

## 26. THE NIGHT THE ELECTORAL COLLEGE FAILED

The warnings were there for those who chose to see them. *USA Today*, after describing the year 2000 Electoral College race as a “cliffhanger,” ran a day-before-election-day story headlined: “In History, 3 Popular Vote Losers Have Won Presidency.” Just to make certain that its readers understood how the Electoral College can occasionally work in perverse ways, *USA Today* printed the actual text of the United States Constitution setting up the Electoral College.<sup>1</sup>

As million of Americans sat down in front of their television sets to enjoy watching the election returns, no one could say for certain whether George W. Bush or Albert Gore, Jr., would win the U.S. presidency. Nationwide, Bush was leading narrowly in a number of polls, but there were a few that showed Gore slightly ahead. As for the Electoral College, polls in a number of critical states, such as Wisconsin and Florida, showed the two candidates running virtually even.

Customarily on a presidential election night, the Democratic or the Republican candidate gets off to an early lead in the Electoral College count and holds that lead throughout the evening and ends up in the White House. That is what happened in 1960, one of the closest popular-vote elections in American history, when Democratic candidate John F. Kennedy built up a big Electoral College vote total over Republican standard-bearer Richard Nixon. As it usually

does, the Electoral College in 1960 functioned so as to *overvalue the popular-vote winner*.

That did not happen in the year 2000 presidential election. Throughout the early evening, as polls closed across the nation from one time zone to another, the lead in the Electoral College danced crazily back and forth between George W. Bush and Al Gore. The tight Electoral College race that a number of journalists had hinted at suddenly was becoming reality. And in a number of states, the early vote tallies were so close that the major news media were unwilling to call those states for one candidate or the other. This postponed until late at night (or early the next morning) the time when the Electoral College winner would be known.<sup>2</sup>

Things started routinely enough. Two early reporting states, Indiana and Kentucky, both went for George W. Bush. That was “not a problem” for Al Gore, because Indiana and Kentucky were “expected” to go for Bush. Those results would have been significant only if Gore had won Kentucky. That would have been an early sign that Bush was in trouble and Al Gore was going to win the election.

The early results from New Hampshire were a harbinger of the long night of indecision ahead. Bush and Gore were running neck-and-neck in New Hampshire, which was a bad sign for Gore. In 1992 and 1996, the Clinton-Gore ticket carried

New Hampshire both times. When the final official vote was reported, Bush won the Granite State by just 1 percent of the vote.

Ohio gave its 21 electoral votes to George W. Bush, but that was expected. No presidential candidate of the Republican Party has ever been elected to the White House without winning the Buckeye State. West Virginia also reported in for Bush, as predicted by the polls. The loss of that traditional Democratic stronghold to the Republicans indicated for certain there was no nationwide sweep coming for Al Gore.

But bright spots began showing up for the Gore campaign. Pennsylvania, with 23 electoral votes, and Michigan, with 18, both slipped easily onto the Gore side of the Electoral College ledger. That was good news for Al Gore, because some polls had shown a close race in those two states. It probably would have been a fatal blow to Gore's hopes of winning if George W. Bush had carried either of them.

And then two more states with fairly large electoral votes went to Gore. They were Illinois, with 22 electoral votes, and New Jersey, with 15. Again, a win by Bush in either of those two states would have pointed to a Bush blowout.

As the evening moved along, both Bush and Gore climbed slowly and relatively evenly in the Electoral College vote totals. Then, in the first significant

development of the evening, the major news media called Florida for Al Gore. That caused Gore to jump well ahead of Bush in electoral votes. Bush supporters were suddenly downhearted. For the Bushies, losing the election to Gore became a real possibility.

Meanwhile, the race continued razor-thin close as additional states were called for one candidate or the other. Missouri, considered a tossup before election day, went for Bush. Wisconsin, also rated as undecided, gave its electoral votes to Gore by less than 1 percent of the vote. As midnight approached on the East Coast, attention kept going back to Florida as the critical state in the election.

And then the biggest surprise of all. The news media took Florida away from Al Gore and declared the state, once again, too close to call. The loss by Al Gore of Florida's 25 electoral votes greatly narrowed the Electoral College race and put both candidates within striking distance of victory. The Bush camp was reinvigorated. The Gore forces, previously elated by the supposed win in Florida, grew nervous.

