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Steady As She Goes: The US Elections of 2004

Robin Kolodny

Background of the 2004 Elections
On 2 November 2004, the United States held its scheduled biennial national elections. The US elected a president, all of the lower chamber of the US Congress (435 members of the US House of Representatives) and one-third of the upper chamber of the national legislature (34 out of 100 members of the US Senate). In addition, elections were held for eleven out of fifty governorships in the respective states.

The president of the United States is elected for a four year term, and since the US Constitution was amended in 1951, may only serve two terms or ten years. Republican President George W. Bush sought re-election to his second full term in 2004. The Congress is not subject to term limits. Members of the Senate serve 6 year terms (staggered, with one third of the body up for re-election every two years) while members of the House serve 2 year terms (with the entire body up for re-election every two years). Republicans controlled both houses of the legislature by small margins going into the 2004 elections and sought to retain those majorities. The contests at the state level were more evenly matched between Republicans and Democrats.

Election laws
Selection of the President through the Electoral College
The president of the United States is indirectly elected by the people through the mechanism of the Electoral College. Designed by the Founding Fathers to insulate the presidency from the whims of the masses, the Electoral College was conceived as a mediating device to have the nation's prominent citizens (rather than ordinary ones) select the president. Each state is entitled to a number of electors equal to their number of representatives in the US House plus their number of Senators (constant across states at two each). Each state's electors meet in their respective state capitals to cast their votes – one for president and a separate one for vice president (those revisions are due to the 12th amendment). To win the presidency, an individual must receive an absolute majority of the electoral votes (literally 50% plus one – today that is 270 out of a possible 538 votes). If a candidate wins merely a plurality, the election of the president will be determined by the US House of Representatives in a special procedure. The last US election to use this method for presidential selection was in 1824 (see Kolodny, 1996). However, two other elections, the presidential elections of 1876 and 2000, were suspenseful because of disputes over the correct disposition of election votes.
disposition of electoral votes in key states. Both disputes were resolved without the need for back-up constitutional provisions.

Each state may determine the method of selection of electors to the Electoral College. The only restriction placed by the Constitution in force today is that ‘no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.’ (Article II) Electors are prohibited from casting both ballots (for the presidency and vice presidency since the passage of the 12th amendment) for ‘inhabitant[s] of the same state with themselves.’ Today, all states use popular means to select slates of Electors. The slates are usually nominated by the political party organizations. Forty-eight states use winner-take-all systems where the winner of the statewide votes receives all that state’s electoral votes. Two states, Maine and Nebraska, use a district system, where the winner of the popular vote in each congressional district wins the elector associated with that district and the winner of the vote statewide receives the two ‘Senatorial’ electors. However, these states have never had a result that differed from winner-take-all – that is, no presidential candidate won one or more of the congressional districts while a different candidate won the statewide vote and remaining districts. This year, the state of Colorado had a ballot measure to ask the public if the system of electoral selection should be changed from winner-take-all to a proportional system, allocating electoral votes proportionate to the popular vote total (Johnson, 2004). The ballot measure was defeated.

**Congressional elections**
The US Senate, which has two Senators for each state in the nation, had indirect elections through the states – usually election by the state legislature until the 17th Amendment to the Constitution, adopted in 1913. That amendment changed Senatorial elections to direct, popular elections. The US House has always been popularly elected (in single member plurality districts since the mid-19th century – some in ‘at large’ [multi-member] districts before that time). Representation in the US House is based on the idea of roughly equal population in each district. Therefore, every ten years, the US takes a census count of the population and redistributes seats in the House among various states based on the expansion or contraction of their population relative to the overall US population. The last census was taken in 2000 and districts for the US House were redrawn for the 2002 elections. With the sole exception of Texas, no other states drew new districts for the 2004 elections (see Gaddie, 2004).

**The federal nature of national elections**
The federal nature of the American political system requires states to administer national elections and as such, there is no national standard ballot, format, or voting method. In Article I, Section 4, the US Constitution directs: ‘The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in
each State by the Legislature thereof.’ And in Article II, Section 1, that ‘Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors.’ Therefore, the 50 states determine the method for selection of presidential electors, the form of their ballot, the method of administering the ballot (i.e., type of voting machines, postal balloting provisions, etc.), the requirements for candidates and/or parties to appear on the ballot (ballot access) and the requirements for voter registration.

