will always exist, and they will always affect Presidential elections, as demonstrated below.

The Senate effect and the resident count effect lower the number of votes required to win a Presidential election. Given voter participation rates in 2004, a candidate needed only 30,210,572 strategically located votes to win the election. This represents 24.7 percent of voters and only 14.9 percent of the voting-eligible population. Even if you assumed all eligible voters voted, a Presidential candidate only needed 45,130,231 votes to win the election – 22.3% of the voting-eligible population. An electoral system perfectly apportioned according to population and with two candidates would require just over 50 percent of the votes to win.

An examination of a close Presidential election provides further illustration of these consequences. Below is an analysis of the 2000 election given two scenarios: first, House seats are apportioned according to the voting-eligible population; delegations to the Electoral College

¹³ It is common practice that all the electors from a given state vote with the winner of the plurality of votes from that state. This is not law and has not always been the practice but this skews the results as well.

equal the number of representatives plus two Senators – removing the resident-count effect. The second analysis continues by additionally removing the Senate-effect by reducing the number of electors from each state by two.¹⁴

When House seats are apportioned according to the voting-eligible population and the states are divided between the candidates precisely the same as in the actual election, Bush wins the election by a margin of nine electoral votes. While California, an important part of Gore's coalition, loses six electors with the removal of the resident-count effect; four states that supported Gore gain seats: Pennsylvania, Maryland, Michigan and New Jersey. Texas, an important part of Bush's coalition, loses two seats with the removal of the resident-count effect; Kansas, Kentucky and Montana and Ohio each gain a seat, however. If additionally the Senate-effect is removed -- the size of the Electoral College is diminished by 102 -- Gore wins the election by a margin of nine electoral votes. Bush had the support of 30 states and so loses 60 electoral votes with the removal of the Senate-effect; Gore loses 42 for his 20 states and the District of Columbia. Table 6 provides more detail to the outcome of the simulations.

¹⁴ Data on the electoral college votes for the 2000 election are from: United States Congress. Presidential Elections 1789-2000. Washington, D.C.: CQ Press, 2002. p. 227

Table 6. The 2000 Electoral College Votes by Considered Effects

State	Votes for Bush in 2000	Votes for Gore in 2000	Votes for Bush w/o Resident-Count Effect	Votes for Gore w/o Resident-Count Effect	Votes for Bush w/o Resident-Count & Senate Effect	Votes for Gore w/o Resident-Count & Senate Effect
Alabama	9	0	9	0	7	0
Alaska	3	0	3	0	1	0
Arizona	8	0	8	0	6	0
Arkansas	6	0	6	0	4	0
California	0	54	0	48	0	46
Colorado	8	0	8	0	6	0
Connecticut	0	8	0	8	0	6
Delaware	0	3	0	3	0	1
Florida	25	0	25	0	23	0
Georgia	13	0	13	0	11	0
Hawaii	0	4	0	4	0	2
Idaho	4	0	4	0	2	0
Illinois	0	22	0	22	0	20
Indiana	12	0	12	0	10	0
Iowa	0	7	0	7	0	5
Kansas	6	0	7	0	5	0
Kentucky	8	0	9	0	7	0
Louisiana	9	0	9	0	7	0
Maine	0	4	0	4	0	2
Maryland	0	10	0	11	0	9
Massachusetts	0	12	0	12	0	10
Michigan	0	18	0	19	0	17
Minnesota	0	10	0	10	0	8
Mississippi	7	0	7	0	5	0
Missouri	11	0	11	0	9	0
Montana	3	0	4	0	2	0
Nebraska	5	0	5	0	3	0
Nevada	4	0	4	0	2	0
New Hampshire	4	0	4	0	2	0
New Jersey	0	15	0	16	0	14
New Mexico	0	5	0	5	0	3
New York	0	33	0	33	0	31
North Carolina	14	0	14	0	12	0
North Dakota	3	0	3	0	1	0
Ohio	21	0	22	0	20	0
Oklahoma	8	0	8	0	6	0
Oregon	0	7	0	7	0	5
Pennsylvania	0	23	0	24	0	22
Rhode Island	0	4	0	4	0	2
South Carolina	8	0	8	0	6	0
South Dakota	3	0	3	0	1	0
Tennessee	11	0	11	0	9	0
Texas	32	0	30	0	28	0
Utah	5	0	5	0	3	0
Vermont	0	3	0	3	0	1
Virginia	13	0	13	0	11	0
Washington	0	11	0	11	0	9
West Virginia	5	0	5	0	3	0
Wisconsin	0	11	0	11	0	9
Wyoming	3	0	3	0	1	0
District of C	0	2	0	2	0	0
Total	271	266	273	264	213	222

Note: One elector from the District of Columbia abstained.

Calculations are based off data from: McDonald, Michael. Turnout 1980-2006. <http://elections.gmu.edu/voter_turnout.htm> 1 Mar 2007.
US Congress. Presidential Elections 1789-2000. Washington, D.C.: CQ Press, 2002.

Steps to Get Closer to “One Person, One Vote”

If one believes the founders did intend the basis of American democracy to be “one person, one vote,” there are a few suggestions to help achieve that:

1. Apportion House seats according to the size of the voting-eligible population.
2. Apportion the Senate according to the size of the voting-eligible population.
3. Have State delegations to the Electoral College equal the size of its House representation.
4. Given that lower voter turnout increases the distance from “one person, one vote” mandate voting.
5. Grant suffrage to every adult over age 18 thus limiting the representation ratio to reflect only the age structure of the United States.
6. Dismantle the Electoral College.

Further Analysis

The next steps in analyzing the effects of these laws regarding demographics and elections is to get a clearer sense of the demographic characteristics and political tendencies of those who choose not to vote, those who do, and those who are ineligible to vote. This paper concerned representation in a narrow sense of who can vote and who cannot; the next step is to broaden the notion of representation.

The research would be furthered through cross-national comparison. There are many democracies in the world and the challenges faced by the participants of the Constitutional Convention are not unique to America. Comparison can shed light on further alternatives.

A third step would be to consider how the consequences outlined above affect political party prospects. Given that certain states have greater leverage over the Electoral College, the tendencies of those states to vote for one party gives that party an advantage. For example, in 2006, the greater leverage lies with less-populated states; if those states form the Republican base, Republicans have a head-start in gaining a majority of the Electoral College votes even if their base represents less of the popular vote.

Conclusion

This paper has shown there are significant consequences to America's basic electoral laws. The consequences will change as demography and political allegiances change. The consequences, however, will always be present and will inevitably distance us from "one person, one vote."

The distance may be justified. Much of the inequities arise from the impulse to protect minority rights, in this case the rights of less populous states. In addition, the inequities resulting from a large non-voting eligible population do not dictate a clear moral imperative. Perhaps it is defensible that immigrants do not vote, that there is an important distinction between residence and citizenship. Certainly the non-voting eligible population still uses resources – they drive on highways, attend public schools and are protected by the American military. Perhaps their resource consumption is reason enough to count them for apportionment purposes. This paper illustrates that in the strictest sense of representation, America is far from the dictates of the Supreme Court – "one person, one vote." This distance effects our elections from county legislatures to the President.

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