And then a news media comedy began. The major news organizations, always pressing to call the race as early as possible, declared Bush the winner in Florida and thereby the victor in the year 2000 presidential election. Albert Gore, Jr., made the mistake of believing what the news media were saying. Gore

telephoned George W. Bush and publicly conceded the election. But, shortly thereafter, Florida once again was judged too close to call. The news media retracted the declaration of Bush as the winner. Al Gore, Jr., had to make a second telephone call to George W. Bush. Gore retracted his earlier concession and said the race was still up for grabs.

And that is where the year 2000 presidential election remained for the next five weeks. Albert Gore, Jr., backed by an aggressive group of Democratic lawyers, vigorously contested what at first looked like a narrow Bush victory in Florida. The national race for an Electoral College majority was so close that the winner of Florida's 25 electoral votes would win the election. The year 2000 race for the White House was no longer an electoral matter. It had metamorphosed into a judicial matter.

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Electurally speaking, there was no winner of the year 2000 presidential election. Al Gore won the nationwide popular vote by approximately 500,000 votes, but the Electoral College had split almost evenly, with Florida as the crucial swing state. It quickly became clear that the final outcome of the election would be determined by what legal rules were applied by a court rather than by which candidate received the most votes in Florida.

And so the nation was treated to an all-out legal battle between the Democratic and Republican candidates for Florida's 25 electoral votes. Gore's strategy was to seek recounts of the vote in four Florida counties where voting device irregularities, mainly involving punch card voting and faulty ballot labels, might have cost Gore votes. Ironically, the Al Gore who was disliked by the voting public for being overly aggressive and self-serving had to try to win the election by being as legally aggressive and combative as possible.

The judicial battle was as close and exciting as the electoral battle had been. For a while it looked as though the Florida Supreme Court, by a narrow 4 to 3 majority, would give Gore the recounts and thus the additional votes needed to win Florida and the election. But the Florida court ruling was trumped by a U.S. Supreme Court ruling, by an equally-close 5-4 majority, that the recounts should stop. Florida's 25 electoral votes went to George W. Bush. The final electoral vote count was 271 for Bush and 266 for Gore, one of the closest Electoral College contests in the history of the American republic.

George W. Bush moved into the White House as President of the United States. Albert Gore, Jr., became a private citizen looking for a job.

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Why had the election, and therefore the Electoral College contest, been so

evenly matched?

One reason was that neither Bush nor Gore had attracted any support and favoritism from the news media. In 1992 and again in 1996, the working press became entranced with Bill Clinton, the Democratic candidate, and wrote many articles and produced many television news spots favorable to Clinton's candidacy. This journalistic bias helped Clinton gain significant leads over his Republican opponents and get elected twice to the presidency. But there was no press favorite in the year 2000 presidential election. The journalists seemed unimpressed with both Bush and Gore. The reporters and pundits gave no cues to American voters as to which candidate would make the better President.<sup>3</sup>

A second reason for the close race was that both Bush and Gore targeted their campaigns at the same middle class, middle-of-the-road voters. Gore's frequent cries of "I will fight for you!" were aimed at the same moderate voters that Bush was trying to reach with his repeated promises to be a "compassionate conservative." Since both candidates sought out the middle ground and avoided taking extreme positions, the electorate had little basis on which to choose between them.

A third reason the nation was so evenly divided was the news media concentrated on the two candidates' personality flaws rather than their respective

issue positions and campaign promises. The incessant typecasting of Gore as “a wooden self-promoter” and Bush as a mental “dim bulb” gave the public a negative impression of both candidates and thus no significant reason to favor one over the other.

The candidate who should have won the election in a walk was Al Gore. The Clinton presidency and Gore vice presidency occurred during one of the great periods of economic well-being and international peace in United States history. But this advantage for Gore was compromised by Gore’s reputation for being “boring” and President Clinton’s manifold character problems. These two drawbacks prevented the Democrats from winning what should have been an easy election for them.

There were long range forces at work as well that contributed to the closeness of the year 2000 presidential election. Ever since the end of World War Two, there was steady population movement in the United States from the Northeast to the South and the Mountain West. That meant that large numbers of people were moving from predominantly Democratic areas to more Republican ones. As this very significant population shift continued over the years, the once powerful Democratic Party became progressively weaker in presidential elections and subject to successful challenge by the Republicans.



Another long range trend that made the election tight was the progressive conversion of the South from the Democratic Party to the Republican Party. Bush carried every one of the southern states, including Al Gore's home state of Tennessee. And it was a disputed victory in one of the more populous southern states, Florida, that gave George W. Bush his Electoral College victory.