**Ballot design and election administration**

The issue of ballot design and election administration was unusually salient because of problems with the presidential election of 2000 in the state of Florida. The popular vote in Florida was unusually close and prompted an automatic recount according to state law. During the process of the recount, a number of significant problems were revealed. First, the state did not have centralised administration of elections. Instead, counties were left to decide which ballot form to use and how recounts were handled. This was a huge problem, as some counties recounted paper ballots by hand, others had voting machines, and the state could not generally assure that the real number of votes cast was known. Second, one county adopted a ballot format that was so confusing, that some voters cast their ballots for a candidate other than the one intended (Wand et al., 2001). Third, allegations of improper treatment of voters at the polls were widespread. That is, each voting place/county inconsistently applied the standards of voter qualification and registration verification. Thus, duly registered voters were sometimes denied the right to vote. Ultimately, the recounts of the ballots were stopped by the US Supreme Court in *Bush v. Gore*.

A consequence of the 2000 election was the passage of the Help America Vote Act of 2002 (HAVA). The HAVA authorises the allocation of federal matching grant funds to voluntarily qualified states (according to a formula based on a state’s voting age population) to improve the administration of US national elections. Funds are allocated for four purposes:

1. to replace old voting technology of pull lever machines and punch cards;
2. to provide adaptive technology voting equipment for voters who are blind, physically disabled or speakers of a language other than English so that may enjoy the secrecy of the ballot;
3. to educate and train voters and election officials on the county level;
4. to create computerised statewide voter registration lists.

Also, HAVA mandates offering provisional ballots at precinct places for people whose voting registration cannot be verified on election day. If the voter’s registration can be verified, his provisional ballot is counted after the polls close. HAVA also requires that voters either are able to check for errors before they cast a vote or that voter education programs exist to minimise voter confusion (Kimball and Kropf, 2005). Kimball and Kropf find that since 2000, 691 counties have upgraded their voting equipment, though very few states have required uniform voting technologies...
among all counties in their state. Their analysis also shows that the change to new technologies seems to have resolved many of the problems of improperly counted votes. The drop in residual vote rates between 2000 and 2004 is much higher from counties switching from old to new equipment (2.4% to 1.0%) than among those who used the same equipment (1.5% to 1.1%) (Kimball and Kropf, 2005: 15).

This is not to say that the administration of elections went off without a hitch in 2004. Because of the 2000 election events, groups of all varieties were working vigilantly to assure that individuals were properly registered and prepared to vote.

Voter registration
There was an especially hard push to register as many voters nationwide as possible, especially new voters. Most states require voters to register at least 30 days prior to the day of the election, so proper filing of documents and instructions to new voters on how and where to vote became critical issues. Political parties, interest groups, community organisations, and state agencies worked hard to get the message out about the importance of registration. The efforts were deemed a success and more voters registered than ever before – as a result, the overall voter turnout was 61 per cent.

Early voting
Another response to the problems of 2000 was for states to offer ‘early voting,’ meaning that a limited number of polling places would be open several weeks before election day to accommodate the needs of those who might otherwise request absentee ballots and to alleviate some of the traffic predicted on election day. According to The New York Times, only 13 states offered early voting in 2000 compared with 23 states in 2004. Florida offered early voting for the first time in 2004 (Lyman and Yardley, 2004). In some counties, up to 15% of registered voters had voted by one week prior to Election Day. The growth of early voting and provisional voting (see below) are direct results of the 2000 elections.

Absentee ballots
Voting by absentee ballot, an issue especially important to Americans living abroad (the military population abroad is at least 500,000) was a concern, especially since 18 states did not appear to have their ballots ready to mail 45 days prior to the election, seen as the minimum window needed to allow the ballots to arrive at their destination and be returned by election day as is common practice (Moss, 2004). Given how close the outcome was in some states in 2000, the delay in mailing absentee ballots became a real concern. However, no state’s absentee ballots were needed to determine the presidential vote winner, so the fears were unrealised.
Provisional ballots
HAVA requires every state with a prior voter registration requirement (6 states have either Election Day registration or have no registration requirement) to allow voters who do not appear on the local rolls to cast a provisional ballot that would be counted at a later time when a voter's qualifications could be verified. On Election Day, there were numerous reports of problems with provisional ballots, but mostly that polling places did not have enough of them, not that election officials tried to deny them to voters. Since most states did not have close outcomes, provisional ballots did not become the tipping point many speculated they would become.

Ohio
In this cycle, Ohio, not Florida, became the arena for charges of election irregularities. However, unlike in Florida, Bush led by enough to make the charges irrelevant to the outcome of the election. Ohio had 92,000 punch cards without a 'countable' vote for president, at least one electronic voting machine that reported more votes cast for Bush than there were voters in the precinct (3,893 votes for Bush for 800 voters), 155,000 provisional ballots in need of voter verification, and reports of extraordinary waits at polling places - up to nine hours in some areas (Liptak, 2004). Older voting equipment and undersupply problems were reported disproportionately in poorer areas. The state's 70 per cent voter turnout, much larger than expected, probably had more to do with muddle-ups than any partisan conspiracy.

