



***Becoming One Indivisible
Nation In the Era of
Divisiveness***

Class 3

April 23 – May 28

Where We Ended Class 2

Purpose of the Constitution

Given Washington's and Jefferson's guidance on change, shouldn't we look to the Constitution for changes that can minimize divisiveness and restore national unity in politics and governing?

To guide the changes we might consider, it will be helpful to look at the FULL PURPOSE the Founders wanted the Constitution to accomplish.

It is important that if we change or add rules for HOW to govern, that we still need to retain the Purpose of the Constitution.

We said earlier that the Preamble stated one Purpose about the Constitution. Are there other statements of Purpose in the Preamble?

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What is the role of the Preamble? Is it part of the Constitution?

What does the language “in order to ...” followed by a list of 6 statements mean about those statements?

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What does the language “in order to ...” followed by a list of 6 statements mean about those statements?

Does this statement of Purpose have any impact on how the Articles and Amendments should be enacted to fulfill these Purposes?

Should our laws that must be Constitutional, be judged as to whether these 6 statements are being fulfilled? Should that part of being “Constitutional?”

Becoming One Indivisible Nation Means to Minimize Divisiveness and Restore Unity.

There are Five Key Areas We Need to Fix to Restore Unity and Effectiveness in Governing.

- 1. Reform Electoral Processes.**
- 2. Reduce Partisanship and Ineffective Governing.**
- 3. Strengthen Ethics.**
- 4. Limit Campaign Contributions and False Messages.**
- 5. Create National Service Requirement for Citizenship.**


Purpose of the Citizen Rules

- 1. Minimize divisiveness in politics and strengthen national unity.**
- 2. Increase cooperation and collaboration between the parties in governing.**
- 3. Restore commitment to the ethical standards, oath of office and national interest, above self interest and party loyalty.**
- 4. Increase the effectiveness of government programs in achieving national goals.**
- 5. Protect the integrity of our national institutions, such as the rule of law, election fairness and integrity.**

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Let's Look at the

“Citizen Rules”

To Reform Electoral Processes

Reform of Electoral Processes

- 1. Proportional Allocation of Electoral College Votes – Rule 8**
- 2. Free and Fair Access to Registration and Voting – Rule 10**
- 3. Eliminate Gerrymandering – Rule 13**
- 4. Open Primary and Ranked Choice Voting – Rule 18**

Citizen Rule #8

8. Requirements for Allocation and Certification of Electoral College Votes

- Currently, nearly all states allocate Electoral College votes to the candidate who wins the largest portion of the popular vote in the state. This results in a “winner take all” approach to Presidential elections, where a candidate who wins just 50.1% of the popular vote, is allocated 100% of the Electoral College votes in that state.

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- **Replaces “winner take all” with a proportional allocation of Electoral College votes, based on percent of the popular vote in each state**
- This creates a division of the states into “safe” states and “swing” states. Today, about 40 states are “safe” for either one of the party’s candidates due to a “safe” party majority in the popular vote. Very little attention is paid by either candidate, since the likelihood of either winning or losing those Electoral Votes is considered low by both candidates.

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- **Eliminates the “safe” states. Each candidate can win Electoral College votes in every state. Likely increases voter turnout in all states.**
- **This also eliminates the last 2 actions in the attempt to overturn the 2020 Election: the manipulation of just a few thousand popular votes to switch the total of Electoral College votes; the presentation of a false set of human electors.**

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- The processes for certifying Electoral Vote counts at both the state and federal level include human interventions after the public vote.
- **Electoral College votes are allocated on the basis of math: % of popular vote x Electoral College total = Electoral College votes by candidate.**
- **The revised certification process of state Electoral College votes removes the appointment of human electors. All challenges must be completed by mid-December, when certified by Secretary of State and Governor.**
- **The revised process for certification of the total Electoral College votes nationally is the sum of the state’s certified votes, with no authority to challenge the certified vote in Congress.**

Benefits of Rule #8

- **Eliminates the incentive for fraudulently manipulating the popular vote totals for major impact on Electoral College votes.**
- **Every citizen's vote has an impact on the National Election, likely leading to greater voter turnout in "safe" states.**
- **Candidates from both parties would campaign in most states.**
- **Others?**

Problems of Rule #8

- **Could be passed state-by-state, which would take many election cycles. Passage by Congress is faster, probably lead to stronger opposition.**
- **Eliminating human electors might require Constitutional Amendment.**

Reform of Electoral Processes

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- 2. Free and Fair Access to Registration and Voting – Rule 10**
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Citizen Rule #10

10.Ensuring Fair and Equitable Access to Registration and Voting for all Citizens, and Elections Free from Fraud.

- Surprisingly, there is no explicit right to vote in the Constitution or the Bill of Rights. There is no article or Amendment that formally provides a right to vote to all citizens. The 15th Amendment prohibits denying the right to vote to citizens on the basis of race or color. The 19th Amendment prohibits denying the right to vote to citizens on the basis of sex. So the right to vote is an implied right of citizens.

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- States have enacted many different kinds of laws to make it difficult for many people to access voter registration process or to access voting process. While not passing a law to deny voting access on the basis of race or sex, laws have been passed to minimize voting by certain demographic groups. These include laws that make the convenience of voting more difficult in some demographic areas than in other areas ... with issues such as waiting time differences, number of drop boxes for returning mailed ballots, distance to drop boxes or voting locations, ID requirements not equally available to all citizens, etc.