A "New Sectionalism" seemed to be emerging in United States presidential elections. Al Gore, Jr., the Democratic candidate, carried almost all of the East Coast states outside of the South. Gore also won all of the West Coast states. Gore's other area of strength was a number of the more-populous Great Lakes states, such as Illinois and Michigan.

On the other hand, George W. Bush, the Republican standard-bearer, had almost all of his support concentrated in the South and the High Plains and Rocky Mountain states. A rough pattern seemed to be emerging where the East and West coasts were tilting Democratic while the South and the interior sections of the nation were going Republican.

# STATE VOTE FOR PRESIDENT IN 2000

<u>State</u>	<u>Electoral Vote</u>		<u>% 2-Party Vote</u>	
	<b>BUSH</b>	<b>GORE</b>	<b>BUSH</b>	<b>GORE</b>
Alabama	9		57.6	42.4
Alaska	3		67.9	32.1
Arizona	8		53.3	46.7
Arkansas	6		52.8	47.2
California		54	43.8	56.2
Colorado	8		54.5	45.5
Connecticut		8	40.7	59.3
Delaware		3	43.3	56.7
Dist. of Col.		3	9.5	90.5
Florida	25		50.0	50.0
Georgia	13		56.0	44.0
Hawaii		4	40.2	59.8
Idaho	4		70.9	29.1
Illinois		22	43.8	56.2
Indiana	12		58.0	42.0
Iowa		7	49.8	50.2
Kansas	6		60.9	39.1
Kentucky	8		57.7	42.3
Louisiana	9		53.9	46.1
Maine		4	47.2	52.8
Maryland		10	41.6	58.4
Massachusetts		12	35.2	64.8
Michigan		18	47.4	52.6
Minnesota		10	48.7	51.3
Mississippi	7		58.6	41.4
Missouri	11		51.7	48.3
Montana	3		63.6	36.4
Nebraska	5		65.2	34.8
Nevada	4		51.9	48.1
New Hampshire	4		50.7	49.3
New Jersey		15	41.8	58.2
New Mexico		5	50.0	50.0
New York		33	36.9	63.1
North Carolina	14		56.5	43.5
North Dakota	3		64.5	35.5

Ohio	21		51.8	48.2
Oklahoma	8		61.1	38.9
Oregon		7	49.8	50.2
Pennsylvania		23	47.9	52.1
Rhode Island		4	34.4	65.6
South Carolina	8		58.2	41.8
South Dakota	3		61.6	38.4
Tennessee	11		52.0	48.0
Texas	32		61.0	39.0
Utah	5		71.7	28.3
Vermont		3	44.6	55.4
Virginia	13		54.1	45.9
Washington		11	47.1	52.9
West Virginia	5		53.2	46.8
Wisconsin		11	49.9	50.1
Wyoming	3		71.0	29.0
<b>United States</b>	<b>271</b>	<b>267</b>	<b>49.7</b>	<b>50.3</b>

In one sense, the Electoral College did not fail in the 2000 presidential election. Once the results from Florida were adjudicated and legally decided, George W. Bush clearly was the Electoral College winner as mandated by the United States Constitution. This was true despite the fact that Al Gore won the popular vote. The Electoral College had functioned in exactly the fashion the nation's Founders had intended.

But it had been 112 years since the Electoral College put a candidate other than the popular-vote winner in the presidency. Back in 1888, Democratic incumbent President Grover Cleveland came out first in the popular tally but lost the election to Republican Benjamin Harrison in the Electoral College. In the more-than-a-century time period from 1888 to 2000, the American people had become accustomed to the Electoral College overvaluing the popular winner and thereby leaving no doubt as to who won the election. The Electoral College “failed” in the 2000 presidential election because, instead of overvaluing the popular-vote winner, the Electoral College put the popular-vote loser in the White House.

### **Endnotes - Chapter 26:**

1. Susan Page, “In History, 3 Popular-Vote Losers Have Won Presidency,” *USA Today*, November 6, 2000, p. 6A. “What The Constitution Says,” *USA Today*, November 6, 2000, p.

6A.

2. The national newspapers do a good job of telling their readers which key states to pay close attention to on election night. For instance, see Mark Z. Barabak, "Clues To Election's Outcome Will Come From Key States," *Denver Post*, November 7, 2000, p. 12A.

3. For a discussion of news media favoritism in the 1992 presidential campaign, see Robert D. Loevy, "Do The Media Inform? No!" in Gary L. Rose (Editor), *Controversial Issues In Presidential Selection* (Albany, NY: State University Of New York Press, 1994), 2<sup>nd</sup> Edition, pp. 118-128.