

The Filibuster and Electoral College Reform Game

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In the week following President Obama's second inauguration, two issues which address institutional issues in U.S. politics have drawn a significant amount of attention as well as several proposals for reform. These two issues are, of course, the senate filibuster and the electoral college. At first glance these are clearly partisan, with Democrats seeking to change or abolish the senate filibuster to make it easier for President Obama to pass various bills, while Republicans are seeking to change the electoral college to overcome their perceived inability to win under the current rules.

The partisan aspects of these discussions are significant, but it is at least equally significant that very substantial structural reforms to our system are now being proposed by both parties. These proposals are in part borne out of partisan frustration, Republicans are angry that they lost the last two presidential elections and are no longer competitive in many states; and Democrats are frustrated that 41 senators, largely from states with small populations, are able to stop any legislation from passing. The frustrations are also driven by a recognition that our political system may no longer be suited to meeting the challenges of policy and governance arising out of our current political and policy landscape. There also may be a growing recognition that institutions like the filibuster may have stopped being useful decades ago.

The discussions around both of these issues are interesting because rather than address the issue directly and effectively by calling for the elimination of the electoral college or the filibuster, the reformers are seeking halfway measures that will further their current interests. The Republican electoral college proposal, which is [being pursued](#) in several states, is particularly glaring in this respect. It would award electoral votes based on congressional districts within the state with whoever carries the state's popular vote getting two additional electoral votes. This is so clearly an effort by the Republicans to improve their chances of winning that it cannot be taken too seriously. It is also unlikely to make much of a difference, because electoral systems and rules help form strategies which produce outcomes. Mitt Romney probably would not have won in 2012 under these new rules because both campaigns would have made changes and Barack Obama, as the better candidate with the more effective campaign, would have been able to adapt more easily. He would have picked up a few more congressional districts, possibly in states carried by Romney.

These discussions create an atmosphere where institutional arrangements are no longer assumed to be unalterable and where reforms can be discussed more openly. This is probably a good development which could contribute to real change. For example, any debate around the electoral college will eventually become national. Despite the structural difficulties of reforming the electoral college at the national level, which would likely require amending the constitution, this national debate would almost certainly lead to real pressure to get rid of the electoral college, which would bring the country closer to real democracy. Similarly, a public debate about the

filibuster will lead quickly to a growing awareness of other senate policies which make governance difficult and possibly to the unequal nature of representation in the senate.

The senate filibuster and the electoral college have been around a long time and only occasionally have drawn attention. This is because we all know that the rules of American democracy have always been unfair. The electoral college and the U.S. Senate have always favored more sparsely populated, largely rural states. Committee structures and seniority rules for years ensured that southern Democrats held a disproportionate amount of power in congress, creating a major obstacle to civil rights legislation.

It is worth noting that 22 years ago the Republicans had won five of the previous six presidential elections, due in some part to their electoral college advantage, and the senate, with its arcane rules of procedure, was one of the few ways to stop the conservative agenda. At that time the Republicans were supporters of the existing electoral college system while calls to change or get rid of the electoral college came primarily from the left. Making permanent changes to address short term partisan needs and contexts is a mug's game, but a tempting one.

A goal for progressives should be to dislodge these debates around the electoral college and the filibuster from their partisan and temporary foundations and make them into broader discussions about American democracy and its future. In that discussion many different things should be considered in addition to the filibuster and the electoral college, including the role of money in politics, how legislative districts are drawn and limiting restrictions local officials can put on voting. The need for structural reforms in our system is substantial. Filibusters and the electoral college are just the beginning, but they may open the door to more ideas and perhaps even action.