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- **Congress will establish a Federal Election Oversight Board with authority to review state laws regarding voter registration and election processes. Members will be citizens who have not served as elected or appointed officials, nor served in any official role in a political party or lobbyist, with an equal number of members from both major parties.**
- **The members should include citizens who have served as officials or volunteers in previous elections. They will be appointed by the existing Federal Election Commission.**

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- **The Board shall have the authority to require changes to voter registration and voting laws and processes when these processes do not result in equally accessible and convenient for all citizens in the state. The Board shall also have the authority to question the validity of changes to voting laws that are not based on data about the level of source of fraud in previous elections.**

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- **These assessments by the Board will be based on data, via research, polling and/or observed results. Board requirements may be appealed to the Federal Election Commission and ultimately to a Federal Court.**
- **All actions by the Board shall be immediately made public. The Board shall have the authority to request a Federal Court to enforce requests for changes via fines and confinement.**

Benefits of Rule #10

- Established a process for objective, unbiased, non-partisan oversight of state voter registration and voting laws without the expense and time required for court reviews.
- The Board has the authority to require changes by the state, not to enact changes, and to seek action by a Federal Court for non-compliance, via fines and confinement, if necessary.
- Others

Problems of Rule #10

- The Board's requests could be ignored by state officials; rulings by State Supreme Courts have been ignored by state officials in some states. Fines for not acting may not be sufficient to ensure compliance, but Courts are encouraged to use Contempt citations if necessary.
- Others

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Citizen Rule #13

13. Providing an Independent Council to Oversee Voting District Alignments after Census.

- The extensive amount of gerrymandering in states across the country has received a lot of coverage. It's an issue in nearly every state, regardless of party. And of course, that includes Ohio, where even a citizen-approved Constitutional Amendment to require a non-partisan approach, and multiple decisions of the State Supreme Court, were ignored by the partisans on the redistricting committee, who failed to propose a Constitutional district map.

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- Partisan gerrymandering is a form of an unfair election process that undermines the core principle of democracy ... free and fair elections that objectively reflect the will of the people who choose to vote, without undue barriers and without fraudulent manipulation of the outcomes.

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- **The Federal Election Oversight Board defined in Rule #10 would also be empowered to review Congressional voting district maps in each state. Decisions can be appealed to a Federal Court, as in Rule #10.**
- **Any use of party voting history, party affiliation data, or racial, ethnic or other demographically based data except population, in the drawing of voting district boundaries would be prohibited.**
- **The Board would have authority to require changes to state voting district maps judged to be biased by party affiliation, or other demographic factor.**
- **The Board would have authority to fine the members of the state's redistricting board for each day of non-compliance with an order.**

Benefits of Rule #13

- Biased gerrymandering of state voting district boundaries needs to end to restore fairness and balanced choice in elections for citizens.
- Typical legal approaches have failed to remove the biases of gerrymandering in many states. A citizen led Board with authority to require changes, backed by Federal Court penalties, likely provides the best path.
- The Board has the authority to require changes by the state, not to enact changes, to levy fines for each day of non-compliance, and to seek action by a Federal Court, via confinement, if necessary.
- Others

Problems of Rule #13

- There is no guarantee that publicizing and fining non-compliance will be sufficient to change the actions by state redistricting Board members, but Courts are encouraged to use contempt citations if necessary.
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Citizen Rule #18

18. Replace Separate Partisan Primary Elections with a Single Open Primary, with the Top Four Candidates Moving on to the General Election conducted via a Ranked Choice Voting Process.

- The rules for Federal Elections have been written by the two major parties for their own benefit. They result in a small portion of the electorate participating in the party primaries, usually based on extremely partisan positions.
- The Election Turnout in the 2020 General Election was 74% of Registered voters. What do you think was the turnout in the 2020 Primary?
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-- General? Primary?

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-- General **51%** Primary?

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-- General 51% Primary 8%
- Under the current system, who has felt that they had to vote for the “Lesser of Two Evils”? Or wanted a “None of the Above” option? Or maybe a third or fourth candidate option?

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- **The replacement of separate partisan primaries with a single open primary will result in several candidates participating in the primary in addition to the candidates, often multiple candidates, from the two major parties. This will minimize the extreme partisan positions of most candidates, as they each must appeal to a broad voter constituency and not just one party.**

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- **The top 4 candidates in the Primary election move on the General Election, regardless of party affiliation. These candidates participate in a Ranked Choice Voting process. Voters vote their ranked choice of all 4 candidates.**
- **In the first vote tally, only the first choice votes are totaled. If the first choice votes for one candidate equals or exceeds 50% of the vote, they are elected.**

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- **If no candidate wins 50% of the first choice votes, the candidate with the fewest first choice votes is dropped, and the candidate's votes for the second choice candidates are reallocated, and the total votes tallied again. If the total votes for one candidate equals or exceeds 50%, they are elected.**
- **If no candidate wins 50%, the candidate with the fewest total votes is dropped, and that candidate's votes are for the second, third or fourth choice candidate are reallocated to the remaining two candidates.**
- **As there are now 2 candidates, the candidate with the most total votes after all the votes are reallocated is elected.**

Benefits of Rule #18

- Replaces separate partisan primaries which when combined with gerrymandering, has increased the focus of many candidates on the needs of the partisan base voters in the primary, more than the needs of all voters in the general election.
- Ranked choice voting among 4 candidates in the general election provides voters with more choices than the traditional partisan choices, and ensures that 3rd party candidates will be seen as viable options
- Others

Problems of Rule #18

- Educating the public on the ranked choice voting process seems to present a barrier to making the change. But experience in early adopting states demonstrates the change is easy for voters to understand
- Others

Questions?

Would these rules support the purpose of overcoming the causes of the diversity in politics and dysfunction in governing?

- Will these changes result in fairer, unbiased, and more trust in our elections?
- Will these changes help support our national unity, our economic and national security?
- Will these changes help achieve the goal of getting the country on the right track?
- Are any of these rules not needed? Any rules missing that should be added?

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