Ballot access
The system of having 50 sets of laws for political parties or independent candidates to appear on the ballot did not change for 2004. Ralph Nader, a prodigal presidential candidate, made the news in his quest to gain ballot position in every state. He failed to do so. Nader's presidential candidacy in the 2000 election as a nominee of the Green Party was credited by some with Democrat Al Gore's narrow defeat, especially in Florida. For a variety of reasons, Nader did not receive the Green Party's nomination in 2004 and instead sought to gain ballot access either by standing as the nominee of the Reform Party (the party of Ross Perot which still had automatic ballot access in a few states) or as an independent candidate. Despite considerable legal and political hurdles (including a well-orchestrated effort by prominent Democrats to derail his ballot access efforts in several key states), Nader managed to gain access to ballots in 34 states and the District of Columbia. However, Nader attracted less than one-sixth the number of voters he did in 2000, managing to marginalise himself and his issues further (Shane, 2004).

Electoral contestants: Parties, candidates and issues
The US has two major parties that contest national elections: Republicans and Democrats. Because of the closeness of the presidential race in 2000 and the narrow
margins in the House and Senate for majority control, the 2004 elections were expected to be close and very expensive to run.

**Republicans**
Incumbent President George W. Bush sought re-election in 2004. His first term had substantial political baggage: critical questions about the legitimacy of his election in 2000, the aftermath of the terrorist attacks of September 11, 2001, and the controversy regarding his conduct of the war in Iraq. Republican Party candidates for all offices are normally associated with conservative positions on economic and social matters. As discussed below, social conservatism proved unusually important in this election.

**Democrats**
After a short, but contentious battle for the presidential nomination, US Senator John Kerry of Massachusetts became Bush's opponent for the presidency. Kerry, a military veteran, brought unusual credibility on foreign policy issues to the Democratic Party. He also held moderate to liberal views on economic and social issues, the uniting force for all Democratic candidates. One of the central arguments supporting Kerry's nomination was that his war record, especially compared with the shadowy military service record of President Bush, made him the only candidate who could beat Bush in the fall general election. He started the nomination race with solid, but not majoritarian support, but quickly rose to the front of the pack. Democrats in the Senate and House were also hopeful that a strong presidential nominee would help their chances of winning majorities in Congress.

**Issues**
Long before the 2004 campaign began, most Americans anticipated that the war in Iraq, the threat of terrorism, and stagnation in the growth of the economy would be central issues. In addition, the approval ratings of the President steadily declined in early and mid-2004. However, exit polls after the election showed that issues regarding moral values were far more important to voters than the candidates, parties, and press believed, and that voters separated out foreign policy issues (e.g., Bush's position on terrorism from his policy on Iraq), more than previously thought.

In the late stage of the campaign, tracking polls showed that most voters believed that Bush would do a better job safeguarding Americans from terrorism, dealing with Iraq, exercising strong leadership, and upholding their moral values. Kerry consistently led in the categories of job creation and economic growth (GWU poll, 28.10.04). Though he trailed Bush in both major foreign policy categories, Kerry pulled much closer to him on the issue of Iraq than he did on terrorism, confirming what most observers thought – that Kerry did a more credible job of critiquing the Bush strategy in Iraq than many expected while not connecting with voters on their basic fears concerning terrorism.
Debates

Ironically, while President Bush’s support for re-election stayed firm in the polls, the electorate judged him to be the loser in all of the three presidential debates, especially the first one where Senator Kerry was judged to have given the superior performance all around. Bush and Kerry negotiated with the Commission on Presidential Debates to hold three presidential debates and one vice presidential debate. They negotiated the type of questions to be asked, the moderators, the venues and the physical set details (e.g., whether the candidates would stand at lecterns or sit at a table for example). The presidential debates were held on 30 September, 8 October, and 13 October, 2004. The vice presidential debate was held on 5 October, 2004. All parties agreed to exclude third party candidates such as Ralph Nader from the events.

Most Americans found John Kerry more attractive as a candidate because of the debates. There was general agreement that he had a firm command of the facts, demonstrated thoughtfulness on foreign policy issues, and showed that he had more personality than most Americans thought. However, the favourable view of Kerry did not seem to translate into voting support. One voter was quoted as saying: ‘I do think Kerry won the debate(s). He was more articulate. He was able to answer questions. I’ve come to the conclusion that being a good debater doesn’t mean you’re a good president’ (Nagourney, 2004:A20).

