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California initiative proposed to divvy up electoral votes

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WASHINGTON — Republican activists in California are proposing a ballot initiative that would end the winner-take-all apportionment of the state's huge cache of Electoral College votes, a change that could dramatically affect the 2008 presidential elections.

California is, after all, the mother lode of American presidential politics, with 55 electoral votes, about one-fifth the number needed to win the presidency.

And if the Republicans are successful with their "Presidential Election Reform Act" ballot initiative, as it has been christened by its originators, they could peel off enough electoral votes in California to eliminate the advantage Democrats have long had in the Golden State.

Under the proposal, the winner-take-all system would be replaced with one in which the winning presidential candidate in each of California's 53 congressional districts would get one electoral vote, with two additional votes going to the statewide winner.

The proposal would be voted on next June if proponents collect the 434,000 signatures required to get it on the ballot. If approved by the state's voters, it would apply to the presidential election that fall.

California Democrats have recruited Hollywood producer Stephen Bing and hedge-fund manager Tom Steyer to head a new political action committee called "Californians for Fair Election Reform" to counter the Republican ballot initiative.

How big are the stakes? As big as they can get in presidential politics.

"If this change is made, it will virtually guarantee that a Republican wins the White House in 2008," said Chris Lehane, a longtime Democratic political operative in California who was a top adviser to Al Gore in the contested 2000 presidential election.

Schwarzenegger: Not involved

In 2004, for example, Democratic nominee Sen. John Kerry won the state overall and got all 55 of its electoral votes. If the new proposal had been in effect in 2004, however, President Bush would have been awarded 22 of those electoral votes because he was the winner in 22 of the state's congressional districts. And those 22 votes would have made the 2004 "ground zero" battle over Ohio and its 20 electoral votes irrelevant.

The "Presidential Election Reform Act" in California is primarily the work of Thomas Hiltachk, a Sacramento election lawyer who is also general counsel for Republican Gov. Arnold Schwarzenegger and whose law firm represents the California Republican Party.

His July 17 letter to the California Attorney General's Office proposing the ballot initiative identifies him as part of a

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group called Californians for Equal Representation. The group's address is the same as his law firm's.

Schwarzenegger and the California Republican Party have denied any involvement in Hiltachk's efforts.

Hiltachk did not respond to requests for comment. But in a recent statement issued to the news media in California, he disputed suggestions that his proposal is an attempt to rig the 2008 election to favor the Republican Party.

He said his proposal is "a matter of fairness" to the millions of Californians who vote Republican in presidential elections, only to see all the state's electoral votes awarded to the Democratic nominee who typically carries the state. "It's an opportunity for California to be relevant in a general election," he said.

Only two states doing it

University of California political science professor Shaun Bowler argues that Hiltachk's proposal would have the opposite effect. Gerrymandering of congressional districts to protect incumbents of both parties would tend to lock in the presidential vote in each district long before the election, Bowler asserts. "If this passes, there is no way any presidential candidate will pay attention to California ever again because it simply won't be worth it to campaign here ever again," he said.

Only two states — Nebraska and Maine — currently have a system like the one Hiltachk has proposed for California — assigning their electoral votes based on who wins individual congressional districts, with the statewide winner getting the two electoral votes derived from each state's two senators.

Until recently, Democrats were attempting something similar in North Carolina. But Democratic National Committee Chairman Howard Dean quietly convinced the Tar Heel Democrats to stop, saying he did not want to set a precedent Republicans could use to justify their efforts in California.

Then, too, there was the basic math: while Democrats might gain as many as 7 electoral votes in North Carolina, they could end up losing as many as 22 in California.

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