Campaign tactics

This campaign was unusual for its ‘micro-targeting.’ That is, very narrow appeals were formulated to appeal to voters who might still not have made up their minds, but only in states where the contest was considered close. In this election, even more than in the past, most Americans did not receive direct campaign appeals – only news reports about how the candidates seemed to be doing in the polls in competitive areas. By the final weeks of the campaign, the presidential candidates were active in only 11 out of 50 states, reflecting a shift of just three or four states out of the questionable column and into the supporter column of one of the two major party candidates (Nagourney and Seelye, 2004). The national polls consistently reported that the race was too close to call. However, only the numbers in the Electoral College, not the national popular vote, mattered. Therefore, the widespread reports that the candidate winning two out of the ‘big three’, meaning the three closely contested states with the highest number of electoral votes (Florida, Pennsylvania, and Ohio) would win the presidency. Bush won Florida and Ohio, while Kerry won Pennsylvania proving in theory that the observers were correct.

This was also the first campaign waged after the passage of the new campaign finance law, the Bipartisan Campaign Reform Act of 2002 (BCRA). BCRA ended the use of unlimited funds by the political parties, leading to the creation of independent organisations run by former employees of the political parties. Because these independent organisations (known as 527s) were set up as non-profit entities under the tax code, these new registrants efforts at voter registration were more visible than ever before.

Results of the election

As Table 1 shows, national legislators and state-level politicians supported Bush’s record on the war in Iraq and his economic policies. His victory was particularly impressive in the key battleground states of Florida, Ohio, and Pennsylvania. The election was marked by high turnout and an intense battle for control of Congress. The Democratic Party made significant gains in the House of Representatives, but the Republican Party maintained its majority in the Senate.

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>George W. Bush</td>
<td>(R)</td>
</tr>
<tr>
<td>John F. Kerry</td>
<td>(D)</td>
</tr>
</tbody>
</table>
the tax code, they were limited in the nature of their support for a political candidate. As a result, many of these 527s engaged in extensive voter registration drives and in many areas they are credited with making significant gains in the number of new voters attracted to the political arena. The uncertainty over which of these new registrants would vote definitely shaped the contours of the campaign's efforts at voter mobilisation. Interestingly, the parties' presidential arms reversed historic positions in campaign finance after BCRA: the Democrats had enormous fundraising success and attracted a high number of new donors while the Republicans lagged in fundraising, but employed a sophisticated and effective voter mobilisation network run mostly through religious organisations.

Results of the election
As Table 1 shows, Republicans won control of the White House, both houses of the national legislature, and retained control of the majority of the states' governorships. President Bush won every state that he did in 2000 with the exceptions of New Mexico (a state he won in 2004, but lost in 2000) and New Hampshire (a state he won in 2000, and won in 2004). Republicans also gained four seats in the US Senate and four in the US House of Representatives. There was no change in the partisan composition of governorships.

The elections produced no change in the current governing arrangements, except that the president's cabinet witnessed a significant turnover which is not unusual in second presidential terms. The only significant change in congressional leadership came about because of the defeat of the Democrat's leader in the Senate, Senator Tom Daschle of South Dakota. He was replaced in that position by Senator Harry Reid of Nevada. In the final weeks of the campaign, it seemed clear that electoral maps did not favour a Democratic reclamation of majorities in either chamber of Congress.

The elections of 2004 show how well the Republican party has established itself as the majority influence in contemporary politics. They exceeded expectations in voter registration and turnout of moderate income voters, they framed the issue agenda effectively to favour their positions (moral values and hard-line on terrorists), and they targeted their political marketing effectively. The Democrats are left wondering how a president and a party most people say they disapprove of continues to win electoral majorities. At the present, the Democrats are examining their strategy, tactics, and issue positions in an effort to regain the strong majorities they once enjoyed.

### Table 1: Presidential vote

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Popular vote %</th>
<th>Electoral votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>George W. Bush</td>
<td>51%</td>
<td>286</td>
</tr>
<tr>
<td>John F. Kerry</td>
<td>48%</td>
<td>252</td>
</tr>
</tbody>
</table>
### Table 2: Congressional vote

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Republicans</td>
<td>55</td>
<td>4</td>
<td>233</td>
<td>4</td>
</tr>
<tr>
<td>Democrats</td>
<td>44</td>
<td>-4</td>
<td>201</td>
<td>-4</td>
</tr>
<tr>
<td>Independents</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td><strong>Governors</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Republicans</td>
<td>28</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democrats</td>
<td>22</td>
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### About the Author

Robin Kolodny is Associate Professor of Political Science at Temple University. Kolodny is the author of *Pursuing Majorities: Congressional Campaign Committees in American Politics* (University of Oklahoma Press, 1998) as well as numerous articles and book chapters on political parties in Congress, in elections, and in comparative perspective. Kolodny is a member of the Academic Advisory Board of the Campaign Finance Institute in Washington, DC. Her current research is on the role political consultants play in elections at all levels of government and on the likely effects the Bipartisan Campaign Reform Act of 2002 will have on federal elections in the United States.

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